

104TH CONGRESS }  
2d Session }

HOUSE OF REPRESENTATIVES

{ REPORT  
{ 104-563

NATIONAL DEFENSE AUTHORIZATION ACT  
FOR FISCAL YEAR 1997

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R E P O R T

OF THE

COMMITTEE ON NATIONAL SECURITY  
HOUSE OF REPRESENTATIVES

ON

H.R. 3230

together with

ADDITIONAL, SUPPLEMENTAL, AND  
DISSENTING VIEWS

[Including cost estimate of the Congressional Budget Office]



MAY 7, 1996.—Committed to the Committee of the Whole House on the  
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NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL  
YEAR 1997

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MAY 7, 1996.—Committed to the Committee of the Whole House on the State of the  
Union and ordered to be printed

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Mr. SPENCE, from the Committee on National Security,  
submitted the following

REPORT

together with

ADDITIONAL, SUPPLEMENTAL, AND DISSENTING VIEWS

[To accompany H.R. 3230]

[Including cost estimate of the Congressional Budget Office]

The Committee on National Security, to whom was referred the bill (H.R. 3230) to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1997, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendment to the text of the bill is a complete substitute therefor and appears in italic type in the reported bill.

The title of the bill is amended to reflect the amendment to the text of the bill.

EXPLANATION OF THE COMMITTEE AMENDMENT

The committee adopted an amendment in the nature of a substitute during the consideration of H.R. 3230. The remainder of the report discusses the bill, as amended.

PURPOSE

The bill would—(1) Authorize appropriations for fiscal years 1997 through 2000 for procurement and for research, development, test and evaluation (RDT&E); (2) Authorize appropriations for fiscal

year 1997 for operation and maintenance (O&M) and for working capital funds; (3) Authorize for fiscal year 1997: (a) the personnel strength for each active duty component of the military departments; (b) the personnel strength for the Selected Reserve for each reserve component of the armed forces; (c) the military training student loads for each of the active and reserve components of the military departments; (4) Modify various elements of compensation for military personnel and impose certain requirements and limitations on personnel actions in the defense establishment; (5) Authorize appropriations for fiscal year 1997 for military construction and family housing; (6) Authorize appropriations for fiscal year 1997 for the Department of Energy National Security Programs; (7) Modify provisions related to the National Defense Stockpile; and (8) Authorize appropriations for fiscal year 1997 for the operation of the Panama Canal Commission.

#### RELATIONSHIP OF AUTHORIZATION AND APPROPRIATIONS

The bill does not generally provide budget authority. The bill authorizes appropriations. Subsequent appropriation acts provide budget authority. The bill addresses the following categories in the Department of Defense budget: procurement; research, development, test and evaluation; operation and maintenance; working capital funds, military personnel; and military construction and family housing. The bill also addresses Department of Energy National Security Programs.

Active duty and reserve personnel strengths authorized in this bill and legislation affecting compensation for military personnel determine the remaining appropriation requirements of the Department of Defense. However, this bill does not provide authorization of specific dollar amounts for personnel.

#### SUMMARY OF AUTHORIZATION IN THE BILL

The President requested budget authority of \$254.3 billion for the national defense budget function for fiscal year 1997. Of this amount, the President requested \$242.5 billion for the Department of Defense (including \$9.1 billion for military construction and family housing) and \$11.1 billion for Department of Energy national security programs and the Defense Nuclear Facilities Safety Board.

The committee recommends an overall level of \$266.7 billion in budget authority. This amount is an increase of approximately \$12.4 billion from the amount requested for the national defense budget function by the President, and represents an increase of approximately \$2.0 billion from the amount authorized for appropriation by the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106). Overall, the committee's recommendation is largely consistent with the amounts the committee expects to be established in the budget resolution for fiscal year 1997.

#### SUMMARY TABLE OF AUTHORIZATIONS

The following table provides a summary of the amounts requested and that would be authorized for appropriation in the bill (in the column labeled "Budget Authority Implication of Committee Recommendation") and the committee's estimate of how the com-

mittee's recommendations relate to the budget totals for the national defense function. For purposes of estimating the budget authority implications of committee action, the table reflects the numbers contained in the President's budget for proposals not in the committee's legislative jurisdiction.

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1997**  
(Dollars in Thousands)

Account Title	FY 1997	FY 1997	Committee	FY 1997	Budget Authority	Committee	FY 1997	Budget Authority
	Authorization Request	Budget Authority Request	Change From Request	Committee Recommendation	Request	Change From Request	Committee Recommendation	Implication of Committee Recommendation
<b>PROCUREMENT</b>								
Aircraft Procurement, Army	970,815	970,815	585,800	1,558,615			1,558,615	1,558,615
Missile Procurement, Army	766,329	766,329	261,500	1,027,829			1,027,829	1,027,829
Procurement of Weapons and Tracked Combat Vehicles, Army	1,102,014	1,102,014	232,800	1,334,814			1,334,814	1,334,814
Procurement of Ammunition, Army	853,428	853,428	307,300	1,160,728			1,160,728	1,160,728
Other Procurement, Army	2,627,440	2,627,440	184,800	2,812,240			2,812,240	2,812,240
Aircraft Procurement, Navy	5,881,952	5,881,952	787,000	6,668,952			6,668,952	6,668,952
Weapons Procurement, Navy	1,400,363	1,400,363	(95,055)	1,305,308			1,305,308	1,305,308
Procurement of Ammunition, Navy and Marine Corps	0	0	599,239	599,239			599,239	599,239
Shipbuilding and Conversion, Navy	4,911,930	4,911,930	568,000	5,479,930			5,479,930	5,479,930
Other Procurement, Navy	2,714,195	2,714,195	157,300	2,871,495			2,871,495	2,871,495
Procurement, Marine Corps	555,507	555,507	(6,759)	548,748			548,748	548,748
Aircraft Procurement, Air Force	5,779,228	5,779,228	1,492,700	7,271,928			7,271,928	7,271,928
Missile Procurement, Air Force	2,733,877	2,733,877	1,607,301	4,341,178			4,341,178	4,341,178
Procurement of Ammunition, Air Force	0	0	303,899	303,899			303,899	303,899
Other Procurement, Air Force	5,998,819	5,998,819	118,600	6,117,419			6,117,419	6,117,419
Procurement, Defense-wide	1,841,212	1,841,212	49,000	1,890,212			1,890,212	1,890,212
Procurement, National Guard and Reserve Equipment	0	0	805,000	805,000			805,000	805,000
Chemical Agents and Munitions Destruction, Army								
Operation & Maintenance Procurement	477,947	477,947	0	477,947			477,947	477,947
Research, Development, Test & Evaluation	273,600	273,600	0	273,600			273,600	273,600
Defense Production Act Purchases	48,300	48,300	0	48,300			48,300	48,300
Defense Health Program	0	0	0	0			0	0
Procurement, Defense Health Program	269,470	269,470	0	269,470			269,470	269,470
Procurement, Office of the Inspector General	2,000	2,000	0	2,000			2,000	2,000
<b>Total Procurement</b>	<b>39,208,426</b>	<b>39,936,968</b>	<b>7,956,425</b>	<b>47,164,851</b>			<b>47,164,851</b>	<b>46,893,381</b>



**SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1997**  
(Dollars in Thousands)

Account Title	FY 1997	FY 1997	Committee	FY 1997	Budget Authority	Committee	FY 1997	Budget Authority
	Authorization Request	Budget Authority Request	Change From Request	Committee Recommendation	Request	Request	Committee Recommendation	Implication of Committee Recommendation
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION</b>								
Research, Development, Test & Evaluation, Army	4,320,640	4,320,640	349,339	4,669,979			4,669,979	4,669,979
Research, Development, Test & Evaluation, Navy	7,334,734	7,334,734	855,223	8,189,957			8,189,957	8,189,957
Research, Development, Test & Evaluation, Air Force	14,417,456	14,417,456	(1,146,369)	13,271,087			13,271,087	13,271,087
Research, Development, Test & Evaluation, Defense-wide	8,398,836	8,398,836	733,535	9,132,371			9,132,371	9,132,371
Operational Test & Evaluation, Defense	21,968	21,968	0	21,968			21,968	21,968
Developmental Test & Evaluation, Defense	252,038	252,038	0	252,038			252,038	252,038
<b>Total Research, Development, Test &amp; Evaluation</b>	<b>34,745,672</b>	<b>34,745,672</b>	<b>791,728</b>	<b>35,537,400</b>			<b>35,537,400</b>	<b>35,537,400</b>
<b>OPERATION AND MAINTENANCE &amp; WORKING CAPITAL FUNDS</b>								
Operation and Maintenance, Army	18,114,479	18,114,479	322,450	18,436,929			18,436,929	18,436,929
Operation and Maintenance, Navy	20,196,197	20,196,197	237,600	20,433,797			20,433,797	20,433,797
Operation and Maintenance, Marine Corps	2,203,777	2,203,777	320,900	2,524,677			2,524,677	2,524,677
Operation and Maintenance, Air Force	17,913,455	17,913,455	69,500	17,982,955			17,982,955	17,982,955
Operation and Maintenance, Defense-wide	10,156,468	10,156,468	216,900	10,373,368			10,373,368	10,373,368
Office of the Inspector General	136,501	136,501	0	136,501			136,501	136,501
Defense Health Program	9,358,286	9,627,758	473,000	9,831,288			9,831,288	10,100,758
Operation and Maintenance, Army Reserve	1,084,436	1,084,436	71,000	1,155,436			1,155,436	1,155,436
Operation and Maintenance, Navy Reserve	843,927	843,927	15,000	858,927			858,927	858,927
Operation and Maintenance, Marine Corps Reserve	99,667	99,667	6,800	106,467			106,467	106,467
Operation and Maintenance, Air Force Reserve	1,488,553	1,488,553	16,000	1,504,553			1,504,553	1,504,553
Operation and Maintenance, Army National Guard	2,208,477	2,208,477	89,000	2,297,477			2,297,477	2,297,477
Operation and Maintenance, Air National Guard	2,654,473	2,654,473	34,000	2,688,473			2,688,473	2,688,473
United States Court of Appeals for the Armed Forces	6,797	6,797	0	6,797			6,797	6,797
Environmental Restoration, Defense	0	0	1,333,016	1,333,016			1,333,016	1,333,016

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1997**  
(Dollars in Thousands)

Account Title	FY 1997 Authorization Request	FY 1997 Budget Authority Request	Committee Change From Request	FY 1997 Committee Recommendation	Budget Authority Implication of Committee Recommendation
Environmental Restoration, Army	356,916	356,916	(356,916)	0	0
Environmental Restoration, Navy	302,900	302,900	(302,900)	0	0
Environmental Restoration, Air Force	414,700	414,700	(414,700)	0	0
Environmental Restoration, Defense-Wide	258,500	258,500	(258,500)	0	0
Drug Interdiction and Counter-drug Activities, Defense	642,724	642,724	40,000	682,724	682,724
Former Soviet Union Threat Reduction	327,900	327,900	(25,000)	302,900	302,900
DoD Support to International Athletic Events	0	0	0	0	0
Overseas Military Investment Recovery	0	1,700	0	0	1,700
Disposal of DoD Real Property	0	9,740	0	0	9,740
Lease of DoD Real Property	0	16,825	0	0	16,825
Payment to Kaho' Olawe Island Restoration Fund	10,000	10,000	0	10,000	10,000
Overseas Humanitarian, Disaster, & Civic Aid	80,544	80,544	(20,000)	60,544	60,544
National Science Center, Army	0	120	0	0	120
Restoration of Rocky Mountain Arsenal	0	1,000	0	0	1,000
<b>Subtotal Operation and Maintenance</b>	<b>88,859,879</b>	<b>89,160,534</b>	<b>1,869,150</b>	<b>90,728,829</b>	<b>91,029,684</b>
Defense Business Operations Fund (DECA)	947,900	947,900	0	947,900	947,900
National Defense Sealift Fund	963,002	963,002	160,000	1,123,002	1,123,002
National Defense Stockpile Transaction Fund (Routine & Ongoing Sales)	0	(150,000)	0	0	(150,000)
<b>Subtotal Working Capital Funds</b>	<b>1,910,902</b>	<b>1,760,902</b>	<b>160,000</b>	<b>2,070,902</b>	<b>1,920,902</b>
<b>Total Operation and Maintenance &amp; Working Capital Funds</b>	<b>90,770,581</b>	<b>90,921,436</b>	<b>2,029,150</b>	<b>92,799,731</b>	<b>92,950,586</b>
<b>MILITARY PERSONNEL</b>					
<b>Total Military Personnel</b>		<b>69,782,830</b>			<b>70,206,030</b>

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1997**  
(Dollars in Thousands)

Account Title	FY 1997		FY 1997		Committee Change From Request	FY 1997		Budget Authority Implication of Committee Recommendation
	Authorization Request	Budget Authority Request	Budget Authority Request	Committee Recommendation				
<b>MILITARY CONSTRUCTION</b>								
Military Construction, Army	434,723	434,723	188,861	603,584	603,584	603,584	603,584	603,584
Military Construction, Navy	525,346	525,346	187,130	712,476	712,476	712,476	712,476	712,476
Military Construction, Air Force	603,059	603,059	75,855	678,914	678,914	678,914	678,914	678,914
Military Construction, Defense-wide	812,945	812,945	(40,600)	772,345	772,345	772,345	772,345	772,345
Military Construction, Army National Guard	7,600	7,600	33,716	41,316	41,316	41,316	41,316	41,316
Military Construction, Air National Guard	75,394	75,394	43,000	118,394	118,394	118,394	118,394	118,394
Military Construction, Army Reserve	48,459	48,459	1,700	50,159	50,159	50,159	50,159	50,159
Military Construction, Naval Reserve	10,983	10,983	22,186	33,169	33,169	33,169	33,169	33,169
Military Construction, Air Force Reserve	51,655	51,655	0	51,655	51,655	51,655	51,655	51,655
Base Realignment and Closure II, III, IV	2,507,476	2,507,476	0	2,507,476	2,507,476	2,507,476	2,507,476	2,507,476
NATO Infrastructure	197,000	197,000	(20,000)	177,000	177,000	177,000	177,000	177,000
<b>Total Military Construction</b>	<b>5,274,640</b>	<b>5,274,640</b>	<b>471,848</b>	<b>5,746,488</b>	<b>5,746,488</b>	<b>5,746,488</b>	<b>5,746,488</b>	<b>5,746,488</b>
<b>FAMILY HOUSING</b>								
Family Housing Construction, Army	75,013	75,013	101,590	176,603	176,603	176,603	176,603	176,603
Family Housing Support, Army	1,212,466	1,212,466	45,000	1,257,466	1,257,466	1,257,466	1,257,466	1,257,466
Family Housing Construction, Navy and Marine Corps	403,726	403,726	128,730	532,456	532,456	532,456	532,456	532,456
Family Housing Support, Navy and Marine Corps	1,014,241	1,014,241	44,000	1,058,241	1,058,241	1,058,241	1,058,241	1,058,241
Family Housing Construction, Air Force	231,236	231,236	72,832	304,068	304,068	304,068	304,068	304,068
Family Housing Support, Air Force	829,474	829,474	11,000	840,474	840,474	840,474	840,474	840,474
Family Housing Construction, Defense-wide	4,371	4,371	0	4,371	4,371	4,371	4,371	4,371
Family Housing Support, Defense-wide	30,963	30,963	0	30,963	30,963	30,963	30,963	30,963
Homeowners Assistance Fund	36,181	36,181	0	36,181	36,181	36,181	36,181	36,181

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1997**  
(Dollars in Thousands)

Account Title	FY 1997 Authorization Request	FY 1997 Budget Authority Request	Committee Change From Request	FY 1997 Committee Recommendation	Budget Authority Implication of Committee Recommendation
DoD Family Housing Improvement Fund	20,000	20,000	15,000	35,000	35,000
DoD Unaccompanied Housing Improvement Fund	0	0	10,000	10,000	10,000
<b>Total Family Housing</b>	<b>3,857,871</b>	<b>3,857,871</b>	<b>428,162</b>	<b>4,285,823</b>	<b>4,285,823</b>
<b>OTHER DoD MILITARY</b>					
Other Legislation	0	(21,400)	0	0	0
General Transfer Authority	[2,000,000]	0	0	[2,000,000]	0
National Security Education Trust Fund	0	5,100	0	0	5,100
Other Trust Funds	0	330,544	0	0	330,544
Offsetting Receipts	0	(1,101,899)	0	0	(1,101,899)
National Defense Stockpile Transaction Fund (Excess of Routine Sales)	0	(126,000)	0	0	(126,000)
National Defense Stockpile Transaction Fund (Asset Sales)	0	(79,000)	0	0	0
<b>Total Other DoD Military</b>	<b>0</b>	<b>(992,655)</b>	<b>0</b>	<b>0</b>	<b>(892,255)</b>
<b>Total Department of Defense Military (051)</b>	<b>173,866,990</b>	<b>242,826,650</b>	<b>11,677,303</b>	<b>185,534,293</b>	<b>254,727,463</b>
<b>ATOMIC ENERGY DEFENSE ACTIVITIES (053)</b>					
Weapons Activities	3,710,000	3,710,000	225,002	3,935,002	3,935,002
Defense Environmental Restoration and Waste Management	5,409,310	5,409,310	0	5,409,310	5,409,310
Defense Fixed Asset Acquisition/Privatization	182,000	182,000	0	182,000	182,000
Defense Nuclear Waste Disposal	200,000	200,000	0	200,000	200,000
Other Defense Activities	1,548,231	1,548,231	(60,431)	1,487,800	1,487,800
Defense Nuclear Facilities Safety Board	17,000	17,000	0	17,000	17,000
<b>Total Atomic Energy Defense Activities (053)</b>	<b>11,066,541</b>	<b>11,066,541</b>	<b>164,571</b>	<b>11,231,112</b>	<b>11,231,112</b>

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**SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1997**  
(Dollars in Thousands)

Account Title	FY 1997 Authorization Request	FY 1997 Budget Authority Request	Committee Change From Request	FY 1997 Committee Recommendation	Budget Authority Implication of Committee Recommendation
<b>DEFENSE-RELATED ACTIVITIES (054)</b>					
Department of Justice - Radiation Exposure Compensation Trust Fund	0	30,000	0	0	30,000
Payments to Individuals	0	2,000	0	0	2,000
Administrative Expenses	0	85,000	0	0	85,000
Department of Justice - Federal Bureau of Investigation Special Program	0	119,000	0	0	119,000
Department of Transportation - Coast Guard	0	100,000	0	0	100,000
Department of Transportation - MARAD Maritime Security Program	0	0	0	0	0
Federal Emergency Management Agency	24,000	24,000	(24,000)	0	0
Salaries and Expenses	15,000	15,000	(15,000)	0	0
Planning and Assistance	0	196,400	0	0	184,200
CIA Retirement and Disability System	0	63,000	0	0	63,000
National Science Foundation - Antarctic research activities	0	23,000	0	0	23,000
Selective Service System - Salaries and Expenses	0	92,000	0	0	151,000
Intelligence Community Management Account	38,000	749,400	(39,000)	0	757,200
<b>Total Defense Related Activities (054)</b>	<b>164,962,531</b>	<b>254,342,491</b>	<b>11,802,874</b>	<b>196,765,405</b>	<b>266,715,765</b>
<b>TOTAL NATIONAL DEFENSE FUNCTION (050)</b>	<b>164,962,531</b>	<b>254,342,491</b>	<b>11,802,874</b>	<b>196,765,405</b>	<b>266,715,765</b>

## RATIONALE FOR THE COMMITTEE BILL

HR 3230, the National Defense Authorization Act for Fiscal Year 1997, reflects the committee's continued effort to revitalize America's defenses in order to meet the security requirements of the post-Cold War world. Now in its seventh year, the post-Cold War world is still largely defined by what it is not, as the collapse of the Soviet Union and its empire created shock waves that continue to ripple through the international geopolitical system. Yet over the past year, the sharper contours of revived and new great-power competitions have begun to emerge from the rubble of the old bipolar, Cold War order. While these new struggles will certainly involve new challenges to U.S. security interests, the form of the competition will not be fundamentally new. Neither history, nor world politics, nor military competition ended with the Cold War.

The primary mission of the American military establishment in this turbulent international environment is to protect the United States and its vital national security interests. These fundamental interests have not changed with the end of the Cold War. While the Soviet Union no longer exists, the United States retains enduring interests in defending the American homeland and in maintaining as stable and peaceful a political order as possible in Europe, in Asia, and in the vital energy-producing regions of the world. Yet we face a growing roster of failed and failing states, international terrorism, proliferation of weapons of mass destruction, and tribal and ethnic conflicts fed by the emergence of a new "warrior class," for whom war too often becomes an end in itself.

The events of the past year clearly demonstrate that new challenges to U.S. security interests are emerging on many fronts. China has demonstrated a disturbing willingness to use military force as a tool of coercive diplomacy, threatening stability, prosperity and the growth of democracy in East Asia. In turn, China's actions have caused America's allies and adversaries alike to question the nature and endurance of America's commitment to the region.

If the Chinese challenge is that of a newly emerging great power, the challenge from Russia is that of a disintegrating military superpower. Russia careens from extreme nationalism to unreconstructed communism as it struggles to hold itself together. As it does, it wages a bloody and bitter war in Chechnya, brandishes nuclear threats in an attempt to thwart NATO expansion, reintegrates its former empire in Belarus and Central Asia and sells advanced weaponry of all kinds—including nuclear technologies—to anyone willing to pay in hard currency. Russia cannot protect its stockpile of nuclear materials and Moscow continues to maintain its strategic nuclear forces at Cold War levels of readiness as it invests scarce resources in strategic modernization. Disturbingly, Russia has even adopted a new military doctrine that relies more heavily on nuclear weapons than did Soviet doctrine.

The compendium of recent U.S. peacekeeping and humanitarian missions testifies to the rise of ethnic violence, terrorism, and other challenges to international order and stability. In Somalia, Haiti, and Bosnia, large contingents of American troops have been sent on missions with no direct or even apparent linkage to U.S. secu-

rity interests, and with little hope of creating lasting stability. In Kurdistan, a mission of mercy has been transformed into a nearly permanent operation, planned and budgeted into the indefinite future. In general, the diffusion of power to smaller states and non-state actors, whether measured in political, economic or military terms, has further complicated the geopolitical transition brought on by the end of the Cold War.

Perhaps most importantly, the threat of missile attack against the American homeland is becoming alarmingly real. The rest of the world recognizes the overwhelming advantage the United States enjoys in conventional forces, and the strategic freedom that results from that advantage. One of the lessons of Operations Desert Storm—that U.S. forces can project power virtually anywhere on earth—was not lost on our friends and enemies around the world. Thus, during the recent Taiwan crisis, a senior Chinese official threatened a nuclear attack on Los Angeles as a way of deterring American “interference” in East Asia. The inability to defend our citizens against attack by even a single ballistic or cruise missile armed with nuclear or other weapons of mass destruction is increasingly recognized as one of our nation’s greatest vulnerabilities.

Standing in stark contrast to this troubling strategic landscape is the Administration’s underfunding of our armed forces. The gap between the U.S. national military strategy and the resources committed by the Administration to executing that strategy, estimated by many analysts to be greater than \$100 billion, continues to widen.

But as dangerous as the strategy-resources gap is the strategy itself. The Administration’s conduct of foreign policy continues to elevate economic and moral concerns above security interests. It has continued to employ American military power in pursuit of “peace” operations that do little to preserve peace among great powers or even fit into any larger American security policy framework.

The gaps between strategy, resources and forces that characterize the Administration’s long-term defense plan are having a detrimental effect on American national security policy, and producing operational anomalies such as the deployment of an armored division, designed to maneuver over large spaces, to the hill country of Bosnia. While all Americans should be proud of the obvious professionalism with which Operation Joint Endeavor is being conducted, there are limits to the adaptability of any organization, even one as fine as the U.S. military. In sum, the Department of Defense has been designed to carry out one set of missions, is being called upon to execute another quite different set of missions, and is inadequately funded for either. Today, the result is a growing sense of confusion and disarray. The result tomorrow could be worse.

#### CONTINUED SHORTFALLS

Consequently, the committee finds itself trying once again to address the shortfalls created by the internal contradictions of the Administration’s defense program. In the report on HR 1530, the National Defense Authorization Act for Fiscal Year 1996, (H. Rept. 104–131) the committee described the four pillars of a sound de-

fense program: a decent quality of military life, to ensure America's compact with service members and their families and to attract and retain bright and dedicated men and women; high core readiness, to ensure well trained and properly equipped forces today; sufficient modernization, to ensure the technological edge enjoyed by American soldiers, sailors, airmen and Marines anywhere they fight or operate; and a smarter and streamlined defense bureaucracy, to ensure proper stewardship of taxpayers' dollars and to free additional resources to address shortfalls throughout the budget.

The committee's actions last year did much to address these shortfalls. As a result, the readiness of U.S. forces today is better than it was less than two years ago when the committee uncovered troubling indications of a deepening, systemic readiness problem. All Americans should share the committee's pride in the meticulous care with which the U.S. armed forces trained for the arduous mission in Bosnia, the determination with which they deployed in the depths of winter, and their remarkable record of operations in a complex political and dangerous military environment. Yet, this large force will require significant retraining to meet its primary warfighting mission when the Bosnia operation is complete. In the committee's judgment, continued vigilance in regard to readiness is a "first principle."

Despite the funds added last year by Congress to maintain minimum readiness levels, the President's budget request for fiscal year 1997 reduced a variety of operations and maintenance accounts below current spending levels. Key readiness areas such as real property maintenance, depot maintenance, base operations support and others remain underfunded. Thus, the committee has recommended additional funds above the President's request primarily to address the growing maintenance backlogs for facilities such as barracks and dormitories and for equipment, as well as for other critical health, safety and operational deficiencies. —

Last year the Congress also approved a number of committee initiatives to reform the Pentagon bureaucracy. These centered on acquisition reform and reductions in oversized and inefficient bureaucracies such as the Office of the Secretary of Defense and acquisition workforce. These efforts continue in this year's legislation, which extends reform efforts, for example, to the military departments.

#### QUALITY OF LIFE—

However, two of the pillars of a sound defense are in need of even more significant repair. One is to ensure that we provide for a decent quality of military life. While every Administration upholds the principle that "people come first," the quality of military life continues to erode. After proposing to freeze military pay several years ago, this Administration has belatedly committed itself, at least for the next year, to addressing shortfalls in military pay. Yet by many other measures, and particularly in regard to reducing out-of-pocket expenses for military personnel and their families and improving military housing, standards are still slipping. Marine Corps Commandant General Charles Krulak told the Committee: "I went with my godchild to his barracks. He is a lance corporal in the First Battalion, Third Marines, in Hawaii. I was ap-



palled at what he was living in. ‘Appalled’ is probably a mild word for it. . . . We are building some barracks, we are building some homes, we are doing some whole-house rehab, but it is not to the level that either I, as Commandant, or you as a public servant, would be very pleased about. It is simply a matter of available money.” –

In addition, the Committee continues to be concerned about the strains that the high pace of military operations, particularly those related to ongoing peacekeeping and humanitarian missions, are placing on service members and their families. The pace of military operations being maintained by the Administration results in added strains on a still-shrinking active-duty military force and growing problems for reservists being called more often to extended periods of active service. Despite the committee’s efforts to preclude reductions in service endstrengths below the Bottom-Up Review levels, the Administration’s long-term defense plan funds Army and Air Force end strengths at reduced levels due to budget constraints. The effects of reducing end strengths for an already over extended force would have devastating impacts on personnel tempo and retention rates. Army Chief of Staff General Reimer recounted a story from one of his visits to troops in the field: “I said good-bye to a young soldier at Fort Bliss, Texas, about a year ago, and he was on his seventh deployment since Operation Desert Shield. His family, with a wife and two young kids, were out there [saying good-bye]. That is tough on them.”–

The committee finds any erosion in the quality of military life to be intolerable and believes that it is already jeopardizing the services’ ability to recruit, develop and retain the high quality of military professional this nation requires and has come to expect. In the committee’s view, providing a decent quality of life is simply a matter of keeping faith with the men and women who serve the nation in uniform.

Accordingly, the committee has approved the requested three percent pay raise in full, and added substantially to the Administration’s request for the basic allowance for quarters and for several initiatives to reduce out-of-pocket costs incurred when military personnel make permanent change of station moves under government orders. In addition, the committee was deeply concerned with the Administration’s reduction of eighteen percent in spending on military construction. Fully three-quarters of the construction funds added in this bill will be spent on quality-of-life projects such as family housing, barracks, and child care centers. Given the continuing reports of a slipping quality of life and the Administration’s reductions in spending on these important initiatives, the committee is compelled to take these remedial steps.

#### MODERNIZATION

The pillar of a sound American defense policy most in need of revitalization is the modernization of equipment, particularly weapons procurement. Despite the committee’s concern, the Administration has done nothing to remedy the problem. In fact, the procurement request for fiscal year 1997 was \$5 billion lower than last year’s Administration projection for fiscal year 1997. Moreover, the Administration has proposed spending amounts totaling more than

fifty percent of the funds added for modernization by Congress last year to pay for the growing costs of the Bosnia operation, increased counter-narcotics efforts, the transfer of F-16 aircraft to Jordan, and other foreign policy initiatives. As a result, the recapitalization of U.S. military forces continues to be sacrificed and postponed.

The drop in procurement funding has been dramatic since 1990, especially during the past four years. By the Administration's own reckoning, there has been a real decline of 60 percent in procurement spending from fiscal year 1990 to fiscal year 1997. This year's requested level of procurement funding of \$38.9 billion is the lowest since before the Korean War and reflects a substantial cut from the \$42.3 billion in procurement authorized by Congress just last year.

According to the Joint Chiefs of Staff, this level of procurement spending is only about two thirds of that needed to equip the current force structure. This past fall, the Chairman of the Joint Chiefs of Staff, General Shalikashvili, concluded that beginning in FY 1998 the Department of Defense required \$60 billion annually to keep the force modernized. Secretary of Defense William Perry acknowledged this problem in testimony before the committee, admitting that he "would like to see, and General Shali would like to see, the increase in modernization reached sooner than we have in this budget."

This pattern of postponed procurement makes it difficult for the committee to have confidence in the Administration's future-years defense plan, which delays attainment of the \$60 billion-per-year goal for procurement spending until after the turn of the century. Moreover, the prospect of achieving this goal even by the year 2001, as currently projected by the Administration, is based upon optimistic assumptions of internal Pentagon savings generated through acquisition reform and base closings. While the committee will continue to work aggressively on such long-term cost-saving efforts, it is doubtful that the anticipated savings will be realized as fully or as rapidly as assumed. Accordingly, the need for more robust procurement spending is a pressing matter that must be addressed sooner, rather than later, and independent of process and overhead savings. Adequate funding for the modernization of aging equipment cannot depend upon assumed savings that may or may not materialize.

In sum, the committee remains deeply concerned by the Administration's continuing lack of resource commitment to the modernization of our forces, which, if allowed to continue, will rapidly translate into obsolescent equipment that falls below the standards of performance, reliability and battlefield superiority established in the 1980s and demonstrated during the Gulf War. In his testimony before the committee, Admiral Boorda, Chief of Naval Operations, perhaps best summarized what modern equipment means to U.S. service members: "Our men and women . . . don't ask you for very much and they don't ask us for very much. They want and require ships and weapon systems that are effective, and they need that not only today but they need it in the future. We talk about quality of life—that is the ultimate quality of life if you go in harm's way . . ."

Because it is often the job of U.S. soldiers, sailors, airmen and Marines to go in harm's way, the current procurement program is untenable and indefensible. Consequently, the majority of the committee's actions taken to reshape the Administration's defense budget request are in the area of procurement. The committee has devoted substantial additional funding to modernization shortfalls, giving high priority to those programs identified by the services themselves as unfunded requirements. Fully ninety-five percent of the committee's increased procurement funding is for programs contained in the current future-years defense plan or identified as unfunded requirements by the service chiefs of staff.

### BALLISTIC MISSILE DEFENSE

The most glaring shortfall in the Administration's modernization program results from its antipathy to effective ballistic missile defenses. In light of the increasing proliferation of weapons of mass destruction and the missiles to deliver them over great distances, the lack of urgency in the Administration's missile defense program is startling. Congressional attempts to instill purpose, direction and focus in the Administration's moribund missile defense efforts were stymied last year by the President's veto of HR 1530, the National Defense Authorization Act for Fiscal Year 1996.

For the strategic reasons highlighted at the outset of this introductory section, the committee strongly believes that deployment of a national missile defense should be of the highest priority. Protection of the American homeland must be the first object of any national defense policy, as well as the cornerstone of any broader security strategy. The Administration's failure to aggressively pursue a national missile defense program that will field a viable, cost-effective missile defense system to discourage the development of ballistic missile threats or to defeat them is a grave concern. Consequently, the committee has added substantial funding to the Administration's underfunded request for ballistic missile defense programs, including national missile defense.

The committee is equally disturbed by the Administration's retreat from even its own efforts to develop and deploy more robust theater missile defenses. Americans will not forget how a crude, conventionally-armed Scud missile resulted in the greatest single loss of American lives during the Gulf War. Yet the Administration has chosen to scale back efforts and reduce funding necessary to develop and deploy the most robust theater missile defense system possible. The result will be to leave American forces exposed to threats that are a clear and present danger today. Consequently, in response to the Administration's inexplicable spending reductions in several key theater missile defense programs, the committee has provided additional funding for the Army's THAAD system and the Navy's "Wide Area" theater defense concept.

### INNOVATION

The committee's commitment to modernization extends beyond bolstering inadequate levels of procurement spending. While it is essential to maintain the marked technological advantage enjoyed today by U.S. military forces, it is equally important to ensure that

edge in the future. In the committee's judgment, the increasing pace and shifting pattern of technological change may well portend parallel changes in the conduct of war. These new technologies will not constitute a substitute for traditional military power and tactics. Rather, they represent an opportunity to leverage the effectiveness and adaptability of U.S. military forces into the next century.

U.S. military forces already have begun to explore the effects of these new technologies, especially the effects of information technologies, on military affairs. They were clearly visible in Operation Desert Storm, for example, when the exploitation of the Global Positioning System of satellites provided the precision capability to conduct the "left hook" that became the attack in the ground campaign. The Department of Defense has continued this effort to develop and exploit the military applications of information technology since the Gulf War.

The committee recognizes both the need and the opportunity to support efforts within the military services to pursue innovative concepts and technologies as a hedge against an uncertain future and a rapidly changing global security environment. Consequently, the committee has made selected investments in two important areas to help determine the full promise of these new technologies and to realize their military applications. The first is in the technologies themselves, and particularly in those technologies that allow for the rapid collection, processing and dissemination of information and intelligence throughout the operational battlefield. Applied to current military systems and organizations, the more effective networking of available information can dramatically enhance the effectiveness of existing systems.

A second set of initiatives will fund promising experiments designed to understand the operational and organizational implications of the technologies and their applications on the battlefield. Accordingly, the committee recommends funding a set of promising experiments designed to understand the operational and organizational implications of new technology and its application on the battlefield. These experiments are highly practical, putting new technologies directly in the hands of service members to allow them to create new tactics, new doctrine, and new types of units in an operational setting.

The committee included substantial funding for initiatives such as the Army's "Force XXI," the Marine Corps' Commandant's Warfighting Lab, the Navy's Arsenal Ship, an array of joint-service programs designed to explore the possibilities of a "tactical internet" for the sharing of intelligence and targeting data among units of all services and for command and control. Paralleling these "internet" technology efforts is a complementary set of programs to develop practical techniques and tactics for employing this information network to get the right information to the right units at the right time. Importantly, the committee also has recommended the creation of a "Concept Development Center" under the Department's Office of Net Assessment to conduct operational research to test new concepts, doctrines and organizations.

The committee believes that maintaining American military supremacy is a key to the United States' standing as the world's sole

superpower. This military supremacy rests on the technological edge U.S. soldiers, sailors, airmen and Marines enjoy on any battlefield, and the innovative ways in which they employ advanced technologies. As the nature of war and military thought evolves from the influences of the industrial age to those increasingly reflective of the information age, the United States must continue to lead the way.—

#### CONCLUSION

This bill represents the second year that the committee has reshaped and reprioritize the Administration's defense budget in order to continue revitalizing the U.S. military following a decade of decline. However, the long-term revitalization of the U.S. military will be hard to sustain without a coherent national military strategy that responds to the world as it is rather than the world as some might wish it to be, and without an Administration committed to devoting the resources necessary to execute that strategy. In the interim, the committee is restricted to the difficult challenge of preserving the core competencies and capabilities needed to maintain U.S. military power as a force for peace and stability in the post Cold War World. Under the Constitution, this is the committee's and the Congress's fundamental responsibility.

#### HEARINGS

Committee consideration of the Defense authorization bill for fiscal year 1997 results from hearings that began on February 28, 1996 and that were completed on April 17, 1996. The full committee conducted 11 sessions, including markup meetings. In addition, a total of 34 sessions were conducted by five different subcommittees and two panels of the committee on various titles of the bill.



## **DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATION**

### **TITLE I—PROCUREMENT**

#### **OVERVIEW**

The committee's deep concern for the deterioration in defense modernization has been previously articulated in the "Rationale for the Committee Bill" section of this report. Clearly, modernization continues to be the one area of the defense budget most in need of thorough repair. This point is appropriately emphasized by the following statements from the Army's 1996 Modernization Plan:

Overall, the assessment of the Army Modernization Program's ability to maintain capabilities required by the Modernization Objectives is rated AMBER in the Near Term, and becomes RED by the year 2000. Unless there is an infusion of new funds, the Army is clearly mortgaging its future technological edge, delaying fielding of key weapon systems well into the second decade of the twenty-first century, and placing its capability to fight at an unacceptably high risk. If the fiscal trends are not reversed, procurement of modern systems will be virtually non-existent during the current Program Objective Memorandum years.

This state-of-affairs is equally true and publicly acknowledged by the other services. In fact, if the recent acknowledgment by the Marine Corps that it does not have enough ammunition to fight two major regional contingencies can be used as a barometer for measuring modernization woes, the situation among the other services may be even worse.

Last year, the Department's underfunding of the procurement accounts compelled the committee to add more than \$5.0 billion in modernization funding. This year, the committee has added more than \$6.0 billion to these accounts—a robust 15 percent increase above the budget request. More importantly, however, is the fact that this year, like last, the committee will once again be required to add weapons and other critically needed items to properly address the vast inventory of unfunded priorities identified by the Department's uniformed leaders during testimony before the committee.

The committee strongly identifies its actions with the admonishment of the immediate-past Vice Chairman of the Joint Chiefs of Staff, who, in his last public testimony to the Congress, declared that: "We've got to stop promising ourselves (about increasing the procurement accounts) and start doing something." The committee emphatically agrees.

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

ACCOUNT TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
AIRCRAFT PROCUREMENT, ARMY	970,815	585,800	1,556,615
MISSILE PROCUREMENT, ARMY	766,329	261,500	1,027,829
PROCUREMENT OF W&TCV, ARMY	1,102,014	232,800	1,334,814
PROCUREMENT OF AMMUNITION, ARMY	853,428	307,300	1,160,728
OTHER PROCUREMENT, ARMY	2,927,440	184,800	2,812,240
<b>TOTAL ARMY</b>	<b>6,320,026</b>	<b>1,672,200</b>	<b>7,892,226</b>
AIRCRAFT PROCUREMENT, NAVY	5,881,952	787,000	6,668,952
WEAPONS PROCUREMENT, NAVY	1,400,363	(95,055)	1,305,308
PROCUREMENT OF AMMUNITION, NAVY/MARINE CORPS	0	599,239	599,239
SHIPBUILDING AND CONVERSION, NAVY	4,911,930	568,000	5,479,930
OTHER PROCUREMENT, NAVY	2,714,195	157,300	2,871,495
PROCUREMENT, MARINE CORPS	555,507	(8,759)	546,748
<b>TOTAL NAVY/MARINE CORPS</b>	<b>15,463,947</b>	<b>2,007,725</b>	<b>17,471,672</b>
AIRCRAFT PROCUREMENT, AIR FORCE	5,779,228	1,492,700	7,271,928
PROCUREMENT OF AMMUNITION, AIR FORCE	0	303,899	303,899
MISSILE PROCUREMENT, AIR FORCE	2,733,877	1,607,301	4,341,178
OTHER PROCUREMENT, AIR FORCE	5,998,819	118,600	6,117,419
<b>TOTAL AIR FORCE</b>	<b>14,511,924</b>	<b>3,522,500</b>	<b>18,034,424</b>
PROCUREMENT, DEFENSE-WIDE	1,841,212	49,000	1,890,212
NATIONAL GUARD & RESERVE EQUIPMENT	0	805,000	805,000
DEFENSE PRODUCTION ACT PURCHASES	0	0	0
CHEM AGENTS & MUNITIONS DESTRUCTION - PROCUREMENT	273,600	0	273,600
CHEM AGENTS & MUNITIONS DESTRUCTION - RDT&E	48,300	0	48,300
CHEM AGENTS & MUNITIONS DESTRUCTION - O&M	477,947	0	477,947
PROCUREMENT, DEFENSE HEALTH PROGRAM	269,470	0	269,470
PROCUREMENT, OFFICE OF THE INSPECTOR GENERAL	2,000	0	2,000
<b>TOTAL DEPARTMENT OF DEFENSE</b>	<b>39,208,426</b>	<b>7,956,425</b>	<b>47,164,851</b>



## AIRCRAFT PROCUREMENT, ARMY

## Overview

The budget request contained \$970.8 million for Aircraft Procurement, Army in fiscal year 1997. The committee recommends authorization of \$1,556.6 million for fiscal year 1997.

The committee recommends approval of the request except for those programs adjusted in the following table. Unless otherwise specified, adjustments are without prejudice and based on affordability considerations.

TITLE I -- PROCUREMENT  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987 AUTHORIZATION		COMMITTEE CHANGE FROM REQUEST		FY 1987 COMMITTEE RECOMMENDATION	
		QUANTITY	COST	QUANTITY	COST	QUANTITY	COST
AIRCRAFT PROCUREMENT, ARMY							
AIRCRAFT							
FIXED WING							
1	ARL (TIARA)	0	24,742	0	5,200	0	29,942
2	C-XX (MEDIUM RANGE) AIRCRAFT	0	0	0	0	0	0
3	GUARDRAIL COMMON SENSOR (TIARA)	0	1,081	0	0	0	1,081
ROTARY							
4	TOTAL PACKAGE FIELDING	0	0	0	0	0	0
5	AH-64 ATTACK HELICOPTER (APACHE)	0	0	12	260,000	0	260,000
6	UH-60 BLACKHAWK (MYP)	28	231,279	0	0	28	231,279
7	LESS: ADVANCE PROCUREMENT (PY)	0	(70,000)	0	0	0	(70,000)
8	ADVANCE PROCUREMENT (CY)	0	75,000	0	0	0	75,000
8	HELICOPTER NEW TRAINING	0	0	0	0	0	0
<b>TOTAL AIRCRAFT</b>			<b>282,102</b>	<b>0</b>	<b>265,200</b>		<b>527,302</b>
MODIFICATION OF AIRCRAFT							
GUARDRAIL MODS (TIARA)							
9	GUARDRAIL MODS (TIARA)	0	30,612	0	0	0	30,612
10	AHIF MODS	0	1,069	0	0	0	1,069
11	AH-64 MODS	0	43,287	0	0	0	43,287
12	CH-47 CARGO HELICOPTER MODS (MYP)	0	7,802	0	52,000	0	59,802
13	C-12 CARGO AIRPLANE MODS	0	644	0	0	0	644
14	OH-58 MODS	0	1,147	0	0	0	1,147
15	C-20 AIRCRAFT MODS	0	882	0	0	0	882
16	LONGBOW	0	373,940	0	53,000	0	426,940
17	LESS: ADVANCE PROCUREMENT (PY)	0	(16,983)	0	0	0	(16,983)
18	ADVANCE PROCUREMENT (CY)	0	22,526	0	0	0	22,526
19	UH-1 MODS	0	4,777	0	0	0	4,777
20	KIOWA WARRIOR	0	12,436	0	0	0	12,436
21	EH-60 QUICKFIX MODS	0	9,115	24	180,000	24	199,115
22	AIRBORNE AVIONICS	0	13,912	0	0	0	13,912
23	ASE MODS	0	40,819	0	0	0	40,819
24	MODIFICATIONS < \$2.0M	0	4,801	0	0	0	4,801
24	MODIFICATIONS < \$2.0M	0	1,790	0	0	0	1,790
<b>TOTAL MODIFICATION OF AIRCRAFT</b>			<b>852,806</b>	<b>0</b>	<b>295,000</b>		<b>1,147,806</b>
SPARES AND REPAIR PARTS							
25	SPARES AND REPAIR PARTS	0	51,106	0	0	0	51,106

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1987 COMMITTEE	
		REQUEST	COST	REQUEST	COST	RECOMMENDATION	COST
	<b>TOTAL SPARES AND REPAIR PARTS</b>		51,106	0	0	0	51,106
	SUPPORT EQUIPMENT AND FACILITIES						
	GROUND SUPPORT AVIONICS						
26	AIRCRAFT SURVIVABILITY EQUIPMENT	0	436	0	20,000	0	20,436
27	OTHER SUPPORT	0	0	0	0	0	0
28	AIRBORNE COMMAND & CONTROL	0	7,449	0	0	0	7,449
29	AVIONICS SUPPORT EQUIPMENT	0	7,339	0	0	0	7,339
30	TRAINING DEVICES	0	24,911	0	0	0	24,911
31	COMMON GROUND EQUIPMENT	0	6,292	0	0	0	6,292
32	AVIATION LIFE SUPPORT EQUIPMENT (ALSE)	0	8,401	0	0	0	8,401
33	AIR TRAFFIC CONTROL	0	2,081	0	0	0	2,081
33a	INDUSTRIAL FACILITIES	0	0	0	0	0	0
34	DMPE	0	48,092	0	5,600	0	53,692
	<b>TOTAL SUPPORT EQUIPMENT AND FACILITIES</b>		105,001		25,600		130,601
<b>TOTAL AIRCRAFT PROCUREMENT, ARMY</b>			970,815		585,800		1,556,615

## Items of Special Interest

*AH-64D longbow apache -*

The budget request contained \$357.0 million to modify 26 AH-64A aircraft and procure 24 fire control radars. The request also contained \$22.5 million in advance procurement.

The committee has been advised that the Army intends to convert the 2nd Armored Cavalry Regiment from a light to a heavy force. Conversion of the regimental aviation squadron requires the procurement of 12 new AH-64Ds. The committee recommends an additional \$260.0 million for this purpose and recommends a legislative provision (sec. 111) that would modify current law to permit this procurement. The committee also recommends \$53.0 million for training devices to accelerate the delivery of these devices in accordance with the updated AH-64D fielding review.

*Airborne reconnaissance low (ARL)*

The budget request contained \$24.7 million to procure the final ARL-M aircraft and mission equipment.

The committee understands the Army reprogrammed fiscal year 1996 funds which were authorized and appropriated for converting ARL-I and ARL-C aircraft to the multi-disciplined ARL-M configuration. These funds were applied to incorporate a moving target indicator (MTI) radar into the ARL. Although the reprogramming action was within the scope of the Department's authority, the committee is concerned with the Army's failure to inform the Congress of what it considers a major reorienting of the funds. The committee does, however, support the validated requirement for MTI on ARL, and is aware that funds have not been budgeted to complete the MTI purchase.

Therefore, the committee recommends an additional \$5.2 million for completing the MTI upgrade. The committee directs the Army to provide the necessary funding to complete the ARL-I/C conversion to ARL-M from within available resources.-

*CH-47D modifications-*

The budget request contained \$7.8 million for CH-47D modifications.

The CH-47D Chinook, the Army's only heavy lift cargo helicopter, will be 40 years old at the turn of the century. As modifications have added additional weight to the baseline configuration over its many years of service, the aircraft's lift capability has steadily decreased.

The committee understands that upgrading the CH-47D engines will increase the aircraft's payload-carrying capability by up to 3,900 pounds. Additionally, aircraft safety will be enhanced and pilot workload reduced by adding the Full Authority Digital Electronic Fuel Control system as part of this engine upgrade.

Consequently, the committee recommends an additional \$52.0 million to accelerate the CH-47D engine conversion and begin upgrading the active component contingency corps aircraft.-

*Depot maintenance plant equipment (DMPE)*

The budget request did not contain any funding for DMPE.

The committee recognizes the importance of depot-level maintenance and other logistics support to the warfighting capability of the armed forces and is concerned about significant deficiencies in depot maintenance plant equipment modernization at several installations. Accordingly, the committee recommends \$5.6 million for aviation DMPE. The committee directs the Secretary of the Army to conduct a comprehensive study of depot maintenance plant equipment modernization requirements and submit a report of his findings and recommendations to the congressional defense committees not later than March 1, 1997.

*OH-58D armed kiowa warrior—*

The budget request contained \$9.1 million to fund the fielding of Kiowa Warriors procured in prior years.

The committee notes that the current inventory of Kiowa Warriors is still well below the requirement for 507 aircraft. While the Army has sufficient Kiowa Warriors to equip all active component divisional cavalry squadrons, regimental cavalry squadrons, and light attack battalions, there are insufficient quantities to support active component target acquisition and reconnaissance platoons, as well as Army National Guard units.

For these reasons, the committee supports continuation of the Armed Kiowa Warrior upgrade and recommends \$190.0 million to fund an additional 24 aircraft. The committee also recommends a legislative provision (sec. 111) that would modify current law to permit this procurement.—

#### MISSILE PROCUREMENT, ARMY

##### Overview

The budget request contained \$766.3 million for Missile Procurement, Army in fiscal year 1997. The committee recommends authorization of \$1,027.8 million for fiscal year 1997.

The committee recommends approval of the request except for those programs adjusted in the following table. Unless otherwise specified, adjustments are without prejudice and based on affordability considerations.

TITLE I -- PROCUREMENT  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1997 COMMITTEE	
		REQUEST	COST	REQUEST	COST	REQUEST	COST
	MISSILE PROCUREMENT, ARMY						
	OTHER MISSILES						
	SURFACE-TO-AIR MISSILE SYSTEM						
1	HAWK SYSTEM SUMMARY	0	2,862	0	0	0	0
2	PATRIOT SYSTEM SUMMARY (MYP)	0	12,581	93	59,400	93	2,862
3	AVENGER SYSTEM SUMMARY	0	0	0	0	0	71,961
3	LESS: ADVANCE PROCUREMENT (PY)	0	0	0	0	0	0
	AIR-TO-SURFACE MISSILE SYSTEM						
4	HELLFIRE SYS SUMMARY	2,805	357,590	0	0	2,805	357,590
	ANTI-TANK/ASSAULT MISSILE SYSTEM						
5	JAVELIN (AAWS-M) SYSTEM SUMMARY	1,020	162,104	300	33,900	1,320	196,004
6	TOW 2 SYSTEM SUMMARY	0	13,630	0	0	0	13,630
7	MLRS ROCKET	852	24,443	822	17,000	1,674	41,443
8	MLRS LAUNCHER SYSTEMS	0	38,039	36	66,200	36	104,239
9	ARMY TACTICAL MSL SYS (ATACMS) - SYS SUM	97	62,816	0	69,000	97	161,616
	<b>TOTAL OTHER MISSILES</b>		<b>764,065</b>		<b>245,500</b>		<b>949,565</b>
	MODIFICATION OF MISSILES						
	MODIFICATIONS						
10	PATRIOT MODS	0	11,464	0	(4,000)	0	7,464
11	STINGER MODS	0	16,903	0	20,000	0	36,903
12	AVENGER MODS	0	0	0	0	0	0
13	ITAS/TOW MODS	0	16	0	0	0	16
14	DRAGON MODS	0	3,181	0	0	0	3,181
15	MLRS MODS	0	6,416	0	0	0	6,416
	<b>TOTAL MODIFICATION OF MISSILES</b>		<b>37,869</b>		<b>16,000</b>		<b>63,869</b>
16	SPARES AND REPAIR PARTS	0	12,069	0	0	0	12,069
	<b>TOTAL SPARES AND REPAIR PARTS</b>		<b>12,069</b>		<b>0</b>		<b>12,069</b>
	SUPPORT EQUIPMENT AND FACILITIES						
17	AIR DEFENSE TARGETS	0	6,201	0	0	0	6,201
18	ITEMS LESS THAN \$2.0M (MISSILES)	0	962	0	0	0	962
19	MISSILE DEMILITARIZATION	0	1,533	0	0	0	1,533

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1997 COMMITTEE	
		QUANTITY	COST	QUANTITY	COST	RECOMMENDATION QUANTITY	COST
20	PRODUCTION BASE SUPPORT	0	3,469	0	0	0	3,469
21	CLOSED ACCOUNT ADJUSTMENTS	0	0	0	0	0	0
<b>TOTAL SUPPORT EQUIPMENT AND FACILITIES</b>			<b>12,195</b>		<b>0</b>		<b>12,195</b>
<b>TOTAL MISSILE PROCUREMENT, ARMY</b>			<b>766,329</b>		<b>261,500</b>		<b>1,027,829</b>

## Items of Special Interest

*Avenger*—

The budget request did not contain any funds to procure Avenger fire units for the Army National Guard.

The Army has procured 674 Avenger fire units, which completes fielding of the Avenger in the active component and fields Avenger in one battalion of the Army National Guard.

The committee notes that there are 93 Avenger fire units remaining on the fiscal year 1996 Avenger contract option and that most of the long lead items required for production of these remaining fire units have been purchased under the existing multiyear contract. Since purchasing the remaining 93 fire units for the Army National Guard will fully utilize over \$26 million of residual hardware and save \$6 million in termination costs, the committee recommends \$59.4 million for this purpose. The committee recommends a legislative provision (sec. 112) that would grant an extension of the Avenger multiyear procurement authority to accommodate the contract buyout. The committee agrees to this extension with the understanding that there will be no additional costs for stretching the delivery schedule. Finally, the committee directs the Secretary of the Army to maintain the mix of Army National Guard Avengers at levels appropriate to support current doctrine.—

*Javelin*

The budget request contained \$162.1 million to procure 1,020 Javelin antitank missiles. —

The Javelin will be procured jointly by the Army and Marine Corps to replace the Dragon, which is no longer capable of defeating current armor threats. Although both services have urgent requirements to field the Javelin, the committee understands that combined procurement quantities do not support cost efficient production rates of the missile. The committee therefore recommends \$196.0 million, an increase of \$33.9 million, to procure 300 additional missiles as well as to accelerate the production of command launch units and training devices.

*Multiple launch rocket system (MLRS)*—

The budget request contained \$24.4 million for MLRS rockets and \$38.0 million for MLRS launchers.

The extended range MLRS rocket, with improved lethality and a new self-destruct fuze to minimize unintended casualties, enters production in fiscal year 1996. However, the committee notes that fiscal year 1997 production falls far short of an economic rate and does not leverage planned foreign military sales funding. Consequently, the committee recommends an additional \$17.0 million to procure 822 more rockets and thus prevent a dip in production from fiscal year 1996 levels.

The committee also recommends an increase of \$66.2 million to complete the fielding of the MLRS to Army National Guard units—\$36.3 million to rebuild 36 MLRS launchers and \$29.9 million for training equipment.



*Stinger modifications—*

The budget request contained \$16.9 for Stinger missile modifications.

The Stinger missile air defense weapon is deployed on a variety of platforms in the United States and 16 allied nations. The latest version of Stinger is the Block 1 configuration, which provides an aviation user-friendly missile with greater lethality and improved resistance to countermeasures against unmanned aerial vehicles, cruise missiles, and attack helicopters operating in clutter.

The committee notes that the request for the Block 1 retrofit program does not sustain an economic production rate and does not allow for any platform modifications. Consequently, the committee recommends a \$20.0 million increase for Stinger modifications—\$15.0 million to retrofit an additional 1,000 missiles to the Block 1 configuration and \$5.0 million to modify both ground and air-borne platforms to employ these missiles.

## WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

## Overview

The budget request contained \$1,102.0 million for procurement of Army weapons and tracked combat vehicles for fiscal year 1997. The committee recommends authorization of \$1,334.8 million for fiscal year 1997.

The committee recommends approval of the request except for those programs adjusted in the following table. Unless otherwise specified, adjustments are without prejudice and based on affordability considerations.



**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-4 LINE	PROGRAM TITLE	FY 1997		COMMITTEE		COMMITTEE	
		AUTHORIZATION REQUEST	QUANTITY	CHANGE FROM REQUEST	RECOMMENDATION	COST	COST
28	HOWITZER, LIGHT, TOWED, 105MM, M119	0	0	0	0	0	0
29	MACHINE GUN, 5.56MM (SAW)	4,345	11,103	0	0	0	11,103
30	GRENADE LAUNCHER, AUTO, 40MM, MK19-3	320	5,199	1,230	28,500	0	33,699
31	MORTAR, 120MM	0	0	0	0	0	0
32	M16 RIFLE	9,982	5,552	0	0	0	5,552
33	5.56 CARBINE M4	7,704	5,552	0	1,000	0	6,552
	MODIFICATION OF WEAPONS AND OTHER COMBAT VEHI						
34	M4 CARBINE MODS	0	2,116	0	0	0	2,116
35	SQUAD AUTOMATIC WEAPON (MOD)	0	0	0	0	0	0
36	MEDIUM MACHINE GUNS (MODS)	0	0	0	20,000	0	20,000
37	M16 RIFLE MODS	0	5,531	2,100	0	0	5,531
38	MODIFICATIONS LESS THAN \$2.0M (WOCV-WTCV)	0	1,428	0	0	0	1,428
	SUPPORT EQUIPMENT AND FACILITIES						
39	SPARES AND REPAIR PARTS	0	0	0	0	0	0
40	ITEMS LESS THAN \$2.0M (WOCV-WTCV)	0	1,769	0	0	0	1,769
41	PRODUCTION BASE SUPPORT (WOCV-WTCV)	0	4,315	0	0	0	4,315
42	INDUSTRIAL PREPAREDNESS	0	5,091	0	0	0	5,091
43	SMALL ARMS (SOLDIER ENH PROG)	0	5,845	0	0	0	5,845
44	CLOSED ACCOUNT ADJUSTMENTS	0	0	0	0	0	0
	<b>TOTAL WEAPONS AND OTHER COMBAT VEHICLES</b>		<b>83,601</b>		<b>49,500</b>		<b>103,001</b>
	SPARE AND REPAIR PARTS						
45	SPARES	0	20,299	0	0	0	20,299
	<b>TOTAL SPARES AND REPAIR PARTS (WTCV)</b>		<b>20,299</b>		<b>0</b>		<b>20,299</b>
	<b>TOTAL PROCUREMENT OF WTCV, ARMY</b>		<b>1,102,014</b>		<b>232,800</b>		<b>1,334,814</b>

## Items of Special Interest

*Bradley fighting vehicle modifications—*

The budget request did not contain any funding for procurement of advanced reactive armor tiles for the Bradley.

These tiles provide additional protection for the M2 infantry and M3 cavalry fighting vehicles against direct-fire, chemical-energy munitions. The Army's current goal is to procure 178 sets of armor tiles to support a brigade combat team.

Congress added funds in fiscal year 1995 to initiate procurement of the first 18 advanced armor tile sets from a foreign manufacturer. Congress again added funds in fiscal year 1996 for technology transfer to and a limited production of advanced tiles by a domestic source. However, an immediate need for armor tiles in Bosnia necessitated an emergency, off-the-shelf buy of 50 sets from the current off-shore producer, leaving only enough funds to complete the technology transfer.

The committee understands that buying out the remaining armor tile requirement will result in an estimated savings of \$50,000 per set. Therefore, the committee recommends an additional \$35.5 million to complete the procurement of the 178-tile set requirement and to provide a U.S. source for the Army's future armor tile needs.

*M109A6 paladin/M992A2 field artillery ammunition support vehicle (FAASV)—*

The budget request did not contain any funds to procure Paladins/FAASVs for the Army National Guard.

Despite the fact that within the next few years 75 percent of the Army's field artillery resources will reside in the Army National Guard, most guard 155mm self-propelled battalions will still be equipped with technologically obsolete howitzers and archaic M548 ammunition carriers. The committee notes that the National Guard Bureau and the Office of the Army's Deputy Chief of Staff for Operations and Plans have both stated that the Paladin is the cannon of choice for the Army National Guard. Consequently, the committee authorizes an additional \$61.0 million for the production of a battalion set of Paladins/FAASVs (24 of each) and directs that these systems be exclusively for the Army National Guard.

*M240B medium machine gun—*

The budget request did not contain any funds for the M240B medium machine gun.

The Army recently selected and type-classified the M240B to replace its aging inventory of 7.62mm medium machine guns. The committee understands that the initial requirement to field the M240B to force packages 1-4 is a minimum of 11,000 guns. In order to provide our early deploying forces with the most modern weapons, the committee recommends \$20.0 million to procure 2,100 M240Bs and strongly encourages the Army to consider a multiyear procurement of this medium machine gun.

*M88A1E1 improved recovery vehicle (IRV)—*

The budget request contained \$28.6 million to procure 12 IRVs.

The M88A1E1 program was initiated in 1985 when the Army realized that its then-current M88A1 recovery vehicle would not be able to recover the heavier M1 tank. As demonstrated in subsequent operations, including Desert Storm, M1s can be safely recovered only by using either two M88A1s or an M88A1 in tandem with another M1 tank. This problem creates a significant operational deficiency as well as a safety hazard.

Noting the shortage of IRVs in the field, Congress added \$33.9 million to the Army's fiscal year 1996 budget request. In order to sustain higher production rates until force packages 1 and 2 armored units are properly equipped, the committee recommends an increase of \$27.1 million to procure an additional 12 IRVs.—

*M9 armored combat earthmover (ACE)—*

The budget request did not contain any funds for the M9 ACE.

The committee notes that the M9 ACE is a highly mobile tracked engineer vehicle designed to provide the tactical commander with earthmoving capability to prepare fighting positions, create tank ditches and other obstacles, defeat enemy barriers and obstacles, and maintain roads and supply routes. The unique ability of the M9 ACE to survive and perform these tasks in the forward battle area while keeping pace with the combat forces' forward momentum provides an indispensable combat multiplier.

The committee recommends \$50.7 million to procure 54 vehicles in order to accelerate fielding to active component heavy divisions.

AMMUNITION PROCUREMENT, ARMY

Overview

The budget request contained \$853.4 million for Ammunition Procurement, Army in fiscal year 1997. The committee recommends authorization of \$1,160.7 million for fiscal year 1997.

The committee recommends approval of the request except for those programs adjusted in the following table. Unless otherwise specified, adjustments are without prejudice and based on affordability considerations.

TITLE I -- PROCUREMENT  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1987 COMMITTEE	
		QUANTITY	COST	QUANTITY	COST	RECOMMENDATION QUANTITY	COST
PROCUREMENT OF AMMUNITION, ARMY							
AMMUNITION							
SMALL/MEDIUM CAL AMMUNITION							
1	CTG. 5.56MM, ALL TYPES	0	29,752	0	5,000	0	34,752
2	CTG. 7.62MM, ALL TYPES	0	3,871	0	5,000	0	8,871
3	CTG. 9MM, ALL TYPES	0	0	0	1,400	0	1,400
4	CTG. .50 CAL, ALL TYPES	0	3,971	0	0	0	3,971
5	CTG. 20MM, ALL TYPES	0	0	0	300	0	300
6	CTG. 25MM, ALL TYPES	0	47,176	0	50,000	0	97,176
7	CTG. 30MM, ALL TYPES	0	0	0	15,000	0	15,000
8	CTG. 40MM, ALL TYPES	0	34,428	0	(2,600)	0	31,828
MORTAR AMMUNITION							
9	CTG MORTAR 60MM 1/10 PRAC M766	7	5,019	0	0	7	5,019
10	CTG MORTAR 60MM ILLUM M721/M767	14	6,151	0	7,000	14	13,151
10a	60MM HE M720	0	0	0	12,500	0	12,500
11	CTG MORTAR 81MM PRAC 1/10 RANGE M880	0	0	0	0	0	0
12	CTG MORTAR 120MM FULL RANGE PRACTICE XM831	123	49,539	0	0	123	49,539
13	CTG MORTAR 120MM HE XM833 W/PD FUZE	0	0	0	0	0	0
14	CTG MORTAR 120MM ILLUM XM830 W/MTSQ FZ	10	19,360	0	0	10	19,360
15	CTG MORTAR 120MM SMOKE XM829 W/MO FUZE	27	30,106	0	0	27	30,106
TANK AMMUNITION							
16	CTG 120MM APFSDS-T M829A2	23	79,703	0	12,000	23	91,703
17	CTG 120MM HEAT-TP-T M830A1	0	0	0	45,000	0	45,000
18	CTG TANK 120MM TP-T M831/M831A1	89	52,228	0	2,400	89	54,628
19	CTG TANK 120MM TPCSDS-T M865	211	115,650	0	3,200	211	118,850
ARTILLERY AMMUNITION							
20	CTG ARTY 75MM BLANK M337A1	0	0	0	0	0	0
21	CTG ARTY 105MM DPICM XM815	6	14,185	0	0	6	14,185
22	CTG ARTY 105MM HERA M813	0	0	0	27,000	0	27,000
23	PROJ ARTY 155MM SMOKE WP M825	0	15,053	0	0	0	15,053
24	PROJ ARTY 155MM HE M785	0	0	0	55,000	0	55,000
25	PROJ ARTY 155MM SADARM M898	322	60,259	316	33,500	638	93,759
MINES							
26	MINE TRAINING, ALL TYPES	0	1,930	0	0	0	1,930
27	MINE AT/AP M87 (VOLCANO)	0	0	0	35,000	0	35,000
28	WIDE AREA MUNITIONS	261	19,299	0	0	261	19,299
28a	SELECTABLE LIGHT-WEIGHT ATTACK MUNITION (SLAM)	0	0	0	3,000	0	3,000
ROCKETS							
29	BUNKER DEFEATING MUNITION (BDM)	0	0	0	10,000	0	10,000
30	ROCKET, HYDRA 70, ALL TYPES	0	26,737	0	0	0	26,737

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1997		COMMITTEE		FY 1997	
		AUTHORIZATION QUANTITY	REQUEST COST	CHANGE FROM REQUEST QUANTITY	COMMITTEE RECOMMENDATION COST		
	OTHER AMMUNITION						
31	DEMOLITION MUNITIONS, ALL TYPES	0	20,220	0	0	0	20,220
32	GRENADES, ALL TYPES	0	7,654	0	0	(3,500)	4,154
33	SIGNALS, ALL TYPES	0	10,186	0	0	(9,900)	1,286
34	SIMULATORS, ALL TYPES	0	2,771	0	0	0	2,771
	MISCELLANEOUS						
35	AMMO COMPONENTS, ALL TYPES	0	4,921	0	0	0	4,921
36	CADIPAD ALL TYPES	0	3,813	0	0	0	3,813
37	ITEMS LESS THAN \$2 MILLION	0	663	0	0	0	663
38	AMMUNITION PECULIAR EQUIPMENT	0	5,653	0	0	0	5,653
39	FIRST DESTINATION TRANSPORTATION (AMMO)	0	5,427	0	0	0	5,427
	<b>TOTAL AMMUNITION</b>		<b>678,735</b>			<b>307,300</b>	<b>983,035</b>
	AMMUNITION PRODUCTION BASE SUPPORT						
	PRODUCTION BASE SUPPORT						
40	PROVISION OF INDUSTRIAL FACILITIES	0	38,508	0	0	0	38,508
41	COMPONENTS FOR PROVE-OUT	0	1,061	0	0	0	1,061
42	LAYAWAY OF INDUSTRIAL FACILITIES	0	17,622	0	0	0	17,622
43	PROVING GROUND MODERNIZATION	0	0	0	0	0	0
44	MAINTENANCE OF INACTIVE FACILITIES	0	31,869	0	0	0	31,869
45	CONVENTIONAL AMMO DEMILITARIZATION	0	86,603	0	0	0	86,603
46	FLEXIBLE MANUFACTURING CENTERS	0	0	0	0	0	0
	<b>TOTAL AMMUNITION PRODUCTION BASE SUPPORT</b>		<b>177,603</b>			<b>0</b>	<b>177,603</b>
	<b>TOTAL PROCUREMENT OF AMMUNITION, ARMY</b>		<b>863,428</b>			<b>307,300</b>	<b>1,160,728</b>

## Item of Special Interest

*Sense and destroy armor (SADARM)—*

The budget request contained \$60.3 million to procure 322 SADARM artillery projectiles.

The committee is aware of the significant increase in combat effectiveness SADARM, the Army's first "smart" 155mm artillery munition, adds to the field artillery battalions. Because of its continuing concern with the Army's chronic shortage of combat ammunition, the committee recommends an increase of \$33.5 million to produce an additional 316 SADARM rounds. The committee understands that this increased production will achieve significant price breaks from suppliers, as well as move the first-unit-equipped date from fiscal year 1999 to fiscal year 1998.—

## OTHER PROCUREMENT, ARMY—

## Overview

The budget request contained \$2,627.4 million for Other Procurement, Army in fiscal year 1997. The committee recommends authorization of \$2,812.2 million for fiscal year 1997.

The committee recommends approval of the request except for those programs adjusted in the following table. Unless other specified, adjustments are without prejudice and based on affordability considerations.



**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1987 COMMITTEE	
		QUANTITY	COST	QUANTITY	COST	RECOMMENDATION	COST
	<b>OTHER PROCUREMENT, ARMY</b>						
	<b>TACTICAL AND SUPPORT VEHICLES</b>						
	<b>TACTICAL VEHICLES</b>						
1	TACTICAL TRAILERS/DOLLY SETS	0	5,159	0	0	0	5,159
2	SEMITRAILER FB BB/CONT TRANS 22 1/2 T	26	1,911	0	0	26	1,911
3	SEMITRAILER VAN CGO SUPPLY 12T 4WHL M129A2C	51	4,471	0	0	51	4,471
4	HI MOB MULT-PURP WHLD VEH (HMMWV/MYP)	1,126	96,785	0	0	1,126	96,785
5	FAMILY OF MEDIUM TACTICAL VEH (MYP)	1,603	233,094	0	0	1,603	233,094
6	FAMILY OF HEAVY TACTICAL VEHICLES (MYP)	0	163,343	126	33,000	126	196,343
7	ARMORED SECURITY VEHICLES (COMBAT SPT) TACTIC	0	9,240	0	0	24	9,240
8	MEDIUM TRUCK EXTENDED SVC PGM(ESP) (PREV SLEP	0	0	0	0	0	0
9	MODIFICATION OF IN SVC EQUIP	0	2,688	0	0	0	2,688
10	ITEMS LESS THAN \$2.0M (TAC VEH)	0	183	0	0	0	183
	<b>NON-TACTICAL VEHICLES</b>						
11	PASSENGER CARRYING VEHICLES	14	200	0	0	14	200
12	GENERAL PURPOSE VEHICLES	0	200	0	0	0	200
13	SPECIAL PURPOSE VEHICLES	0	200	0	0	0	200
	<b>SUPPORT EQUIPMENT AND FACILITIES</b>						
14	SYSTEM FIELDING SUPPORT PEO	0	1,414	0	0	0	1,414
15	PROJECT MANAGEMENT SUPPORT	0	622	0	0	0	622
16	SYSTEM FIELDING SUPPORT (TACOM)	0	1,927	0	0	0	1,927
	<b>TOTAL TACTICAL AND SUPPORT VEHICLES</b>		<b>521,457</b>		<b>33,000</b>		<b>554,457</b>
	<b>COMMUNICATIONS AND ELECTRONICS EQUIPMENT</b>						
	<b>COMM - JOINT COMMUNICATIONS</b>						
17	JCSF EQUIPMENT (USREDCOM)	0	2,860	0	0	0	2,860
18	DEFENSE SATELLITE COMMUNICATIONS SYSTEM	0	97,528	0	(15,000)	0	82,528
19	SAT TERML EMUT (SPACE)	620	18,632	0	0	620	18,632
20	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	12,017	26,288	0	0	12,017	26,288
21	GROUND COMMAND POST	0	711	0	0	0	711
22	SMART-T (SPACE)	0	45,427	0	0	0	45,427
23	SCAMP (SPACE)	0	23,555	0	0	0	23,555
24	MOD OF IN-SVC EQUIP (TAC SAT)	0	5,444	0	0	0	5,444
25	MSE MOD IN SERVICE	0	9,848	0	0	0	9,848
	<b>COMM - C3 SYSTEM</b>						
26	COMMAND CENTER IMPROVEMENT PROG (CCIP)	0	882	0	0	0	882
27	SOUTHCOM HQ RELOCATION	0	26,964	0	0	0	26,964

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987 AUTHORIZATION		COMMITTEE CHANGE FROM REQUEST		FY 1987 COMMITTEE RECOMMENDATION	
		QUANTITY	COST	QUANTITY	COST	QUANTITY	COST
28	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	0	20,462	0	(3,000)	0	17,462
29	COMM - COMBAT COMMUNICATIONS	0	47,987	0	25,000	0	72,987
30	ARMY DATA DISTRIBUTION SYSTEM (ADDS)	0	6,388	0	0	0	6,388
31	MOBILE SUBSCRIBER EQUIP (MSE)	0	297,486	0	0	0	297,486
32	SINCGARS FAMILY	0	4,069	0	0	0	4,069
33	EAC COMMUNICATIONS	0	10,041	0	0	0	10,041
34	MOD OF IN-SVC EQUIP (EAC COMM)	0	35,743	0	0	0	35,743
35	TAC RADIO	1,000	577	0	0	1,000	577
36	C-E CONTINGENCY/FIELDING EQUIP	0	666	0	0	0	666
37	JMWCS CONNECTIVITY	0	2,452	0	0	0	2,452
38	CI AUTOMATION ARCHITECTURE	0	725	0	0	0	725
39	CI CONUS BASED LAN	0	10,678	0	0	0	10,678
39	TSEC - INFORMATION SYSTEM SECURITY	0	0	0	4,500	0	4,500
39a	SECURE TERMINAL EQUIPMENT	0	0	0	0	0	0
40	TSEC - JCSE EQUIP	0	0	0	0	0	0
41	COMM - LONG HAUL COMMUNICATIONS	0	6,732	0	0	0	6,732
42	TERRESTRIAL TRANSMISSION	0	1,070	0	0	0	1,070
43	BASE SUPPORT COMMUNICATIONS	0	2,077	0	0	0	2,077
44	ARMY DISN ROUTER	0	473	0	0	0	473
45	ELECTROMAG COMP PROG (EMCP)	0	807	0	0	0	807
46	VW TECH CON IMP PROG (VWTCIP)	0	0	0	0	0	0
46	COMM - BASE COMMUNICATIONS	0	24,668	0	0	0	24,668
47	INFORMATION SYSTEMS	0	5,792	0	0	0	5,792
48	DEFENSE MESSAGE SYSTEM (DMS)	0	17,726	0	0	0	17,726
49	LOCAL AREA NETWORK (LAN)	0	59,901	0	(5,000)	0	54,901
50	PENTAGON INFORMATION MGT AND TELECOM	0	536	0	0	0	536
51	ELECT EQUIP - NAT FOR INT PROG (NFIP)	0	12,649	0	4,000	0	16,649
52	FOREIGN COUNTERINTELLIGENCE PROG (FCI)	0	2,151	0	4,400	0	6,551
52	GENERAL DEFENSE INTELL PROG (GDIP)	0	0	0	0	0	0
53	ITEMS LESS THAN \$2.0M (INTEL SPT) - TIARA	0	0	0	0	0	0
53	ELECT EQUIP - TACT INT REL ACT (TIARA)	0	12,287	0	0	0	12,287
54	ALL SOURCE ANALYSIS SYS (ASAS) (TIARA)	58	14,010	0	0	0	14,010
54	JTY/CIBS-M (TIARA)	0	47,091	0	0	58	47,091
55	I EW - GND BASE COMMON SENSORS (TIARA)	0	0	0	0	0	0
56	DEFENSE AIRBORNE RECONIN PROGRAM (DARP)	0	85,428	0	0	0	85,428
57	JOINT STARS (ARMY) (TIARA)	0	3,365	0	0	0	3,365
58	INTEGRATED BROADCAST TERMINAL MODS (TIARA)	0	6,425	0	0	0	6,425
59	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (TIARA)	4	0	0	0	4	0

TITLE I - PROCUREMENT  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1987 COMMITTEE	
		QUANTITY	COST	QUANTITY	COST	RECOMMENDATION QUANTITY	COST
60	DRUG INTERDICTION PROGRAM (DIP) (TIARA)	0	0	0	0	0	0
61	TACTICAL EXPLOITATION OF NATIONAL CAPABILITY	0	1,756	0	0	0	1,756
62	JOINT TACTICAL GROUND STATION	0	0	0	0	0	0
63	ROJAN (TIARA)	0	2,603	0	0	0	2,603
64	MOD OF IN-SVC EQUIP (INTEL SPT) (TIARA)	0	14,452	0	0	0	14,452
65	ITEMS LESS THAN \$2.0M (TIARA)	0	516	0	0	0	516
66	ELECT EQUIP - ELECTRONIC WARFARE (EW)	0	0	0	0	0	0
66	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	0	1,642	0	0	0	1,642
67	ELECT EQUIP - TACTICAL SURV. (TAC SURV)	0	0	0	0	0	0
67	LT SPEC DIV INTERIM SENSOR (LSDIS)	0	0	0	0	0	0
68	FAAD GBS	16	51,226	12	17,600	28	68,826
69	NIGHT VISION DEVICES	0	111,872	0	0	0	111,872
70	PHYSICAL SECURITY SYSTEMS	0	0	0	0	0	0
71	ARTILLERY ACCURACY EQUIP	0	4,655	0	0	0	4,655
72	MOD OF IN-SVC EQUIP (TAC SURV)	0	15,114	0	0	0	15,114
73	COMPUTER BALLISTICS MORTAR XM-23	233	6,850	0	0	233	6,850
74	INTEGRATED MET SYS SENSORS (MIETS) - TIARA	6	3,144	0	0	6	3,144
75	SHF TERM	0	9,134	0	0	0	9,134
76	ELECT EQUIP - TACTICAL C2 SYSTEMS	187	31,569	0	0	187	31,569
77	ADV FIELD ARTILLERY TACT DATA SYS (AFATDS)	0	87	0	0	0	87
78	FIRE SUPPORT ADA CONVERSION	51	5,813	0	0	51	5,813
79	CMBT SVC SUPT CONTROL SYS (CSCS)	0	0	0	0	0	0
80	CORPS/THEATER ADP SVC CTR (CTASC)	0	0	0	0	0	0
81	FAAD C2	4	36,761	0	0	4	36,761
82	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	0	2,134	0	0	0	2,134
83	LOGTECH	0	2,030	0	0	0	2,030
84	MANEUVER CONTROL SYSTEM (MCS)	0	4,385	0	0	0	4,385
85	ISYCON EQUIPMENT	0	9,833	0	0	0	9,833
86	MANEUVER CONTROL SYSTEM (MCS)	155	19,126	0	(3,000)	155	16,126
87	STANIS TACTICAL COMPUTERS (STACOMP)	0	27,211	0	42,000	0	69,211
87	STANDARD INTEGRATED CMD POST SYSTEM	0	26,304	0	0	0	26,304
88	ELECT EQUIP - AUTOMATION	0	0	0	0	0	0
88	AUTOMATED DATA PROCESSING EQUIP	0	136,386	0	(2,000)	0	134,386
89	RESERVE COMPONENT AUTOMATION SYS (RCAS)	0	72,589	0	0	0	72,589
89	ELECT EQUIP - AUDIO VISUAL SYS (AV)	0	0	0	0	0	0
90	AFRTS	0	359	0	0	0	359
91	ITEMS LESS THAN \$2.0M (A/V)	0	2,115	0	0	0	2,115
92	ELECT EQUIP-TEST MEAS&DIAG EQUIP (TMDE)	0	0	0	0	0	0
93	CALIBRATION SETS EQUIPMENT	0	11,104	0	0	0	11,104
93	INTEGRATED FAMILY OF TEST EQUIP (IFTE)	0	1,506	0	0	0	1,506

TITLE I -- PROCUREMENT  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987		COMMITTEE		FY 1987	
		AUTHORIZATION REQUEST	COST	CHANGE FROM REQUEST	COST	COMMITTEE RECOMMENDATION	COST
94	TMDE MODERNIZATION (TMOB) ELECT EQUIP. SUPPORT	0	8,239	0	5,000	0	13,239
95	INSTALLATION C4 UPGRADE (ICU)	0	1,111	0	0	0	1,111
96	PRODUCTION BASE SUPPORT (C-E)	0	687	0	0	0	687
<b>TOTAL COMMUNICATION AND ELECTRONICS EQUIPMENT</b>			<b>1,621,008</b>		<b>74,500</b>		<b>1,695,508</b>
OTHER SUPPORT EQUIPMENT							
97	CHEMICAL DEFENSIVE EQUIPMENT	0	0	0	0	0	0
98	COLL PROT EQUIP. NBC TEMPER. TENT M28	0	0	0	0	0	0
99	MASK, PROTECTIVE, NBC M40M42	0	0	0	0	0	0
100	REMOTE SENSING CHEMICAL AGENT ALARM XM21	0	0	0	0	0	0
101	IMPROVED CHEMICAL AGENT MONITOR	0	0	0	0	0	0
102	AUTO CHEMICAL AGENT ALARM (ACADA), XM22	0	0	0	0	0	0
103	GEN SMK MECH: MTRZD DJAL PUIRP XM56	66	12,515	0	0	66	12,515
104	GENERATOR, SMOKE, MECH M58	40	11,587	0	0	40	11,587
105	GEN SET, SMOKE, MECH: PULJET XM157	118	3,475	0	0	118	3,475
106	JOINT BIOLOGICAL DEFENSE PROGRAM BRIDGING EQUIPMENT	0	0	0	0	0	0
107	RIBBON BRIDGE ENGINEER (NON-CONSTRUCTION) EQUIPMENT	0	4,300	0	0	0	4,300
108	DISPENSER, MINE M139	0	962	0	0	0	962
109	COMBAT SERVICE SUPPORT EQUIPMENT	0	0	0	0	0	0
110	AIR CONDITIONERS VARIOUS SIZE/CAPACITY	0	1,462	0	0	0	1,462
111	CHEM/BIO PROTECTIVE SHELTER	0	0	0	0	0	0
112	SPACE HEATER	258	2,317	0	0	258	2,317
113	FORCE PROVIDER	2	11,661	2	12,800	4	24,461
114	REFRIGERATION EQUIPMENT	0	4,297	0	0	0	4,297
115	ITEMS LESS THAN \$2.0M (CSS-EQ)	0	2,688	0	0	0	2,688
116	PETROLEUM EQUIPMENT	0	0	0	0	0	0
117	LAB PETROLEUM MODULAR BASE	0	0	0	0	0	0
118	INLAND PETROLEUM DISTRIBUTION SYSTEM	0	1,064	0	0	0	1,064
119	HEMTT AVIATION REFUELING SYSTEM	0	0	0	0	0	0
120	ITEMS LESS THAN \$2.0M (POL)	0	5,331	0	0	0	5,331
121	WATER EQUIPMENT	0	0	0	0	0	0
122	FWD AREA WTR POINT SUP SYSTEM	0	0	0	0	0	0
123	SMALL MOBILE WATER CHILLER (SMWC)	0	0	0	0	0	0
124	ITEMS LESS THAN \$2.0M (WATER EQ)	0	2,970	0	0	0	2,970
125	MEDICAL EQUIPMENT	0	0	0	0	0	0
126	COMBAT SUPPORT MEDICAL	0	15,851	0	0	0	15,851

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1987 COMMITTEE	
		QUANTITY	COST	QUANTITY	COST	RECOMMENDATION -- QUANTITY	COST
	MAINTENANCE EQUIPMENT						
122	SHOP EQ CONTACT MAINTENANCE TRK MTD (MYP)	31	1,687	0	0	31	1,687
123	ITEMS LESS THAN \$2.0M (MAINT EQ)	0	1,339	0	0	0	1,339
	CONSTRUCTION EQUIPMENT						
124	ROLLER, VIBRATORY, SELF-PROPELLED (CCE)	0	0	0	0	0	0
125	HYDRAULIC EXCAVATOR	25	6,250	0	0	25	6,250
126	DEPLOYABLE UNIVERSAL COMBAT EARTH MOVERS	20	7,707	0	0	20	7,707
127	CRANE, WHEEL MTD, 25T, 3/4 CU YD, RT	21	6,142	0	0	21	6,142
128	ITEMS LESS THAN \$2.0M (CONST EQUIP)	0	382	0	0	0	382
	RAIL FLOAT CONTAINERIZATION EQUIPMENT						
129	PUSHER TUG, SMALL	2	6,877	0	0	2	6,877
130	FLOATING CRANE, 100-250 TON	1	14,328	0	0	1	14,328
131	CAUSEWAY SYSTEMS	0	0	0	0	0	0
132	RAILWAY CAR, FLAT, 100 TON	138	14,464	0	0	138	14,464
133	ITEMS LESS THAN \$2.0M (FLOAT/RAIL)	0	5,728	0	0	0	5,728
	GENERATORS AND ASSOCIATED EQUIP						
134	GENERATORS AND ASSOCIATED EQUIP	0	13,187	0	58,000	0	71,187
135	MATERIAL HANDLING EQUIPMENT	0	0	0	0	0	0
136	TRUCK, FORK LIFT, DE, FT, RT, 50000 LB	151	15,953	0	0	151	15,953
137	ITEMS LESS THAN \$2.0M (MHE)	0	2,666	0	0	0	2,666
	TRAINING EQUIPMENT						
138	COMBAT TRAINING CENTERS SUPPORT	0	4,714	0	0	0	4,714
139	TRAINING DEVICES, NONSYSTEM	0	82,724	0	0	0	84,224
140	SIMNET/CLOSE COMBAT TACTICAL TRAINER	0	78,400	0	1,500	0	78,400
141	FIRE SUPPORT COMBINED ARMS TACTICAL TRAINER	0	17,390	0	0	0	17,390
	OTHER SUPPORT EQUIPMENT						
142	RECONFIGURABLE SIMULATORS	0	13,835	0	0	0	13,835
143	PHYSICAL SECURITY SYSTEMS (OPA3)	0	7,232	0	0	0	7,232
144	SYSTEM FIELDING SUPPORT (OPA-3)	0	9,555	0	0	0	9,555
145	BASE LEVEL COMPL EQUIPMENT	0	0	0	0	0	0
146	ARMS CONTROL COMPLIANCE	0	0	0	0	0	0
147	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	0	14,696	0	0	0	14,696
148	PRODUCTION BASE SUPPORT (OTH)	0	1,915	0	0	0	1,915
149	SPECIAL EQUIPMENT FOR USER TESTING	0	13,549	0	0	0	13,549
150	ITEMS LESS THAN \$2.0M (OTH SPT EQ)	0	0	0	0	0	0
151	OPA INITIAL SPARES	0	0	0	0	0	0
152	TRACTOR VAPOR	0	2,174	0	0	0	2,174
153	NATURAL GAS UTILIZATION	0	0	0	0	0	0
154	CLOSED ACCOUNT ADJUSTMENTS	0	0	0	0	0	0

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1997 COMMITTEE	
		REQUEST QUANTITY	COST	REQUEST QUANTITY	COST	RECOMMENDATION QUANTITY	COST
154a	SOLDIER ENHANCEMENT PROGRAM			0	5,000	0	5,000
<b>TOTAL OTHER SUPPORT EQUIPMENT</b>			<b>423,374</b>		<b>77,300</b>		<b>500,674</b>
	SPARE AND REPAIR PARTS						
	OPA1						
155	INITIAL SPARES - TSV	0	94	0	0	0	94
156	INITIAL SPARES - C&E	0	60,503	0	0	0	60,503
157	INITIAL SPARES - OTHER SUPPORT EQUIP	0	1,006	0	0	0	1,006
<b>TOTAL SPARE AND REPAIR PARTS</b>			<b>61,603</b>		<b>0</b>		<b>61,603</b>
<b>TOTAL OTHER PROCUREMENT, ARMY</b>			<b>2,627,440</b>		<b>184,800</b>		<b>2,812,240</b>

## Items of Special Interest

*Army data distribution system (ADDS)–*

The budget request contained \$48.0 million for ADDS, including 900 sets of the Enhanced Position Location Reporting System (EPLRS).

The committee has consistently added funding in previous fiscal years for the EPLRS because of its concern to eliminate “friendly fire” casualties on the battlefield. The committee understands that the Marine Corps, the Air Force and the Air Reserve forces have initiated an effort to integrate a modified EPLRS, called the Situation Awareness Data Link (SADL), into attack aircraft to increase the aviator’s situational awareness of forces on the ground. The committee strongly supports this effort and recommends an additional \$25.0 million for EPLRS/SADL procurement.–

*Forward area air defense ground based sensor (FAAD GBS)–*

The budget request contained \$51.2 million to procure 16 FAAD GBS systems.

The FAAD GBS radar system provides detection of fixed wing aircraft, helicopters, unmanned aerial vehicles and cruise missiles and provides cueing to the Stinger MANPAD teams, as well as Avenger and Bradley Stinger Fighting Vehicle platforms.

The committee recommends \$68.8 million, an increase of \$17.6 million, to procure an additional 12 FAAD GBS systems. This action is consistent with the committee’s actions over the past several years to accelerate FAAD GBS production.

## AIRCRAFT PROCUREMENT, NAVY

## Overview

The budget request contained \$5,882.0 million for Aircraft Procurement, Navy in fiscal year 1997. The committee recommends authorization of \$6,669.0 million for fiscal year 1997.

The committee recommends approval of the request except for those programs adjusted in the following table. Unless otherwise specified, adjustments are without prejudice and based on affordability considerations.

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987 AUTHORIZATION		FY 1987 COMMITTEE CHANGE FROM REQUEST		COMMITTEE RECOMMENDATION	
		QUANTITY	COST	QUANTITY	COST	QUANTITY	COST
<b>AIRCRAFT PROCUREMENT, NAVY</b>							
<b>COMBAT AIRCRAFT</b>							
1	AV-8B (VSTOL) HARRIER	10	302,946	4	112,000	14	414,946
1	LESS: ADVANCE PROCUREMENT (PY)	0	(20,932)	0	0	0	(20,932)
2	ADVANCE PROCUREMENT (CY)	0	22,897	0	0	0	22,897
3	F/A-18C/D (FIGHTER) HORNET	0	0	0	0	0	0
3	LESS: ADVANCE PROCUREMENT (PY)	0	0	0	0	0	0
4	ADVANCE PROCUREMENT (CY)	0	0	0	0	0	0
5	F/A-18E/F (FIGHTER) HORNET	12	2,089,571	0	0	12	2,089,571
5	LESS: ADVANCE PROCUREMENT (PY)	0	(229,715)	0	0	0	(229,715)
6	ADVANCE PROCUREMENT (CY)	0	294,867	0	0	0	294,867
7	CH-53E (HELICOPTER) SUPER STALLION	0	0	0	0	0	0
7	LESS: ADVANCE PROCUREMENT (PY)	0	0	0	0	0	0
8	V-22 (MEDIUM LIFT)	4	547,475	2	232,000	6	779,475
8	LESS: ADVANCE PROCUREMENT (PY)	0	(46,571)	0	0	0	(46,571)
9	ADVANCE PROCUREMENT (CY)	0	57,755	0	10,000	0	67,755
10	AH-1W (HELICOPTER) SEA COBRA	0	0	0	0	0	0
10	LESS: ADVANCE PROCUREMENT (PY)	0	0	0	0	0	0
11	SH-60B (ASW HELICOPTER) SEAHAWK	0	6,432	0	0	0	6,432
11	LESS: ADVANCE PROCUREMENT (PY)	0	0	0	0	0	0
12	SH-60F CY (ASW HELICOPTER)	0	0	0	0	0	0
12	LESS: ADVANCE PROCUREMENT (PY)	0	0	0	0	0	0
13	E-2C (EARLY WARNING) HAWKEYE	2	169,225	1	74,000	3	243,225
13	LESS: ADVANCE PROCUREMENT (PY)	0	(41,723)	0	0	0	(41,723)
14	ADVANCE PROCUREMENT (CY)	0	20,973	0	0	0	20,973
15	KC-130J	0	0	4	209,200	4	209,200
<b>TOTAL COMBAT AIRCRAFT</b>			<b>3,173,198</b>		<b>637,200</b>		<b>3,810,398</b>
<b>TRAINER AIRCRAFT</b>							
15	T-45TS (TRAINER) GOSHAWK	12	301,754	0	0	12	301,754
15	LESS: ADVANCE PROCUREMENT (PY)	0	(29,002)	0	0	0	(29,002)
16	ADVANCE PROCUREMENT (CY)	0	26,353	0	0	0	26,353
17	T-39N SABRELINER	0	0	0	0	0	0
<b>TOTAL TRAINER AIRCRAFT</b>			<b>299,105</b>		<b>0</b>		<b>299,105</b>
<b>OTHER AIRCRAFT</b>							
18	HH-60H (HELICOPTER)	0	0	0	0	0	0



TITLE I -- PROCUREMENT  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987 AUTHORIZATION		FY 1987 COMMITTEE CHANGE FROM REQUEST		COMMITTEE RECOMMENDATION	
		QUANTITY	COST	QUANTITY	COST	QUANTITY	COST
<b>TOTAL OTHER AIRCRAFT</b>							
	MODIFICATION OF AIRCRAFT		0		0		0
19	EA-6 SERIES	0	100,620	0	0	0	195,620
20	AV-8 SERIES	0	22,852	0	0	0	22,852
21	F-14 SERIES	0	231,974	0	2,600	0	234,574
22	ADVERSARY	0	117	0	0	0	117
23	ES-3 SERIES	0	7,113	0	0	0	7,113
24	F-18 SERIES	0	156,486	0	(5,000)	0	151,486
25	H-46 SERIES	0	35,334	0	0	0	35,334
26	AH-1W SERIES	0	23,950	0	0	0	23,950
27	H-53 SERIES	0	44,567	0	10,000	0	54,567
28	SH-60 SERIES	0	47,790	0	11,000	0	58,790
29	H-1 SERIES	0	9,339	0	0	0	9,339
30	H-3 SERIES	0	4,860	0	0	0	4,860
31	EP-3 SERIES	0	35,429	0	10,000	0	45,429
32	P-3 SERIES	0	128,560	0	(17,600)	0	110,960
32a	LESPA				3,800		3,800
33	S-3 SERIES	0	36,413	0	0	0	36,413
34	E-2 SERIES	0	23,143	0	0	0	23,143
35	TRAINER A/C SERIES	0	3,652	0	0	0	3,652
36	C-130 SERIES	0	2,967	0	0	0	2,967
37	FEWSG	0	661	0	0	0	661
38	CARGO/TRANSPORT A/C SERIES	0	24,884	0	0	0	24,884
39	E-6 SERIES	0	100,045	0	0	0	100,045
40	EXECUTIVE HELICOPTERS SERIES	0	21,061	0	0	0	21,061
41	SPECIAL PROJECT AIRCRAFT	0	12,809	0	0	0	12,809
42	T-45 SERIES	0	5,642	0	0	0	5,642
43	POWER PLANT CHANGES	0	13,633	0	0	0	13,633
44	MISC FLIGHT SAFETY CHANGES	0	199	0	0	0	199
45	COMMON ECM EQUIPMENT	0	20,069	0	50,000	0	70,069
46	COMMON AVIONICS CHANGES	0	87,841	0	0	0	87,841
<b>TOTAL MODIFICATION OF AIRCRAFT</b>			<b>1,202,010</b>		<b>159,800</b>		<b>1,361,810</b>
<b>AIRCRAFT SPARES AND REPAIR PARTS</b>							
<b>AIRCRAFT SPARES AND REPAIR PARTS</b>							
47	SPARES AND REPAIR PARTS	0	839,987	0	0	0	839,987

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1987 COMMITTEE	
		QUANTITY	COST	QUANTITY	COST	QUANTITY	COST
	<b>TOTAL AIRCRAFT SPARES AND REPAIR PARTS</b>		839,987		0		839,987
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES						
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES						
48	COMMON GROUND EQUIPMENT	0	313,070	0	(10,000)	0	303,070
49	AIRCRAFT INDUSTRIAL FACILITIES	0	14,814	0	0	0	14,814
50	WAR CONSUMABLES	0	16,941	0	0	0	16,941
51	OTHER PRODUCTION CHARGES	0	11,940	0	0	0	11,940
52	SPECIAL SUPPORT EQUIPMENT	0	8,922	0	0	0	8,922
53	FIRST DESTINATION TRANSPORTATION	0	1,965	0	0	0	1,965
54	CANCELLED ACCOUNT ADJUSTMENTS	0	0	0	0	0	0
	<b>TOTAL AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES</b>		387,652		(10,000)		387,652
	<b>TOTAL AIRCRAFT PROCUREMENT, NAVY</b>		5,881,952		787,000		6,668,952

## Items of Special Interest

*AV-8B remanufacture-*

The budget request contained \$282.0 million to procure 10 remanufactured AV-8B aircraft and \$22.9 million for advance procurement of 12 aircraft in fiscal year 1998.

The upgraded AV-8B, with its enhanced day/night, adverse weather, survivability, and improved multi-mission capabilities, will dramatically increase the Marine Corps' ability to project combat power from its amphibious ready groups. Moreover, the material improvements which result from this remanufacture are projected to reduce the aircraft's mishap rate dramatically. For these reasons, the committee recommends an additional \$112.0 million to procure four more AV-8B remanufactured aircraft in order to accelerate the fielding of this much-needed and safety-related improvement.

*EA-6B modifications -*

The budget request contained \$100.6 million for EA-6B modifications.

Fleet aviation continues to require a robust electronic warfare capability. The decision to retire the Air Force's EF-111s and rely on the EA-6B for the Department's tactical jamming mission makes it imperative that the EA-6B fleet be structurally sound and modernized to meet current requirements.

The EA-6B's aluminum wing center sections have been found to be subject to embrittlement, which has led to stress cracks and resulted in the removal of a number of aircraft from active service. As a result of a Congressional initiative to address this problem, replacement wing center sections are currently being produced. However the Navy has a requirement for twenty more of these sections, since Congress added funds in fiscal year 1996 to upgrade an additional 20 EA-6Bs to support the Air Force's stand-off jamming needs. Consequently, the committee recommends an additional \$55.0 million to purchase ten of the twenty new wing center sections in order to avoid a production break in the manufacture of this component.

The current jamming transmitters on the EA-6B have not changed substantially since originally designed in the 1960s. There have been several generations of improved surface-to-air and air-to-air missiles since then, and many of these new systems operate at higher radio frequency signals than these jammers. Also, the great majority of current anti-ship missiles employ seekers in the band 9/10 frequency range. Since the EA-6B is a key component of the Navy's Cooperative Engagement Capability against these threats, equipping these aircraft with Band 9/10 electronic countermeasure transmitters will provide a potent and effective defensive screen against such missiles. Consequently, the committee recommends an additional \$40.0 million to procure 60 shipsets of these transmitters.

*V-22 Osprey-*

The budget request contained \$500.9 million to procure the first four V-22s and \$57.8 million for advance procurement of five aircraft in fiscal year 1998.

The committee remains concerned about the Department's proposed 25-year V-22 production schedule. The Defense Science Board recommended that the Department adopt a more efficient V-22 production schedule, and the Department has stated that a minimum of \$8 billion could be saved by accelerating the planned procurement and achieving a production rate of 36 aircraft per year by the year 2000. In order to increase initial V-22 production rates, the committee recommends an additional \$232.0 million to produce two more aircraft and an additional \$10.0 million in advance procurement to maintain a production rate of six aircraft in fiscal year 1998. The committee recommends that the Department provide funds in the Future Years Defense Program submitted with the fiscal year 1998 budget request to support V-22 accelerated production.

## WEAPONS PROCUREMENT, NAVY

## Overview

The budget request contained \$1,400.4 million for Weapons Procurement, Navy in fiscal year 1997. The committee recommends authorization of \$1,305.3 million for fiscal year 1997.

The committee recommends approval of the request except for those programs adjusted in the following table. Unless otherwise specified, adjustments are without prejudice and based on affordability considerations.

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1987 COMMITTEE	
		QUANTITY	COST	QUANTITY	COST	QUANTITY	COST
<b>WEAPONS PROCUREMENT, NAVY</b>							
BALLISTIC MISSILES							
TRIDENT I							
1		0	0	0	0	0	0
2	TRIDENT II	7	299,827	0	(7,700)	7	292,127
3	LESS: ADVANCE PROCUREMENT (PY)	0	(32,335)	0	0	0	(32,335)
3	ADVANCE PROCUREMENT (CY)	0	53,533	0	0	0	53,533
4	SUPPORT EQUIPMENT AND FACILITIES	0	2,124	0	0	0	2,124
4	MISSILE INDUSTRIAL FACILITIES	0	0	0	0	0	0
			<b>323,148</b>		<b>(7,700)</b>		<b>315,448</b>
<b>TOTAL BALLISTIC MISSILES</b>							
OTHER MISSILES							
STRATEGIC MISSILES							
TOMAHAWK							
5	TACTICAL MISSILES	120	88,513	0	0	120	88,513
6	AMRAAM	37	36,091	63	22,000	100	58,091
7	HARPOON	0	0	50	40,000	50	40,000
8	JSOW	100	64,426	0	0	100	64,426
9	STANDARD MISSILE	127	197,463	0	0	127	197,463
10	RAM	140	48,663	0	0	140	48,663
11	AERIAL TARGETS	0	73,147	0	0	0	73,147
12	DRONES AND DECOYS	0	0	0	0	0	0
13	OTHER MISSILE SUPPORT	0	18,044	0	0	0	18,044
MODIFICATION OF MISSILES							
14	TOMAHAWK MODS	0	0	0	0	0	0
15	SPARROW MODS	0	2,530	0	0	0	2,530
16	SIDEMINDER MODS	0	1,301	0	0	0	1,301
17	HARPOON MODS	0	22,893	0	0	0	22,893
18	STANDARD MISSILES MODS	0	16,540	0	0	0	16,540
SUPPORT EQUIPMENT AND FACILITIES							
19	WEAPONS INDUSTRIAL FACILITIES	0	34,260	0	0	0	34,260
20	FLEET SATELLITE COMM (MYP) (SPACE)	0	113,242	0	0	0	113,242
21	ORDNANCE SUPPORT EQUIPMENT	0	19,126	0	0	0	19,126
			<b>733,239</b>		<b>62,000</b>		<b>691,239</b>
<b>TOTAL OTHER MISSILES</b>							
TORPEDOES AND RELATED EQUIPMENT							
22	ASW TARGETS	0	5,052	0	0	0	5,052

**TITLE I - PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1987 COMMITTEE	
		QUANTITY	COST	QUANTITY	COST	RECOMMENDATION QUANTITY	COST
23	VERTICAL LAUNCHED ASROC (VLA) MOD OF TORPEDOES AND RELATED EQUIP	0	0	0	0	0	0
24	MK-46 TORPEDO MODS	0	1,761	0	0	0	1,761
25	MK-46 TORPEDO ADCAP MODS	0	63,862	0	0	0	63,862
26	SUPPORT EQUIPMENT	0	22,537	0	0	0	22,537
27	TORPEDO SUPPORT EQUIPMENT	0	14,820	0	0	0	14,820
28	ASW RANGE SUPPORT DESTINATION TRANSPORTATION	0	2,620	0	0	0	2,620
<b>TOTAL TORPEDOES AND RELATED EQUIPMENT</b>			<b>110,882</b>		<b>0</b>		<b>110,882</b>
OTHER WEAPONS							
GUNS AND GUN MOUNTS							
29	SMALL ARMS AND WEAPONS	0	870	0	0	0	870
30	MODIFICATION OF GUNS AND GUN MOUNTS	0	25,430	0	0	0	25,430
31	CIWS MODS	0	2,875	0	0	0	2,875
32	564 GUN MOUNT MODS	0	685	0	0	0	685
33	MK-75 76MM GUN MOUNT MODS MODS UNDER \$2 MILLION	0	1,607	0	0	0	1,607
34	OTHER	0	0	0	0	0	0
35	CANCELLED ACCOUNT ADJUSTMENTS PRIOR YEAR DEFICIENCIES	0	0	0	0	0	0
<b>TOTAL OTHER WEAPONS</b>			<b>31,487</b>		<b>0</b>		<b>31,487</b>
OTHER ORDNANCE							
AIR LAUNCHED ORDNANCE							
36	GENERAL PURPOSE BOMBS	0	27,150	0	(27,150)	0	0
37	2.75 INCH ROCKETS	0	9,433	0	(9,433)	0	0
38	MACHINE GUN AMMUNITION	0	5,341	0	(5,341)	0	0
39	PRACTICE BOMBS	0	11,131	0	(11,131)	0	0
40	CARTRIDGES & CART ACTUATED DEVICES	0	21,939	0	(21,939)	0	0
41	AIRCRAFT ESCAPE ROCKETS	0	8,172	0	(8,172)	0	0
42	AIR EXPENDABLE COUNTERMEASURES	0	21,980	0	(21,980)	0	0
43	MARINE LOCATION MARKERS	0	580	0	(580)	0	0
44	JATOS	0	4,166	0	(4,166)	0	0
SHIP ORDNANCE							
45	5 INCH/54 GUN AMMUNITION	0	13,485	0	(13,485)	0	0
46	76MM GUN AMMUNITION	0	2,736	0	(2,736)	0	0

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1997 COMMITTEE	
		QUANTITY	COST	QUANTITY	COST	RECOMMENDATION QUANTITY	COST
47	OTHER SHIP GUN AMMUNITION	0	4,133	0	(4,133)	0	0
	OTHER ORDNANCE						
48	SMALL ARMS & LANDING PARTY AMMO	0	3,126	0	(3,126)	0	0
49	PYROTECHNIC AND DEMOLITION	0	10,131	0	(10,131)	0	0
50	MINE NEUTRALIZATION DEVICES	0	5,840	0	(5,840)	0	0
	<b>TOTAL OTHER ORDNANCE</b>		<b>148,366</b>		<b>(148,366)</b>		<b>0</b>
	SPARES AND REPAIR PARTS						
51	SPARES AND REPAIR PARTS	0	47,471	0	0	0	47,471
	<b>TOTAL SPARES AND REPAIR PARTS</b>		<b>47,471</b>		<b>0</b>		<b>47,471</b>
	<b>TOTAL WEAPONS PROCUREMENT, NAVY</b>		<b>1,466,343</b>		<b>(66,066)</b>		<b>1,366,366</b>

## Item of Special Interest

*Trident II sea-launched ballistic missile (SLBM)–*

The budget request contained \$267.5 million for procurement of Trident II SLBMs.

The committee continues to strongly support the Trident II SLBM program, but recommends \$259.8 million, a reduction of \$7.7 million, to be applied against the reentry body downloading/arms control subactivity.

## AMMUNITION PROCUREMENT, NAVY/MARINE CORPS

## Overview

The budget request did not contain any funds for Ammunition Procurement, Navy/Marine Corps in fiscal year 1997. The committee recommends authorization of \$599.2 million for fiscal year 1997 as reflected in the following table.



**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987		COMMITTEE		FY 1987	
		AUTHORIZATION REQUEST	COST	CHANGE FROM REQUEST	COST	COMMITTEE RECOMMENDATION	COST
		QUANTITY		QUANTITY		QUANTITY	
<b>PROCUREMENT OF AMMUNITION, NAVY &amp; MARINE CORPS</b>							
PROC AMMO, NAVY							
	NAVY AMMUNITION						
1	GENERAL PURPOSE BOMBS	0	0	0	27,160	0	27,160
2	2.75 INCH ROCKETS	0	0	0	9,433	0	9,433
3	MACHINE GUN AMMUNITION	0	0	0	5,341	0	5,341
4	PRACTICE BOMBS	0	0	0	11,131	0	11,131
5	CARTRIDGES & CART ACTUATED DEVICES	0	0	0	21,939	0	21,939
6	AIRCRAFT ESCAPE ROCKETS	0	0	0	8,172	0	8,172
7	AIR EXPENDABLE COUNTERMEASURES	0	0	0	21,960	0	21,960
8	MARINE LOCATION MARKERS	0	0	0	590	0	590
9	DEFENSE NUCLEAR AGENCY MATERIAL	0	0	0	0	0	0
10	JATOS	0	0	0	4,168	0	4,168
NAVY AMMUNITION							
11	5 INCH/54 GUN AMMUNITION	0	0	0	13,485	0	13,485
12	CMWS AMMUNITION	0	0	0	0	0	0
13	76MM GUN AMMUNITION	0	0	0	2,738	0	2,738
14	OTHER SHIP GUN AMMUNITION	0	0	0	4,133	0	4,133
NAVY AMMUNITION							
15	SMALL ARMS & LANDING PARTY AMMO	0	0	0	3,126	0	3,126
16	PYROTECHNIC AND DEMOLITION	0	0	0	10,131	0	10,131
17	MINE NEUTRALIZATION DEVICES	0	0	0	5,940	0	5,940
18	SHIP EXPENDABLE COUNTERMEASURES	0	0	0	0	0	0
<b>TOTAL PROCUREMENT AMMUNITION, NAVY</b>			<b>0</b>		<b>148,385</b>		<b>148,385</b>
PROC AMMO, MC							
MARINE CORPS AMMUNITION							
19	5.56 MM ALL TYPES	0	0	0	50,425	0	50,425
20	7.62 MM ALL TYPES	0	0	0	14,483	0	14,483
21	50 CALIBER	0	0	0	13,062	0	13,062
22	40 MM, ALL TYPES	0	0	0	3,210	0	3,210
23	60 MM HE M868	0	0	0	5,127	0	5,127
24	81 MM HE	0	0	0	1,731	0	1,731
25	81 MM SMOKE SCREEN	0	0	0	22,573	0	22,573
26	81MM ILLUMINATION (M853)	0	0	0	10,000	0	10,000
27	120MM TPCSDS-T M895	0	0	0	2,545	0	2,545
27a	120MM APFSDS-T M828A2	0	0	0	12,000	0	12,000
28	120 MM TP-T M831	0	0	0	1,723	0	1,723
28a	120MM HEAT-MP	0	0	0	21,000	0	21,000

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION		COMMITTEE CHANGE FROM REQUEST		FY 1997 COMMITTEE RECOMMENDATION	
		QUANTITY	COST	QUANTITY	COST	QUANTITY	COST
29	155MM CHG. PROP. RED BAG	0	0	0	0	0	0
30	FUZE, ET, XM762	0	0	0	40,000	0	40,000
30a	FUZE, PROXIMITY	0	0	0	6,000	0	6,000
31	CTG 25MM, ALL TYPES	0	0	0	11,807	0	11,807
32	9 MM ALL TYPES	0	0	0	3,793	0	3,793
33	GRENADES, ALL TYPES	0	0	0	5,686	0	5,686
34	ROCKETS, ALL TYPES	0	0	0	30,000	0	30,000
34a	LINEAR CHG, ALL TYPES	0	0	0	85,000	0	85,000
34b	CHG, DEMOLITION	0	0	0	98,000	0	98,000
35	AMMO MODERNIZATION MARINE CORPS AMMUNITION	0	0	0	9,118	0	9,118
36	ITEMS LESS THAN \$2 MIL	0	0	0	2,601	0	2,601
<b>TOTAL PROCUREMENT AMMUNITION, MARINE CORPS</b>			0		449,864		449,864
<b>TOTAL PROCUREMENT AMMUNITION, NAVY &amp; MC</b>			0		599,239		599,239

## Item of Special Interest

*Ammunition*

The budget request contained \$68.9 million for procurement of ammunition.

Notwithstanding corrective action taken by the Congress last year to address the Corps' ammunition deficiency, the committee understands that the Marines still do not have sufficient ammunition to support the Administration's national military strategy of being capable to fight two nearly simultaneous major regional contingencies (MRCs). Therefore, to ensure that the Marine Corps has adequate combat ammunition to meet its two-MRC requirement, the committee recommends \$449.9 million, an increase of \$381.0 million, to be distributed as follows:

[In millions of dollars]	
5.56mm, all types .....	30.0
7.62mm, all types .....	8.0
.50 caliber .....	7.0
81mm smoke screen .....	20.0
81mm illumination M853 .....	10.0
Fuze, ET, XM762 .....	40.0
Fuze, proximity .....	6.0
Ctg, 25mm, all types .....	7.0
Ctg, 120mm, APFSDS-T, M829A2 .....	12.0
Ctg, 120mm, 120mm HEAT-MP .....	21.0
9mm, all types .....	1.0
Linear chg, all types .....	85.0
Chg, demolition .....	98.0
Grenades, all types .....	5.0
Rockets, all types .....	30.0
Items less than \$2 million .....	1.0

## SHIPBUILDING AND CONVERSION, NAVY

## Overview

The budget request contained \$4,911.9 million for Shipbuilding and Conversion, Navy in fiscal year 1997. The committee recommends authorization of \$5,479.9 million for fiscal year 1997.

The committee recommends approval of the request except for those programs adjusted in the following table. Unless otherwise specified, adjustments are without prejudice and based on affordability considerations.

**TITLE I - PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987		COMMITTEE		FY 1987		
		AUTHORIZATION REQUEST	QUANTITY	CHANGE FROM REQUEST	COST	COMMITTEE RECOMMENDATION	QUANTITY	COST
<b>SHIPBUILDING &amp; CONVERSION, NAVY</b>								
<b>OTHER WARSHIPS</b>								
1	CARRIER REPLACEMENT PROGRAM	0	0	0	0	0	0	0
1	LESS: ADVANCE PROCUREMENT (PY)	0	0	0	0	0	0	699,071
2	SSN-21	0	0	699,071	0	0	0	0
2	LESS: ADVANCE PROCUREMENT (PY)	0	0	0	0	0	0	0
3	NEW SSN	0	0	0	0	0	0	0
4	ADVANCE PROCUREMENT (CY)	0	0	286,186	0	504,000	0	800,186
5	CVN REFUELING OVERHAULS	0	0	237,029	0	0	0	237,029
6	CGN REFUELING OVERHAULS	0	0	0	0	0	0	0
6	LESS: ADVANCE PROCUREMENT (PY)	0	0	0	0	0	0	0
7	DDG-51	4	4	3,483,030	0	0	4	3,483,030
7	LESS: ADVANCE PROCUREMENT (PY)	0	0	(108,337)	0	0	4	(108,337)
8	ADVANCE PROCUREMENT (CY)	0	0	9,379	0	0	0	9,379
	<b>TOTAL OTHER WARSHIPS</b>			<b>4,816,388</b>		<b>504,000</b>		<b>5,120,388</b>
<b>AMPHIBIOUS SHIPS</b>								
9	COMPLETION OF LSD-52	0	0	0	0	0	0	0
10	LHD-1 AMPHIBIOUS ASSAULT SHIP (MYP)	0	0	0	0	0	0	0
10	LESS: ADVANCE PROCUREMENT (PY)	0	0	0	0	0	0	0
11	ADVANCE PROCUREMENT (CY)	0	0	0	0	0	0	0
12	LPD-17	0	0	0	0	0	0	0
	<b>TOTAL AMPHIBIOUS SHIPS</b>			<b>0</b>		<b>0</b>		<b>0</b>
<b>AUXILIARIES, CRAFT AND PRIOR YEAR PROGRAM</b>								
13	AE(C)	2	2	59,665	0	0	2	59,665
14	OCEANOGRAPHIC SHIPS	0	0	0	1	54,000	1	54,000
15	SERVICE CRAFT	0	0	0	0	0	0	0
15a	FAST PATROL CRAFT	0	0	0	0	20,000	0	20,000
16	OUTFITTING	0	0	91,990	0	0	0	91,990
17	POST DELIVERY	0	0	141,855	0	(10,000)	0	131,855
18	AFS (C)	0	0	0	0	0	0	0
19	FIRST DESTINATION TRANSPORTATION	0	0	2,062	0	0	0	2,062
20	SSN MAIN STEAM CONDENSERS	0	0	0	0	0	0	0
	<b>TOTAL AUXILIARIES, CRAFT, AND PRIOR-YEAR PROGRAM COST</b>			<b>283,572</b>		<b>64,000</b>		<b>388,572</b>
	<b>TOTAL SHIPBUILDING &amp; CONVERSION, NAVY</b>			<b>4,911,830</b>		<b>568,000</b>		<b>6,479,830</b>

## Items of Special Interest

*Fast combat support ships*

The budget request did not contain any funding for fast combat support ships (AOE).

The committee is concerned that, despite a requirement for a minimum of nine station ships to travel with and resupply the carrier battle groups, the Navy continues to be one AOE short of fulfilling this requirement and instead uses a combination of several other ships for this purpose. Accordingly, the committee directs the Secretary of the Navy to re-examine the requirement for fast combat support ships and report his findings to the congressional defense committees by January 31, 1997. If such a requirement still exists, the Secretary should include funding for the last AOE in the fiscal year 1998 budget request.

*Fast patrol craft*

The budget request contained no funds for a fast patrol craft.

The committee continues to support efforts to acquire an advanced fast patrol craft for operations in littoral waters, thus obviating the need to place cruisers and destroyers in areas where they are vulnerable to shore-based cruise missiles, mines, and quiet diesel submarines. A craft of this nature would provide a highly capable, multimission adjunct to the service's current fleet, and the committee urges the Navy to move forward with the procurement of such a craft. However, the committee understands that additional funding is necessary and recommends \$20.0 million for this purpose.

*National defense sealift fund (NDSF)*

The budget request contained \$963.0 million for the NDSF, including \$90.0 million to purchase and convert existing foreign-built, roll-on/roll-off (RO/RO) ships for the Ready Reserve Force (RRF). No funds were requested for the second and third of three additional Maritime Prepositioning Ships (MPS) the Marine Corps wants to add to its MPS squadrons.

The committee notes that the first four of the Army's 19 Large, Medium-Speed RO/ROs (LMSR) will enter the fleet in 1996, allowing the return of most, if not all, of the seven RRF RO/ROs, which have been temporarily deployed as prepositioning ships prior to the delivery of the LMSRs, to stand-by status for future Army surge sealift requirements. The committee further notes that these RRF ships have the capacity to meet the Marine Corps' requirements for MPS.

The committee recommends \$1,123.0 million for the NDSF, an increase of \$160.0 million, for the purpose of procuring a second MPS. Unlike the first of these three additional MPS ships, which, similar to recent purchases for the RRF, will likely be a used, foreign-built hull converted for MPS use, the committee intends that the second and third such ships be new vessels constructed in U.S. shipyards. Therefore, the committee recommends a provision (sec. 124) repealing the statutory authority which allows the Marine Corps to purchase and convert two additional foreign-built hulls.

Recognizing that construction of a new ship may take longer than conversion of a used one, the committee directs the Secretary of Defense to use the RRF RO/ROs, which will be replaced by the LMSRs, to preposition Marine Corps equipment until the Corps takes delivery of its three additional ships. If these RRF ships are deemed adequate for the Army, then the committee assumes they are also adequate for the Marines.

Finally, the committee notes that the Department is currently prohibited from using NDSF funds for the acquisition of ships for the RRF. Since the Department has requested \$90.0 million for this purpose, the committee denies the request and directs that this amount be combined with the \$160.0 million added for a second MPS. The Department is reminded that in the statement of managers (H. Rept. 104-450) accompanying the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) the conferees declared a willingness to revisit this prohibition but only when the Department has established and funded a national defense features program and the Congress has had an opportunity to evaluate its effectiveness. —

#### *Nuclear attack submarines*

The budget request contained \$699.1 million for continued construction of the third Seawolf-class submarine (SSN-23) and \$296.2 million for advance procurement of the fiscal year 1998 New Attack Submarine (NAS). The budget request also contained \$489.4 million in Research and Development (R&D) funding to continue detailed design of the NAS. The committee recommends the requested amounts. In addition, the committee recommends a legislative provision (sec. 122) which would segregate the currently-existing cost cap on the three Seawolf-class submarines into two components: (1) a combined cost cap on the first two of these submarines and (2) a separate cost cap on the SSN-23.

In its deliberations on the attack submarine program last year, the committee was aware that former Navy officials had originally intended to design several NAS prototypes, emphasizing key technologies such as electric drive, before settling on a final design for this submarine and that the prototype program, with its plans for technological advances, was stymied by the fact that the design of a new nuclear reactor had already been completed. In an attempt to remedy this situation, the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) required the Secretary of Defense to produce a plan, commencing in fiscal year 1998, to begin construction of four transition nuclear attack submarines, each of which would incorporate new technologies, leading to the design of and culminating with the first ship of a new class to be competed for construction in 2003. Although the Navy's Future Years Defense Program (FYDP) also projects commencing construction of four NASs between fiscal years 1998 and 2003, the Navy maintains that the plan Congress required was unaffordable. Consequently, the Navy's FYDP does not fund either the second or fourth submarines of this plan—the two submarines that the plan required Newport News Shipbuilding (NNS) to construct in order to introduce competition for production of the first next-generation submarine in 2003. The committee is disturbed by the Navy's ac-

tions, especially in view of the fact that an LPD-17, not previously budgeted, was added in fiscal year 1999 in lieu of a second submarine, and in view of the fact that the LHD-7, previously budgeted in fiscal year 2001, was moved forward and funded in fiscal year 1996, thus making budget authority available for a fourth submarine. The committee recommends \$504.0 million for advance procurement of the fiscal year 1999 transition submarine.

To its credit, the Navy did convene a panel of experts to provide an independent evaluation of available and future submarine technologies, and the committee notes that the panel found the baseline NAS design "lacked certain desirable features which would probably be needed in the future and could still be incorporated into an early NAS hull with vigorous action." Again to its credit, the Navy has signed a Memorandum of Agreement (MOA) with the two nuclear-capable shipyards to lay the groundwork for having both yards produce future nuclear attack submarines. However, the Navy has not shown any indications of responding to its independent panel's recommendation for a stable infusion of R&D funding for technology maturation by reprogramming fiscal year 1996 funds, (since the panel's report was not finished in time to include any funds in the fiscal year 1997 budget request). Neither has the Navy indicated that there will be any incorporation of new technology in the pre-competitive phase submarines, since the MOA states that "design improvements by the shipbuilders will be reviewed by the Navy to determine which changes will be included in follow ships" (i.e., those built after the competitive phase).

The committee is perplexed by the Navy's resistance to recognize that the lack of sustained R&D funding has inhibited the insertion of state-of-the-art technology in current submarines and will prevent the maturation of advanced technology for future submarines. The committee is similarly puzzled that the shipyards are not more involved in the early stages of submarine technology planning and development. Finally, the committee is displeased that no efforts will be made to incorporate new technologies into the "pre-competitive" phase submarines.

Accordingly, the committee recommends a provision (sec. 121) which would take the following actions:

(1) Authorize \$60.0 million to mature and transition the technologies whose maturation the Navy's independent panel recommended be addressed: hydrodynamics, alternative sail designs, advanced arrays, electric drive, external weapons, and active controls and - - - mounts. Of this amount, \$10.0 million is to be provided to each of the shipyards to ensure that they are principal participants in this process. The committee intends that the shipyards be allowed access to naval intelligence data and that there be continuing interaction among the shipyards, the Navy laboratories, and the Defense Advanced Research Projects Agency;

(2) Authorize \$38.0 million to fund development and testing of Category I and II - - - technologies, as described in the Secretary of Defense's March 1996 report to the - - Congress on NAS Procurement and Submarine Technology;

(3) Authorize \$40.0 million, equally divided between the two shipyards, to fund design - - improvements proposed by them

for incorporation into the four transition submarines. -- -- Furthermore the provision stipulates that there will be four separately-maintained -- configurations, rather than the single design the Navy plans to "update" for the "post-- -- competitive" phase of its NAS program; and

(4) Authorize \$50.0 million, equally divided between the two shipyards, to initiate the -- design of a completely new next-generation nuclear attack submarine in order to -- -- -- follow the independent panel's recommendation that the Navy overcome its aversion -- to investigate revolutionary technology options, despite instances in the past when it -- -- has been surprised by Russian innovation and advances.

The committee has been impressed with the results of the Air Force's acquisition streamlining efforts, the so-called "Lightning Bolts" initiatives begun in May 1995. In less than a year, these initiatives have already led to approximately \$13 billion in savings and cost avoidance by reducing military specifications and standards, contract data requirements lists, and program office manpower. These impressive results have been achieved by, among other things, creating centralized teams of contracting, manufacturing, logistics, engineering, finance, test and evaluation, safety, and legal experts which are sent to program offices to help them in their streamlining efforts. Consequently, the committee directs a similar type of team be constituted by the Secretary of the Navy for the purpose of reducing costs of the nuclear attack submarine programs. With a congressionally-imposed cost cap on the SSN-23 and the overabiding emphasis on NAS affordability, the committee believes the Secretary should be sufficiently induced to embrace this undertaking.

#### OTHER PROCUREMENT, NAVY

##### Overview

The budget request contained \$2,714.2 million for Other Procurement, Navy in fiscal year 1997. The committee recommends authorization of \$2,871.5 million for fiscal year 1997.

The committee recommends approval of the request except for those programs adjusted in the following table. Unless otherwise specified, adjustments are without prejudice and based on affordability considerations.



**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1997 COMMITTEE	
		REQUEST	COST	REQUEST	COST	RECOMMENDATION	COST
	OTHER PROCUREMENT, NAVY						
	SHIP SUPPORT EQUIPMENT						
	SHIP PROPULSION EQUIPMENT						
1	LM-2500 GAS TURBINE	0	7,898	0	0	0	7,898
2	ALLISON 501K GAS TURBINE	0	3,445	0	0	0	3,445
3	STEAM PROPULSION IMPROVEMENT	0	248	0	0	0	248
4	OTHER PROPULSION EQUIPMENT	0	7,922	0	0	0	7,922
	GENERATORS						
5	OTHER GENERATORS	0	588	0	0	0	588
	PUMPS						
6	OTHER PUMPS	0	78	0	0	0	78
7	SUBMARINE PUMP RETROFIT KITS	0	0	0	0	0	0
	AIR COMPRESSORS						
8	HIGH PRESSURE AIR COMPRESSORS	0	0	0	0	0	0
	PROPELLERS						
9	SUBMARINE PROPELLERS	0	39,182	0	0	0	39,182
10	OTHER PROPELLERS AND SHAFTS	0	2,897	0	0	0	2,897
	NAVIGATION EQUIPMENT						
11	ELEC SUSPENDED GYRO NAVIGATOR	0	0	0	0	0	0
12	OTHER NAVIGATION EQUIPMENT	0	17,200	0	10,000	0	27,200
	UNDERWAY REPLENISHMENT EQUIPMENT						
13	UNDERWAY REPLENISHMENT EQUIPMENT	0	11,858	0	0	0	11,858
	PERISCOPES						
14	SUB PERISCOPES & IMAGING EQUIP	0	32,825	0	0	0	32,825
	OTHER SHIPBOARD EQUIPMENT						
15	FIREFIGHTING EQUIPMENT	0	9,175	0	0	0	9,175
16	COMMAND AND CONTROL SWITCHBOARD	0	6,924	0	0	0	6,924
17	POLLUTION CONTROL EQUIPMENT	0	135,216	0	(5,000)	0	130,216
18	SUBMARINE SILENCING EQUIPMENT	0	3,365	0	0	0	3,365
19	SURFACE SHIP SILENCING EQUIPMENT	0	0	0	0	0	0
20	SUBMARINE BATTERIES	0	9,513	0	0	0	9,513
21	SSN21 CLASS SUPPORT EQUIPMENT	0	21,217	0	0	0	21,217
22	STRATEGIC PLATFORM SUPPORT EQUIP	0	9,229	0	0	0	9,229
23	DSSP EQUIPMENT	0	5,217	0	0	0	5,217
24	MINESWEEPING EQUIPMENT	0	4,069	0	0	0	4,069
25	UNALE ITEMS UNDER \$2 MILLION	0	35,545	0	0	0	35,545
26	SURFACE IMA	0	2,437	0	0	0	2,437
27	RADIOLOGICAL CONTROLS	0	182	0	0	0	182
28	MINIMICROMINI ELECTRONIC REPAIR	0	963	0	0	0	963
29	SUBMARINE LIFE SUPPORT SYSTEM	0	0	0	0	0	0

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1987 COMMITTEE	
		QUANTITY	COST	QUANTITY	REQUEST	QUANTITY	COST
	REACTOR PLANT EQUIPMENT						
30	REACTOR POWER UNITS	0	223,392	0	0	0	213,392
31	REACTOR COMPONENTS	0	185,551	0	(2,500)	0	183,051
	OCEAN ENGINEERING						
32	DIVING AND SALVAGE EQUIPMENT	0	8,862	0	0	0	8,862
33	EOD UNDERWATER EQUIPMENT	0	5,181	0	0	0	5,181
	SMALL BOATS						
34	STANDARD BOATS	0	4,576	0	0	0	4,576
	TRAINING EQUIPMENT						
35	OTHER SHIPS TRAINING EQUIPMENT	0	1,464	0	0	0	1,464
	PRODUCTION FACILITIES EQUIPMENT						
36	PRODUCTION SUPPORT FACILITIES	0	2,930	0	0	0	2,930
37	OPERATING FORCES IPE	0	911	0	0	0	911
	OTHER SHIP SUPPORT						
38	NUCLEAR ALTERATIONS	0	68,485	0	0	0	68,485
39	FLEET MODERNIZATION PROGRAM	0	0	0	0	0	0
	<b>TOTAL SHIPS SUPPORT EQUIPMENT</b>		<b>868,176</b>		<b>(7,500)</b>		<b>860,676</b>
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT						
	SHIP RADARS						
40	AN/SFS-40	0	7,663	0	0	0	7,663
41	AN/SFS-48	0	12,847	0	0	0	12,847
42	AN/SFS-49	0	12,136	0	0	0	12,136
43	AN/SYS-1	0	861	0	0	0	861
44	MK-23 TARGET ACQUISITION SYSTEM	0	1,347	0	0	0	1,347
45	RADAR SUPPORT	0	0	0	16,000	0	16,000
46	SURFACE ELECTRO-OPTICAL SYSTEM	0	0	0	0	0	0
	SHIP SONARS						
47	SURFACE SONAR SUPPORT EQUIPMENT	0	6,888	0	0	0	6,888
47a	DOPPLER SONAR VELOCITY LOG	0	0	0	1,000	0	1,000
48	AN/SQQ-89 SURF ASW COMBAT SYSTEM	0	24,674	0	0	0	24,674
49	SSN ACOUSTICS	0	44,134	0	0	0	44,134
50	SURFACE SONAR WINDOWS AND DOME	0	0	0	0	0	0
51	SONAR SUPPORT EQUIPMENT	0	17,302	0	0	0	17,302
52	SONAR SWITCHES AND TRANSDUCERS	0	10,869	0	0	0	10,869
	ASW ELECTRONIC EQUIPMENT						
53	SUBMARINE ACOUSTIC WARFARE SYSTEM	0	7,840	0	0	0	7,840
54	SSTD	0	5,701	0	0	0	5,701
55	ACOUSTIC COMMUNICATIONS	0	228	0	0	0	228

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987 AUTHORIZATION		COMMITTEE CHANGE FROM REQUEST		FY 1987 COMMITTEE RECOMMENDATION	
		QUANTITY	COST	QUANTITY	COST	QUANTITY	COST
56	FIXED SURVEILLANCE SYSTEM	0	34,635	0	0	0	34,635
57	SURTASS	0	10,590	0	0	0	10,590
58	ASW OPERATIONS CENTER	0	10,126	0	0	0	10,126
59	CARRIER ASW MODULE ELECTRONIC WARFARE EQUIPMENT	0	144	0	0	0	144
60	AN/SQ-32	0	6,358	0	0	0	6,358
61	AN/WLR-1	0	173	0	0	0	173
62	AN/WLR-3	0	0	0	0	0	0
63	INFORMATION WARFARE SYSTEMS	0	4,671	0	0	0	4,671
64	EW SUPPORT EQUIPMENT	0	7,949	0	0	0	7,949
65	C-3 COUNTERMEASURES RECONNAISSANCE EQUIPMENT	0	556	0	0	0	556
66	COMBAT DF	0	10,547	0	0	0	10,547
67	OUTBOARD	0	265	0	0	0	265
68	BATTLE GROUP PASSIVE HORIZON EXTEN SUBMARINE SURVEILLANCE EQUIPMENT	0	38,857	0	0	0	38,857
69	AN/WLR-4	0	4,208	0	0	0	4,208
70	SUBMARINE SUPPORT EQUIPMENT PROG OTHER SHIP ELECTRONIC EQUIPMENT	0	5,418	0	0	0	5,418
71	NAVY TACTICAL DATA SYSTEM	0	18,220	0	0	0	18,220
72	TACTICAL FLAG COMMAND CENTER	0	23,941	0	0	0	23,941
73	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	0	32,555	0	0	0	32,555
74	LINK 16 HARDWARE	0	17,806	0	0	0	17,806
75	MINESWEEPING SYSTEM REPLACEMENT	0	22,853	0	0	0	22,853
76	SHALLOW WATER MCM	0	961	0	0	0	961
77	EMSP (MVP)	0	0	0	0	0	0
78	NAVSTAR GPS RECEIVERS (SPACE)	0	4,943	0	0	0	4,943
79	HF LINK-11 DATA TERMINALS	0	3,239	0	0	0	3,239
80	ARMED FORCES RADIO AND TV STRATEGIC PLATFORM SUPPORT EQUIP TRAINING EQUIPMENT	0	3,363	0	0	0	3,363
81	OTHER SPAWAR TRAINING EQUIPMENT	0	4,054	0	0	0	4,054
82	OTHER TRAINING EQUIPMENT	0	1,562	0	0	0	1,562
83	AVIATION ELECTRONIC EQUIPMENT	0	28,343	0	0	0	28,343
84	MATCALS	0	4,151	0	0	0	4,151
85	SHIPBOARD AIR TRAFFIC CONTROL	0	13,434	0	0	0	13,434
86	AUTOMATIC CARRIER LANDING SYSTEM	0	15,960	0	0	0	15,960
87	TACAN	0	2,266	0	0	0	2,266
88	AIR STATION SUPPORT EQUIPMENT	0	9,722	0	0	0	9,722
89	MICROWAVE LANDING SYSTEM	0	7,217	0	0	0	7,217

**TITLE I - PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987		COMMITTEE		FY 1987	
		AUTHORIZATION REQUEST	COST	CHANGE FROM REQUEST	COMMITTEE RECOMMENDATION	QUANTITY	COST
90	FACSFAC	0	3,910	0	0	0	3,910
91	ID SYSTEMS	0	4,702	0	0	0	4,702
92	SURFACE IDENTIFICATION SYSTEMS	0	0	0	0	0	0
93	TAC AC MISSION PLANNING SYS(TAMPs)	0	7,131	0	0	0	7,131
94	OTHER SHORE ELECTRONIC EQUIPMENT	0	0	0	0	0	0
95	NATIONAL IMAGERY SUPPORT	0	4,243	0	0	11,000	15,243
96	NCS ASHORE	0	0	0	0	0	0
97	RADJAC	0	6,284	0	0	0	6,284
98	GPETE	0	3,491	0	0	0	3,491
99	INTEG COMBAT SYSTEM TEST FACILITY	0	9,354	0	0	0	9,354
100	CALIBRATION STANDARDS	0	4,951	0	0	0	4,951
101	EMI CONTROL INSTRUMENTATION	0	2,183	0	0	0	2,183
102	SHORE ELEC ITEMS UNDER \$2 MILLION	0	5,423	0	0	0	5,423
103	SHIPBOARD COMMUNICATIONS	0	4,070	0	0	0	4,070
104	PORTABLE RADIOS	0	8,779	0	0	0	8,779
105	SINCGARS	0	1,433	0	0	0	1,433
106	SHIP COMMUNICATIONS AUTOMATION	0	4,699	0	0	0	4,699
107	SHIP COMM ITEMS UNDER \$2 MILLION	0	15,006	0	0	0	15,006
108	SUBMARINE COMMUNICATIONS	0	8,560	0	0	0	8,560
109	SHORE LF/MF COMMUNICATIONS	0	4,140	0	0	0	4,140
110	SATELLITE COMMUNICATIONS	0	29,430	0	0	0	29,430
111	SATCOM SHIP TERMINALS (SPACE)	0	115,637	0	0	0	115,637
112	SHORE COMMUNICATIONS EQUIPMENT	0	24,653	0	0	0	24,653
113	ACS COMMUNICATIONS EQUIPMENT	0	1,989	0	0	0	1,989
114	NSIPS	0	0	0	0	0	0
115	JEDMCS	0	0	0	0	0	0
116	WAMMCS COMMUNICATIONS EQUIPMENT	0	4,216	0	0	0	4,216
117	NAVAL SHORE COMMUNICATIONS	0	1,712	0	0	0	1,712
118	CRYPTOGRAPHIC EQUIPMENT	0	43,315	0	0	0	43,315
119	SECURE VOICE SYSTEM	0	15,494	0	0	0	15,494
120	SECURE DATA SYSTEM	0	14,532	0	0	0	14,532
121	KEY MANAGEMENT SYSTEMS	0	12,580	0	0	0	12,580
122	CRYPTOGRAPHIC ITEMS UNDER \$2 MILL	0	0	0	0	0	0
	CRYPTOLOGIC EQUIPMENT	0	1,308	0	0	0	1,308
	CRYPTOLOGIC COMMUNICATIONS EQUIP	0	0	0	0	0	0

TITLE I -- PROCUREMENT  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987		COMMITTEE		FY 1987	
		AUTHORIZATION QUANTITY	REQUEST COST	CHANGE FROM REQUEST QUANTITY	REQUEST COST	RECOMMENDATION QUANTITY	COMMITTEE COST
	OTHER ELECTRONIC SUPPORT	0	0	0	0	0	0
123	ELECT ENGINEERED MAINTENANCE						
	DRUG INTERDICTION SUPPORT	0	0	0	0	0	0
124	OTHER DRUG INTERDICTION SUPPORT						
	<b>TOTAL COMMUNICATIONS AND ELECTRONICS EQUIPMENT</b>		<b>885,974</b>		<b>98,100</b>		<b>964,074</b>
	AVIATION SUPPORT EQUIPMENT						
	SONOBUOYS						
125	AN/SSQ-36 (BT)	0	923	0	0	0	923
126	AN/SSQ-62 (DIGASS)	0	22,704	0	17,000	0	39,704
127	AN/SSQ-110	0	35,961	0	0	0	35,961
128	AN/SSQ-86 (DLC)	0	0	0	0	0	0
129	SIGNAL UNDERWATER SOUND (SUS)	0	1,118	0	0	0	1,118
	AIRCRAFT SUPPORT EQUIPMENT						
130	WEAPONS RANGE SUPPORT EQUIPMENT	0	27,793	0	0	0	27,793
131	EXPEDITIONARY AIRFIELDS	0	1,590	0	0	0	1,590
132	AIRCRAFT REARMING EQUIPMENT	0	9,321	0	0	0	9,321
133	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT	0	28,975	0	0	0	28,975
134	METEOROLOGICAL EQUIPMENT	0	17,046	0	0	0	17,046
135	OTHER PHOTOGRAPHIC EQUIPMENT	0	737	0	0	0	737
136	AVIATION LIFE SUPPORT	0	13,811	0	0	0	13,811
137	AIRBORNE MINE COUNTERMEASURES	0	13,465	0	25,000	0	38,465
138	LAMPS MK III SHIPBOARD EQUIPMENT	0	15,282	0	0	0	15,282
139	REWSON PHOTOGRAPHIC EQUIPMENT	0	933	0	0	0	933
140	STOCK SURVEILLANCE EQUIPMENT	0	1,590	0	0	0	1,590
141	OTHER AVIATION SUPPORT EQUIPMENT	0	7,864	0	0	0	7,864
142	SAFETY & SURVIVABILITY ITEMS	0	0	0	14,200	0	14,200
	<b>TOTAL AVIATION SUPPORT EQUIPMENT</b>		<b>189,108</b>		<b>56,200</b>		<b>285,308</b>
	ORDNANCE SUPPORT EQUIPMENT						
	SHIP GUN SYSTEM EQUIPMENT						
143	GUN FIRE CONTROL EQUIPMENT	0	10,475	0	0	0	10,475
	SHIP MISSILE SYSTEMS EQUIPMENT						
144	MK-62 FIRE CONTROL SYSTEM	0	1,879	0	0	0	1,879
145	HARPOON SUPPORT EQUIPMENT	0	97	0	0	0	97
146	TARTAR SUPPORT EQUIPMENT	0	0	0	0	0	0
147	POINT DEFENSE SUPPORT EQUIPMENT	0	0	0	0	0	0
148	AIRBORNE ECM/ECCM	0	341	0	0	0	341

**TITLE I - PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1997 COMMITTEE	
		QUANTITY	COST	QUANTITY	COST	QUANTITY	COST
149	ENGAGEMENT SYSTEMS SUPPORT	0	15,054	0	0	0	15,054
150	NATO SEASPARROW	0	4,710	0	0	0	4,710
151	RAM GMLS	0	50,765	0	0	0	50,765
152	SHIP SELF DEFENSE SYSTEM	0	21,049	0	0	0	21,049
153	AEGIS SUPPORT EQUIPMENT	0	30,368	0	3,000	0	33,368
154	SURFACE TOMAHAWK SUPPORT EQUIPMENT	0	75,574	0	10,000	0	85,574
155	SUBMARINE TOMAHAWK SUPPORT EQUIP	0	0	0	0	0	0
156	VERTICAL LAUNCH SYSTEMS	0	12,956	0	0	0	12,956
	FBM SUPPORT EQUIPMENT	0	0	0	0	0	0
157	STRATEGIC PLATFORM SUPPORT EQUIP	0	2,104	0	0	0	2,104
158	STRATEGIC MISSILE SYSTEMS EQUIP	0	130,151	0	(2,500)	0	127,651
	ASW SUPPORT EQUIPMENT	0	0	0	0	0	0
159	SSN COMBAT CONTROL SYSTEMS	0	16,287	0	0	0	16,287
160	SUBMARINE ASW SUPPORT EQUIPMENT	0	10,004	0	0	0	10,004
161	SURFACE ASW SUPPORT EQUIPMENT	0	5,483	0	0	0	5,483
162	ASW RANGE SUPPORT EQUIPMENT	0	2,422	0	0	0	2,422
	OTHER ORDNANCE SUPPORT EQUIPMENT	0	0	0	0	0	0
163	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	0	6,253	0	0	0	6,253
164	UNMANNED SEABORNE TARGET	0	0	0	0	0	0
165	ANTI-SHIP MISSILE DECOY SYSTEM	0	15,109	0	0	0	15,109
166	INDUSTRIAL FACILITIES (CALIBRATION EQUIPMENT)	0	4,132	0	0	0	4,132
167	STOCK SURVEILLANCE EQUIPMENT	0	1,437	0	0	0	1,437
	OTHER EXPENDABLE ORDNANCE	0	0	0	0	0	0
168	FLEET MINE SUPPORT EQUIPMENT	0	5,430	0	0	0	5,430
169	SURFACE TRAINING DEVICE MODS	0	2,499	0	0	0	2,499
170	SUBMARINE TRAINING DEVICE MODS	0	19,668	0	0	0	19,668
171	INDUSTRIAL DEPOT MAINTENANCE	0	20,626	0	0	0	20,626
	<b>TOTAL ORDNANCE SUPPORT EQUIPMENT</b>		<b>464,983</b>		<b>10,500</b>		<b>475,483</b>
	CIVIL ENGINEERING SUPPORT EQUIPMENT	0	0	0	0	0	0
172	PASSENGER CARRYING VEHICLES	0	47	0	0	0	47
173	SPECIAL PURPOSE VEHICLES	0	228	0	0	0	228
174	GENERAL PURPOSE TRUCKS	0	76	0	0	0	76
175	TRAILER/TRUCK TRACTORS	0	0	0	0	0	0
176	EARTH MOVING EQUIPMENT	0	62	0	0	0	62
177	CONSTRUCTION & MAINTENANCE EQUIP	0	0	0	0	0	0
178	FIRE FIGHTING EQUIPMENT	0	0	0	0	0	0
179	WEIGHT HANDLING EQUIPMENT	0	3,183	0	0	0	3,183
180	AMPHIBIOUS EQUIPMENT	0	0	0	0	0	0

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987		COMMITTEE		FY 1987	
		AUTHORIZATION REQUEST	COST	CHANGE FROM REQUEST	COMMITTEE RECOMMENDATION		
		QUANTITY	COST	QUANTITY	COST	QUANTITY	COST
181	COMBAT CONSTRUCTION SUPPORT EQUIP	0	878	0	0	0	878
182	MOBILE UTILITIES SUPPORT EQUIPMENT	0	850	0	0	0	850
183	COLLATERAL EQUIPMENT	0	338	0	0	0	338
184	OCEAN CONSTRUCTION EQUIPMENT	0	134	0	0	0	134
185	POLLUTION CONTROL EQUIPMENT	0	32,281	0	0	0	32,281
186	OTHER CIVIL ENG SUPPORT EQUIPMENT	0	0	0	0	0	0
187	NATURAL GAS UTILIZATION EQUIPMENT	0	0	0	0	0	0
	<b>TOTAL CIVIL ENGINEERING SUPPORT EQUIPMENT</b>		<b>35,057</b>		<b>0</b>		<b>35,057</b>
	<b>SUPPLY SUPPORT EQUIPMENT</b>						
188	FORKLIFT TRUCKS	0	3,322	0	0	0	3,322
189	OTHER MATERIALS HANDLING EQUIPMENT	0	2,070	0	0	0	2,070
190	OTHER SUPPLY SUPPORT EQUIPMENT	0	0	0	0	0	0
191	FIRST DESTINATION TRANSPORTATION	0	7,488	0	0	0	7,488
192	SPECIAL PURPOSE SUPPLY SYSTEMS	0	56,273	0	0	0	56,273
	<b>TOTAL SUPPLY SUPPORT EQUIPMENT</b>		<b>69,153</b>		<b>0</b>		<b>69,153</b>
	<b>PERSONNEL AND COMMAND SUPPORT EQUIPMENT</b>						
	<b>TRAINING DEVICES</b>						
193	SUBMARINE SONAR TRAINERS	0	0	0	0	0	0
194	SURFACE COMBAT SYSTEM TRAINERS	0	0	0	0	0	0
195	SHIP SYSTEM TRAINERS	0	0	0	0	0	0
196	TRAINING SUPPORT EQUIPMENT	0	0	0	0	0	0
197	TRAINING DEVICE MODIFICATIONS	0	0	0	0	0	0
198	COMMAND SUPPORT EQUIPMENT	0	0	0	0	0	0
199	EDUCATION SUPPORT EQUIPMENT	0	0	0	0	0	0
200	MEDICAL SUPPORT EQUIPMENT	0	0	0	0	0	0
201	INTELLIGENCE SUPPORT EQUIPMENT	0	0	0	0	0	0
202	ITEMS UNDER \$2 MILLION	0	0	0	0	0	0
203	OPERATING FORCES SUPPORT EQUIPMENT	0	0	0	0	0	0
204	NAVAL RESERVE SUPPORT EQUIPMENT	0	0	0	0	0	0
205	ENVIRONMENTAL SUPPORT EQUIPMENT	0	0	0	0	0	0
206	PHYSICAL SECURITY EQUIPMENT	0	0	0	0	0	0
207	INDUSTRIAL DEPOT MAINTENANCE EQUIP	0	0	0	0	0	0
208	COMPUTER ACQUISITION PROGRAM	0	0	0	0	0	0
	OTHER	0	0	0	0	0	0

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1997		COMMITTEE		FY 1997	
		AUTHORIZATION REQUEST	COST	CHANGE FROM REQUEST	COMMITTEE RECOMMENDATION	QUANTITY	COST
209	CANCELLED ACCOUNT ADJUSTMENTS	0	0	0	0	0	0
<b>TOTAL PERSONNEL AND COMMAND SUPPORT EQUIPMENT</b>			0			0	0
	SPARES AND REPAIR PARTS	0	208,828	0	0	0	208,828
210	SPARES AND REPAIR PARTS						
<b>TOTAL SPARES AND REPAIR PARTS</b>			208,828			0	208,828
<b>TOTAL OTHER PROCUREMENT, NAVY</b>			2,714,186		157,300		2,871,486



## Items of Special Interest

*Aegis support equipment –*

The budget request contained \$30.4 million for Aegis support equipment.

The committee supports the Aegis program's ongoing effort to utilize interactive electronic technical manuals (IETMs) that store paper manuals in electronic format. The committee is aware that the Navy is investigating the possibility of hosting the IETMs on flexible wearable computers. This system allows repair technicians to perform their tasks with hands-free access to the IETM maintenance information, while affording them maximum mobility to operate in confined spaces. In order to gain at-sea experience with the combined IETM/flexible wearable computer system, the committee recommends an additional \$3.0 million to procure flexible wearable computers for deployment on Aegis ships as well as other ships that have IETMs available.

*Airborne mine countermeasures–*

The budget request contained \$13.5 million for airborne mine countermeasures.

The committee is aware of the progress and success of Magic Lantern, a helicopter-mounted laser mine detection system. Magic Lantern, as a prototype, was deployed in Desert Storm and provided unparalleled airborne mine detection and classification capability for moored and floating contact mines. Since that time Magic Lantern test results have met or exceeded specifications and demonstrated a greater probability of detection and classification, higher area coverage, and lower false alarm rate than any other mine countermeasure system. Magic Lantern is the Navy's only proven airborne laser mine detection system and the only effective counter against contact mines.

Despite an urgent requirement for effective contact mine detection, the Navy requested no funds for Magic Lantern procurement. The committee views such action as short-sighted and recommends \$25.0 million to procure three Magic Lantern systems and associated spares.

*AN/BPS-16 submarine radar—*

The budget request did not contain any funding for the AN/BPS-16 submarine radar.

The committee recommends \$16.0 million to complete the backfit of the AN/BPS-16 commercial-off-the-shelf radar into the SSN-688 Los Angeles-class submarine fleet. Installation of the AN/BPS-16 will dramatically improve the operational safety of the 688 fleet by providing a state-of-the-art, all-weather radar for navigating into and out of ports and for performing tactical operations at sea in adverse weather conditions. Moreover, additional procurement of this radar in fiscal year 1997, rather than fiscal year 1998 or later, will result in significant cost savings to the Navy by ensuring its continuous production.

*Doppler sonar velocity log—*

The budget request did not contain any funding for a Doppler Sonar Velocity Log.

The Navy has informed the committee that it has identified a need to develop a new Doppler Sonar Velocity Log for use on its next-generation attack submarines and warships. However, the committee has learned that there may be commercially-available systems that can satisfy the Navy's requirement for accuracy and shallow water performance. Therefore, the committee recommends an additional \$1.0 million to purchase and test a non-developmental doppler velocity log.

*Integrated navigation, information, and ship control system —*

The budget request did not contain any funding for integrated navigation, information, and ship control systems.

The Navy has an urgent requirement to modernize, automate, and fully integrate bridge and machinery monitoring and control systems on its cruisers and other surface ships with commercial-off-the-shelf, military-qualified systems. These systems include an Integrated Bridge System, Integrated Condition Assessment System, Damage Control System, and Standard Monitoring and Control System. The procurement and installation of these proven, demonstrated systems on surface combatant ships will offer major improvements in performance and reduce the size of the crew required to safely operate them. The committee understands that 45 to 55 positions can be eliminated from the present 370-person cruiser crew, and life cycle cost reductions of 50 percent are estimated for the systems replaced or augmented. Accordingly, the committee recommends an increase of \$32.0 million for procurement and installation of four identical integrated navigation, information, and ship control systems on CG-47 class cruisers.

*Safety and survivability items—*

The budget request did not contain any funds for safety and survivability items.

Congress provided funds in fiscal year 1996 to purchase commercial-off-the-shelf, non-developmental item (COTS/NDI) life safety items identified for priority procurement by the Navy's Office of Safety and Survivability (OSS) and the operational commands. As a result, OSS initiated the retrofit of flight data recorders (FDRs) on early model F/A-18 aircraft that do not have these crash-survivable instruments. The committee recognizes that additional funds are required to complete the F/A-18 FDR retrofit and to initiate retrofit of COTS/NDI FDRs on all Navy and Marine Corps passenger-carrying military aircraft but believes that such COTS/NDI applications provide a high return on investment. Consequently, the committee recommends \$14.2 million to support the continued retrofit of FDRs on F/A-18 and other Navy and Marine Corps aircraft lacking them, as well as to accelerate the introduction of other life safety items identified for priority procurement.

*Shipboard stabilized platform system (SSPS)*

The budget request did not contain any funds for an SSPS.

The committee understands that the Navy has not yet conducted the demonstration of a U.S. industry-developed shipboard gun system that was funded in fiscal year 1995. However, the committee notes that a fiscal year 1996 SSPS demonstration is planned, the results of which are to be available in fiscal year 1997. The committee also notes that both the U.S. Coast Guard and the Special Operations Command (SOCOM) have stated requirements for an SSPS. Consequently, the committee strongly urges the Navy, the Coast Guard, and SOCOM to select and fund production start-up in fiscal year 1998 of the non-developmental system which the planned demonstration indicates best meets their collective needs. Selection should be based on current and projected requirements for performance, survivability, and applicability to additional weapons. The selected gun mount should require no additional development funding except to accomplish service-unique tailoring.–

*Surface ship torpedo defense (SSTD) –*

The budget request contained \$5.7 million for SSTD.

The Navy informed the committee in 1995 of its restructured SSTD program, whose charter is to develop and produce a torpedo defense capability that contributes to surface ship survival. At that time, the Department stated that both the cost and the technical risk of the restructured effort had been significantly reduced. Consequently, the committee is perplexed that no funds were requested in fiscal year 1997 to move forward on this program. Accordingly, the committee recommends an additional \$12.5 million to procure torpedo defense equipment for combatant, amphibious, and auxiliary ships, including towed array sensors, torpedo alertment processors, launched expendable acoustic devices, and torpedo counter-measure transmitting sets.

*Surface tomahawk support equipment–*

The budget request contained \$75.6 million for surface Tomahawk support equipment.

The Tomahawk afloat planning system (APS) successfully underwent extensive operational test and evaluation in 1994, and production system installations have been completed on the USS Carl Vinson and the USS George Washington. The APS significantly reduces Tomahawk strike planning response times. The APS also provides the centerpiece of the Joint Service Imagery Processing System-Navy which provides deployed planners real-time capability to receive, process, analyze and exploit tactical sensor imagery.

The committee notes that the Congress has previously encouraged the Department to continue support and funding for the APS and to consider extending the APS's targeting and mission planning capabilities to other tactical command echelons. The committee is pleased with the APS program's development and production efforts, which have been on schedule, within cost, and have met or exceeded all specifications. Therefore, the committee recommends an additional \$10.0 million to support continued fielding of the APS.

*WSN-7 Ring Laser Gyro (RLG)-*

The budget request contained \$17.2 million for navigation equipment.

The committee recommends an increase of \$10.0 million for the procurement and installation of ten WSN-7 RLGs. This increase will allow the Navy to accelerate the replacement of obsolete, maintenance-intensive ship navigation systems in the surface and submarine fleets with the WSN-7 RLG ship navigator, which has been selected as the common RLG for all surface and submarine fleets. According to the Atlantic and Pacific fleet commanders, this accelerated procurement will not only improve fleet performance but also maximize cost savings to the Navy.

## PROCUREMENT, MARINE CORPS

## Overview

The budget request contained \$555.5 million for Procurement, Marine Corps in fiscal year 1997. The committee recommends authorization of \$546.7 million for fiscal year 1997.

The committee recommends approval of the request except for those programs adjusted in the following table. Unless otherwise specified, adjustments are without prejudice and based on affordability considerations.

TITLE I -- PROCUREMENT  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1987 COMMITTEE	
		REQUEST	COST	REQUEST	COST	RECOMMENDATION	COST
		QUANTITY		QUANTITY		QUANTITY	
<b>PROCUREMENT, MARINE CORPS</b>							
<b>AMMUNITION</b>							
1	5.56 MM, ALL TYPES	0	20,425	0	(20,425)	0	0
2	7.62 MM, ALL TYPES	0	6,483	0	(6,483)	0	0
3	.50 CALIBER	0	6,052	0	(6,052)	0	0
4	40 MM, ALL TYPES	0	3,210	0	(3,210)	0	0
5	60 MM HE M888	0	5,127	0	(5,127)	0	0
6	81 MM HE	0	1,731	0	(1,731)	0	0
7	81 MM SMOKE SCREEN	0	2,573	0	(2,573)	0	0
8	120MM TPCSDS-T M865	0	2,545	0	(2,545)	0	0
8a	CTG 120MM APFSDS-T M829A2	0	1,723	0	(1,723)	0	0
9	120 MM TP-T M831	0	0	0	0	0	0
9a	155MM CHG. PROP. REDBAG	0	0	0	0	0	0
9b	PROJECTILE 155MM HE DP-1CM	0	4,807	0	(4,807)	0	0
9c	FUZE, ELECTRIC TIME N289	0	2,793	0	(2,793)	0	0
10	CTG 25MM, ALL TYPES	0	686	0	(686)	0	0
11	9 MM ALL TYPES	0	9,118	0	(9,118)	0	0
12	GRENADES, ALL TYPES	0	0	0	0	0	0
13	AMMO MODERNIZATION	0	0	0	0	0	0
14	OTHER SUPPORT	0	0	0	0	0	0
14	ITEMS LESS THAN \$2 MIL	0	1,601	0	(1,601)	0	0
<b>TOTAL AMMUNITION</b>			<b>68,384</b>		<b>(68,384)</b>		<b>0</b>
<b>WEAPONS AND COMBAT VEHICLES</b>							
<b>TRACKED COMBAT VEHICLES</b>							
15	AAV7A1 PIP	0	14,003	0	0	0	14,003
16	LAV PIP	0	8,666	0	0	0	8,666
17	MODIFICATION KITS (TRKD VEH)	0	480	0	0	0	480
18	ITEMS UNDER \$2M (TRKD VEH)	0	96	0	0	0	96
<b>ARTILLERY AND OTHER WEAPONS</b>							
19	MOD KITS (ARTILLERY)	0	1,114	0	0	0	1,114
20	ITEMS UNDER \$2M (ALL OTHER)	0	122	0	0	0	122
<b>TOTAL WEAPONS AND COMBAT VEHICLES</b>			<b>24,481</b>		<b>0</b>		<b>24,481</b>
<b>GUIDED MISSILES AND EQUIPMENT</b>							
<b>GUIDED MISSILES</b>							
21	HAWK MOD	0	2,760	0	0	0	2,760
22	AAWS-MEDIUM	148	28,214	120	20,000	268	48,214

**TITLE I - PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1997 COMMITTEE	
		QUANTITY	COST	QUANTITY	COST	RECOMMENDATION QUANTITY	COST
23	PEDESTAL MOUNTED STINGER (PMS) (MYP) OTHER SUPPORT	0	10,562	0	0	0	10,562
24	MODIFICATION KITS	0	1,808	0	0	0	1,808
25	ITEMS LESS THAN \$2 MILLION	0	96	0	0	0	96
<b>TOTAL GUIDED MISSILES AND EQUIPMENT</b>			<b>43,460</b>		<b>20,000</b>		<b>63,460</b>
<b>COMMUNICATIONS AND ELECTRONICS EQUIPMENT</b>							
26	MANPACK RADIOS	0	0	0	0	0	0
27	VEHICLE MOUNTED RADIOS AND EQUIPMENT	0	0	0	0	0	0
28	TSC-86 PIP FLEET SATCOM TERMINAL	0	0	0	0	0	0
29	TELEPHONE AND TELETYPE EQUIPMENT	0	0	0	0	0	0
30	JOINT TACT INFO DIST SYS (CL 1)	0	0	0	0	0	0
31	REPAIR AND TEST EQUIPMENT	0	12,174	0	0	0	12,174
32	AUTO TEST EQUIP SYS	0	8,559	0	0	0	8,559
33	ELECTRONIC TEST EQUIP (TEL)	0	0	0	0	0	0
34	OTHER COMMELEC EQUIPMENT	0	0	0	0	0	0
35	SINGLE CHAN GRD & AIR RADIO	0	0	0	0	0	0
36	OTHER SUPPORT (TEL)	0	0	0	0	0	0
37	MODIFICATION KITS (TEL)	0	0	0	0	0	0
38	ITEMS LESS THAN \$2M (TEL)	0	0	0	0	0	0
39	COMMAND AND CONTROL SYSTEM (NON-TEL)	0	0	0	0	0	0
40	POS LOCATING RPTG SYSTEM (PLRS)	0	0	0	0	0	0
41	TACTICAL AIR OPER MODULE (TAOM)	0	0	0	0	0	0
42	ADVANCED TACT AIR COMMAND CENTER	0	0	0	0	0	0
43	MARINE TACTICAL C2	0	0	0	0	0	0
44	MULTI-SERV ADF FIELD ART TACTICAL DATA SYS	0	0	0	0	0	0
45	TACTICAL COMBAT OPERATIONS SYS	0	0	0	0	0	0
46	INTELL/COMM EQUIPMENT (NON-TEL)	0	30,360	0	0	0	34,160
47	ANITPO-36 FIRE FINDER RADAR UPGRADE	0	0	0	0	0	0
48	METEOROLOGICAL SYSTEMS	0	26,372	0	0	0	32,172
49	INTELLIGENCE SUPPORT EQUIPMENT	0	11,955	0	1,125	0	13,080
50	MOD KITS (INTEL)	0	0	0	0	0	0
51	ITEMS LESS THAN \$2M (INTELL)	0	0	0	0	0	0
52	REPAIR AND TEST EQUIPMENT (NON-TEL)	0	0	0	0	0	0
53	ELECTRONIC TMDE REPAIR FACILITY	0	3,028	0	0	0	3,028
54	MECH TEST TMDE	0	0	0	0	0	0
55	OTHER COMMELEC EQUIPMENT (NON-TEL)	0	17,182	0	0	0	17,182

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1987 COMMITTEE	
		QUANTITY	COST	QUANTITY	COST	RECOMMENDATION QUANTITY	COST
48	ADP EQUIPMENT	0	0	0	0	0	0
	OTHER SUPPORT (NON-TEL)						
49	COMMAND POST SYSTEMS	0	11,402	0	0	0	11,402
50	MAN/VEH C2 SYSTEMS	0	7,592	0	0	0	7,592
51	RADIO SYSTEMS	0	52,862	0	0	0	52,862
52	COMM SWITCHING & CONTROL SYSTEMS	0	16,922	0	0	0	16,922
53	TELE/COMM INFRASTRUCTURE TECH SUPP	0	53,616	0	18,800	0	72,416
54	MOD KITS MAGTF C41	0	43,418	0	0	0	43,418
55	ITEMS < \$2M MAGTF C41	0	301	0	0	0	301
56	MODIFICATION KITS (OTHER)	0	4,053	0	0	0	4,053
57	ITEMS < \$2M (OTHER)	0	2,577	0	0	0	2,577
58	AIR OPERATIONS C2 SYSTEMS	0	5,305	0	0	0	5,305
59	MARINE ENHANCEMENT PROGRAM	0	7,685	0	0	0	7,685
60	TEST CALIB & MAINT SPT	0	0	0	0	0	0
61	MODIFICATION KITS (MONTEL)	0	0	0	0	0	0
62	ITEMS LESS THAN \$2M (MONTEL)	0	0	0	0	0	0
	<b>TOTAL COMMUNICATIONS AND ELECTRONICS EQUIPMENT</b>		<b>316,393</b>		<b>29,525</b>		<b>344,918</b>
	SUPPORT VEHICLES						
	ADMINISTRATIVE VEHICLES						
63	COMMERCIAL PASSENGER VEHICLES	88	1,910	0	0	88	1,910
64	COMMERCIAL CARGO VEHICLES	0	7,687	0	0	0	7,687
65	TACTICAL VEHICLES	0	0	0	0	0	0
66	LOGISTICS VEHICLE SYSTEM	0	2,426	0	0	0	2,426
	TRAILERS						
	OTHER SUPPORT						
67	MODIFICATION KITS	0	1,503	0	0	0	1,503
68	ITEMS LESS THAN \$2 MIL	0	446	0	0	0	446
	<b>TOTAL SUPPORT VEHICLES</b>		<b>13,972</b>		<b>0</b>		<b>13,972</b>
	ENGINEER AND OTHER EQUIPMENT						
	ENVIRONMENTAL CONTROL EQUIP ASSORT						
69	ENGINEER AND OTHER EQUIPMENT	0	2,150	0	0	0	2,150
70	POWER EQUIPMENT ASSORTED	0	8,477	0	0	0	8,477
	MATERIALS HANDLING EQUIPMENT						
71	COMMAND SUPPORT EQUIPMENT	0	0	0	0	0	0
72	AMPHIBIOUS RAID EQUIPMENT	0	277	0	0	0	277
73	PHYSICAL SECURITY EQUIPMENT	0	5,985	0	0	0	5,985
74	GARRISON MOBILE ENGR EQUIP	0	5,134	0	0	0	5,134

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987		COMMITTEE		FY 1987	
		AUTHORIZATION --- QUANTITY --- --- REQUEST --- --- COST ---	CHANGE FROM --- QUANTITY --- --- REQUEST --- --- COST ---	COMMITTEE RECOMMENDATION --- QUANTITY --- --- COST ---	COMMITTEE RECOMMENDATION --- QUANTITY --- --- COST ---		
75	TELEPHONE SYSTEM	0	0	0	0	0	0
76	WAREHOUSE MODERNIZATION	0	0	0	0	0	0
77	MATERIAL HANDLING EQUIP	0	3,067	0	0	0	3,067
78	FIRST DESTINATION TRANSPORTATION	0	1,343	0	0	0	1,343
79	GENERAL PROPERTY	0	0	0	0	0	0
80	FIELD MEDICAL EQUIPMENT	0	10,846	0	0	0	10,846
81	TRAINING DEVICES	0	7,134	0	0	0	7,134
82	CONTAINER FAMILY	0	0	0	0	0	0
83	OTHER SUPPORT	0	0	0	0	0	0
84	MODIFICATION KITS	0	1,063	0	0	0	1,063
	ITEMS LESS THAN \$2 MIL	0	1,157	0	0	0	1,157
	DRUG INTERDICTION	0	0	0	0	0	0
	<b>TOTAL ENGINEER AND OTHER EQUIPMENT</b>		<b>48,883</b>		<b>10,800</b>		<b>57,283</b>
85	SPARES AND REPAIR PARTS	0	42,667	0	0	0	42,667
86	SPARES AND REPAIR PARTS	0	(9)	0	0	0	(9)
	<b>TOTAL SPARES AND REPAIR PARTS</b>		<b>42,658</b>		<b>0</b>		<b>42,658</b>
	<b>TOTAL PROCUREMENT, MARINE CORPS</b>		<b>885,867</b>		<b>(8,756)</b>		<b>848,748</b>



## Items of Special Interest

*AN/TPQ-36 firefinder radar upgrade*

The budget request contained \$30.4 million to upgrade the AN/TPQ-36 Firefinder radar sets.

The committee understands that, due to the non-standard configuration of these radar sets in Marine units, the program to upgrade all Firefinders is currently underfunded. Therefore, the committee recommends \$34.2 million, an increase of \$3.8 million, to fully fund this upgrade.

*Javelin*

The budget request contained \$28.2 million to procure 148 Javelin antitank missiles and 48 command launch units (CLUs).

As noted elsewhere in this report, the Javelin will be procured jointly by the Army and Marine Corps to replace the Dragon, which is no longer capable of defeating current armor threats. Although both the Army and Marine Corps have urgent requirements to field the Javelin, the committee understands that combined procurement quantities do not support cost efficient production rates of the missile. The committee therefore recommends \$48.2 million, an increase of \$20.0 million, to procure an additional 120 missiles and 16 CLUs.

*Training devices*

The budget request did not contain any funds for procurement of the Multiple Integrated Laser Engagement System (MILES) 2000.

The committee understands that the Marine Corps has a requirement for 10 battalion sets of MILES 2000 training devices and plans to begin procurement of these aids in fiscal year 1998. To accelerate procurement of these systems, the committee recommends \$10.6 million to fund the first two battalion sets.

## AIRCRAFT PROCUREMENT, AIR FORCE

## Overview

The budget request contained \$5,779.2 million for Aircraft Procurement, Air Force in fiscal year 1997. The committee recommends authorization of \$7,271.9 million for fiscal year 1997.

The committee recommends approval of the request except for those programs adjusted in the following table. Unless otherwise specified, adjustments are without prejudice and based on affordability considerations.

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987		COMMITTEE		FY 1987	
		AUTHORIZATION QUANTITY	COST	CHANGE FROM REQUEST	QUANTITY	COMMITTEE RECOMMENDATION	COST
<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>							
<b>COMBAT AIRCRAFT</b>							
<b>STRATEGIC OFFENSIVE</b>							
1	B-1B (MYP)	0	16,597	0	0	0	16,597
2	B-2A (MYP)	0	105,069	0	0	0	105,069
3	ADVANCE PROCUREMENT (CY) TACTICAL FORCES	0	0	0	0	0	0
4	ADVANCED TACTICAL FIGHTER	0	0	0	0	0	0
5	F-15A	4	185,442	2	71,100	6	256,542
6	ADVANCE PROCUREMENT (CY)	0	0	0	48,800	0	48,800
7	F-16 C/D (MYP)	4	105,500	2	49,400	6	154,900
7a	ADVANCE PROCUREMENT (CY)	0	0	0	10,000	0	10,000
8	CBU-89 GATOR INERT	0	0	0	0	0	0
<b>TOTAL COMBAT AIRCRAFT</b>			<b>412,528</b>		<b>179,300</b>		<b>661,928</b>
<b>AIRLIFT AIRCRAFT</b>							
<b>TACTICAL AIRLIFT</b>							
9	C-17 (MYP)	8	2,171,105	2	380,000	10	2,551,105
9	LESS: ADVANCE PROCUREMENT (PY)	0	(251,800)	0	0	0	(251,800)
10	ADVANCE PROCUREMENT (CY) OTHER AIRLIFT	0	223,500	0	0	0	223,500
11	C-130H	0	0	0	0	0	0
12	C-130J	1	62,890	0	0	1	62,890
13	WC-130	0	0	4	209,200	4	209,200
13a	ABC/C	0	0	3	156,900	3	156,900
<b>TOTAL AIRLIFT AIRCRAFT</b>			<b>2,203,695</b>		<b>746,100</b>		<b>2,861,795</b>
<b>TRAINER AIRCRAFT</b>							
<b>OPERATIONAL TRAINERS</b>							
14	JPATS	12	67,135	3	15,100	15	82,235
15	TANKER, TRANSPORT, TRAINER SYSTEM	0	4,454	0	0	0	4,454
<b>TOTAL TRAINER AIRCRAFT</b>			<b>71,589</b>		<b>15,100</b>		<b>86,689</b>
<b>OTHER AIRCRAFT</b>							
<b>HELICOPTERS</b>							
16	HH-60G	8	107,900	0	0	8	107,900
<b>MISSION SUPPORT AIRCRAFT</b>							

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987		COMMITTEE		FY 1987	
		AUTHORIZATION REQUEST	COST	CHANGE FROM REQUEST	COMMITTEE RECOMMENDATION		
		QUANTITY	COST	QUANTITY	COST	QUANTITY	COST
17	CIVIL AIR PATROL AC	27	2,611	0	0	27	2,611
18	C-20A	2	113,605	0	0	2	113,605
18a	C-21 REPLACEMENT AIRCRAFT	0	0	0	32,000	0	32,000
19	DRUG INTERDICTION OTHER AIRCRAFT	0	0	0	0	0	0
20	E-9B	2	537,824	1	225,000	3	762,824
20	LESS: ADVANCE PROCUREMENT (PY)	0	(120,040)	0	0	0	(120,040)
21	ADVANCE PROCUREMENT (CY)	0	111,116	0	0	0	111,116
	<b>TOTAL OTHER AIRCRAFT</b>		<b>763,216</b>		<b>257,000</b>		<b>1,010,216</b>
<b>MODIFICATION OF INSERVICE AIRCRAFT</b>							
<b>STRATEGIC AIRCRAFT</b>							
22	B-2A	0	6,106	0	0	0	6,106
23	B-1B	0	84,406	0	72,000	0	156,406
24	B-52	0	6,762	0	11,500	0	20,262
25	F-117	0	29,236	0	0	0	29,236
<b>TACTICAL AIRCRAFT</b>							
26	A-10	0	35,857	0	0	0	35,857
27	F/R/F-4	0	130	0	0	0	130
28	F-15	0	179,318	0	0	0	179,318
29	F-16	0	135,906	0	0	0	135,906
29a	F-16DTS	0	0	0	3,000	0	3,000
30	EF-111	0	862	0	0	0	862
31	F-111	0	0	0	0	0	0
32	T/AI-37	0	96	0	0	0	96
<b>AIRLIFT AIRCRAFT</b>							
33	C-5	0	54,821	0	0	0	54,821
34	C-9	0	4,091	0	0	0	4,091
35	C-17A	0	41,973	0	0	0	41,973
36	C-21	0	4,936	0	0	0	4,936
37	C-22	0	375	0	0	0	375
38	C-STOL	0	773	0	0	0	773
39	C-137	0	1,118	0	0	0	1,118
40	C-141	0	52,372	0	0	0	52,372
<b>TRAINER AIRCRAFT</b>							
41	T-1	0	7,330	0	0	0	7,330
42	T-3 (EFS) AIRCRAFT	0	148	0	0	0	148
43	T-38	0	9,358	0	0	0	9,358
44	T-41 AIRCRAFT	0	24	0	0	0	24

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1997 COMMITTEE	
		QUANTITY	COST	QUANTITY	REQUEST	QUANTITY	RECOMMENDATION
45	T-43	0	1,059	0	0	0	1,059
	OTHER AIRCRAFT						
46	KC-10A (ATCA)	0	13,228	0	0	0	13,228
47	C-12	0	1,825	0	0	0	1,825
48	C-18	0	1,063	0	0	0	1,063
49	C-20 MODS	0	1,911	0	0	0	1,911
50	VC-25A MOD	0	1,839	0	0	0	1,839
51	C-130	0	96,353	0	(2,600)	0	93,753
52	C-135	0	137,062	0	0	0	137,062
53	E-3	0	287,920	0	74,000	0	361,920
54	E-4	0	1,010	0	0	0	1,010
55	H-1	0	5,410	0	0	0	5,410
56	H-60	0	5,987	0	0	0	5,987
57	OTHER AIRCRAFT	0	14,871	0	0	0	14,871
	OTHER MODIFICATIONS						
58	CLASSIFIED PROJECTS	0	3,000	0	0	0	3,000
	CIVIL RESERVE AIRLIFT FLEET (CRAF)						
59	DARP	0	66,186	0	210,300	0	276,486
	<b>TOTAL MODIFICATION OF INSERVICE AIRCRAFT</b>		<b>1,296,864</b>		<b>368,200</b>		<b>1,665,064</b>
	AIRCRAFT SPARES AND REPAIR PARTS						
60	AIRCRAFT SPARES + REPAIR PARTS	0	314,745	0	0	0	314,745
	SPARES AND REPAIR PARTS						
	<b>TOTAL SPARES &amp; REPAIR PARTS</b>		<b>314,745</b>		<b>0</b>		<b>314,745</b>
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIE						
	COMMON AGE						
61	COMMON AGE	0	176,422	0	0	0	176,422
	POST PRODUCTION SUPPORT						
62	F-15 POST PRODUCTION SUPPORT	0	11,080	0	0	0	11,080
63	F-16 POST PRODUCTION SUPPORT	0	81,562	0	0	0	81,562
	INDUSTRIAL PREPAREDNESS						
64	AIRCRAFT INDUSTRIAL BASE SUPPORT	0	33,144	0	0	0	33,144
65	ENHANCED BOMBER CAPABILITY	0	0	0	0	0	0
	WAR CONSUMABLES						
66	WAR CONSUMABLES	0	56,286	0	0	0	56,286
	OTHER PRODUCTION CHARGES						
67	MISC PRODUCTION CHARGES	0	210,654	0	(28,000)	0	182,654

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1997 COMMITTEE	
		QUANTITY	COST	QUANTITY	REQUEST	RECOMMENDATION	COST
68	COMMON ECM EQUIPMENT	0	4,571	0	0	0	4,571
69	OTHER PRODUCTION CHARGES - SOF	0	0	0	0	0	0
70	CANCELLED ACCOUNT PY ADJUSTMENTS DARP	0	150,742	0	(45,000)	0	105,742
<b>TOTAL AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES</b>			<b>724,471</b>		<b>(73,000)</b>		<b>651,471</b>
<b>TOTAL AIRCRAFT PROCUREMENT, AIR FORCE</b>			<b>5,776,328</b>		<b>1,482,700</b>		<b>7,259,028</b>

## Items of Special Interest

*B-1B conventional mission upgrade program*

The budget request contained \$84.4 million for B-1B modifications.

The committee is pleased with the improvements in mission capable rates of the B-1B fleet. However, the committee is discouraged by the slow pace of the effort to integrate conventional precision guided munitions (PGM) with the B-1B. Although additional funding was provided in fiscal year 1996 to accelerate arming of the B-1B with the Joint Direct Attack Munition (JDAM) and other PGM capabilities, the committee is not aware of any significant progress toward this objective. Consequently, the committee urges the Air Force to accelerate PGM integration with the B-1B and recommends an increase of \$15.0 million for this purpose. Elsewhere in this report, the committee has also addressed this concern by accelerating production of the Sensor Fuzed Weapon (SFW) and the JDAM in order to provide increased quantities of PGMs for the bomber force.

The committee understands that the Air Force is currently modifying existing conventional bomb modules (CBM) to carry SFW and other conventional submunitions dispensers. The committee supports the CBM modification and recommends an increase of \$57.0 million to procure enough CBMs to equip two B-1B squadrons with SFW capability.

*C-17*

The budget request contained \$1,919.3 million for procurement of eight C-17 aircraft.

The committee commends the Department's continued emphasis on strategic airlift, is pleased with the current progress of the C-17 program in reducing costs and maintaining timely aircraft deliveries, and is supportive of the decision to procure an all-C-17 fleet to fulfill the Department's strategic airlift requirements.

However, the committee understands that the C-17 budget request was prematurely reduced, based on the assumption that the committee would authorize the Administration's unprecedented request for a seven-year multiyear procurement of 80 C-17s. While the committee strongly supports modernization of the strategic airlift fleet, it is disturbed by the unorthodox approach taken by the Administration in requesting authority to begin the largest and longest multiyear procurement in defense acquisition history as an attachment to a small supplemental appropriations request rather than await completion of the normal defense authorization and appropriations process.

The committee is aware of an alternative multiyear option which saves at least \$300 million more than the Administration's proposal and completes the C-17 program one year sooner. Such earlier completion not only enables faster fielding of the aircraft to redress serious airlift deficiencies, but also avoids the C-17 having to compete for procurement funds at the same time the F-22 fighter is scheduled to begin full-rate production. Therefore, the committee recommends a legislative provision (sec. 142) authorizing a six-year multiyear procurement of 80 C-17 aircraft. The committee

also recommends an increase of \$380.0 million to procure two additional aircraft in fiscal year 1997 and to provide sufficient advance procurement funding for 12 aircraft in fiscal year 1998. The committee directs the Secretary of Defense to provide a report to the congressional defense committees by February 1, 1997, specifying the actions necessary to achieve savings of at least \$300 million greater than the amount offered in the Administration's seven-year proposal.

*Digital terrain system*

The budget request did not contain any funds for the F-16 digital terrain system (DTS).

The committee notes that although the Air Force has procured over 100 DTSs, approximately fifty have been leased to U.S. allies and the remainder put in storage. The committee is concerned that the Air Force has no plan to utilize this system on its own aircraft.

The committee recommends \$3.0 million to procure additional DTSs and directs the Secretary of the Air Force to provide a report to the congressional defense committees by December 31, 1996, which provides a utilization plan for this system.

*E-3 airborne warning and control systems (AWACS)*

The budget request contained \$287.9 million for modifications to the E-3 AWACS aircraft and to ensure operational effectiveness of the 32-aircraft fleet.

The committee notes that TF-33 engine failures currently account for unacceptably large numbers of AWACS mission aborts, but the budget request contained no funds for reengining efforts to address this problem. Therefore, the committee recommends \$361.9 million for AWACS modifications, an increase of \$74.0 million, to begin procurement of replacement engine kits.

*E-8C Joint surveillance and target attack radar system (JSTARS)*

The budget request contained \$417.8 million to procure two E-8C JSTARS aircraft and \$111.1 million advance procurement for two aircraft in fiscal year 1998.

The committee notes the successful deployment of JSTARS to Bosnia and the strong endorsements provided by theater commanders in support of accelerating the procurement of these aircraft. Consequently, the committee recommends \$642.8 million, an increase of \$225.0 million, to procure an additional JSTARS aircraft.

*F-15E*

The budget request contained \$185.4 million to procure four F-15E aircraft.

The committee commends the Air Force for continuing F-15E procurement, which was re-initiated by the committee in fiscal year 1996. The committee notes that, although the Air Force has a stated requirement for 12 more aircraft to replace attrition losses, only four were requested due to budget constraints. Consistent with its actions last year, the committee recommends \$305.3 million, an increase of \$119.9 million, to procure two additional aircraft and fund advance procurement for the six aircraft remaining to be procured in fiscal year 1998. The committee recommends a legislative provi-

sion (sec. 141) that would modify current law to permit this procurement.

#### *F-16 C/D*

The budget request included \$105.5 million to procure four F-16 C/D aircraft.

The committee commends the Air Force for funding additional F-16s in fiscal year 1997, thereby continuing the committee's fiscal year 1996 initiative to restart F-16 procurement. The committee recommends \$164.9 million, an increase of \$59.4 million, to procure six aircraft in fiscal year 1997 and provide advance procurement for six more aircraft in fiscal year 1998.

#### *Joint primary aircraft training system (JPATS)*

The budget request contained \$67.1 million to procure 12 JPATS aircraft.

The committee notes that procurement of these aircraft has suffered lengthy delays due to contract award protests. In order to recover months of fielding schedule time lost because of these delays, the committee recommends \$82.2 million, an increase of \$15.1 million, to procure three additional aircraft. Further, the committee directs the Secretary of the Air Force to obligate funds appropriated for JPATS prior to fiscal year 1997 to procure three additional aircraft in fiscal year 1996.

#### *Pacer Coin*

The budget request contained \$2.6 million for the C-130 PACER COIN special mission aircraft.

The committee notes that the Department has been directed to determine if the PACER COIN aircraft could be configured to perform both intelligence and airdrop missions. Preliminary indications available to the committee indicate that modifications which would result in a multi-mission aircraft are not only possible but cost-effective as well. However, the budget request did not include any funds for such modifications. Accordingly, the committee denies the request for PACER COIN-unique mission support equipment.

#### *RC-135*

The budget request contained \$66.2 million for support of the RC-135 fleet.

The committee notes the increased emphasis placed on this intelligence collection asset and supports continuing the effort initiated by Congress last year to enhance existing RC-135s and augment the fleet with additional aircraft. The committee understands that the theater commanders-in-chief have a high priority requirement for two additional RC-135s and that this requirement has been validated by the Joint Requirements Oversight Council. To address this requirement, the committee recommends an increase of \$39.3 million to accelerate the procurement of an additional aircraft. To continue the ongoing reengining effort, the committee also recommends an increase of \$145.0 million to reengine six aircraft.



## AMMUNITION PROCUREMENT, AIR FORCE

## Overview

The budget request did not contain any funds for Ammunition Procurement, Air Force in fiscal year 1997. The committee recommends authorization of \$303.9 million for fiscal year 1997 as reflected in the following table.

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987		FY 1987		COMMITTEE		COMMITTEE	
		AUTHORIZATION REQUEST	COST	CHANGE FROM REQUEST	COST	RECOMMENDATION	COST		
		QUANTITY		QUANTITY		QUANTITY		QUANTITY	
	PROCUREMENT OF AMMUNITION, AIR FORCE								
	PROCUREMENT OF AMMO, AIR FORCE								
	PROC AMMO, AF								
1	2.75 INCH ROCKET MOTOR	0	0	25,392	10,126	25,392	10,126	25,392	10,126
2	2.75" ROCKET HEAD SIGNATURE	0	0	25,360	1,795	25,360	1,795	25,360	1,795
3	ITEMS LESS THAN \$2,000,000	0	0	0	50	0	50	0	50
	CARTRIDGE CHAFF RR-180								
4	5.56 MM	0	0	18,951	7,653	18,951	7,653	18,951	7,653
5	20MM TRAINING	0	0	435	2,404	435	2,404	435	2,404
6	30 MM TRAINING	0	0	399	3,160	399	3,160	399	3,160
7	CARTRIDGE CHAFF RR-180	0	0	0	0	0	0	0	0
8	CARTRIDGE CHAFF RR-188	0	0	507	1,191	507	1,191	507	1,191
9	SIGNAL MK-4 MOD 3	0	0	0	0	0	0	0	0
10	ITEMS LESS THAN \$2,000,000	0	0	0	4,524	0	4,524	0	4,524
	TIMER ACTUATOR FIN FUZE								
11	MK-52 INERT/BDU-50	0	0	12,750	6,430	12,750	6,430	12,750	6,430
12	TIMER ACTUATOR FIN FUZE	0	0	0	0	0	0	0	0
13	GBU-15	0	0	0	0	0	0	0	0
13a	GBU-28 HARD TARGET PENETRATOR	0	0	261	30,417	261	30,417	261	30,417
14	BOMB PRACTICE 25 POUND	0	0	200,000	2,978	200,000	2,978	200,000	2,978
15	MK-84 BOMB-EMPTY	0	0	1,500	3,594	1,500	3,594	1,500	3,594
16	SENSOR FUZED WEAPON	0	0	500	152,746	500	152,746	500	152,746
16a	TTU-373A DIGITAL TEST SET	0	0	0	5,050	0	5,050	0	5,050
17	CBU-87(COMBINED EFFECTS MUNITIONS)	0	0	13	0	13	0	13	0
18	CBU-88 GATOR INERT	0	0	0	0	0	0	0	0
19	ITEMS LESS THAN \$2,000,000	0	0	0	50	0	50	0	50
	ITEMS LESS THAN \$2,000,000								
	TARGETS								
20	ITEMS LESS THAN \$2,000,000	0	0	0	50	0	50	0	50
	FLARE IR MJU-7B								
21	FLARE IR MJU-7B	0	0	878,340	20,018	878,340	20,018	878,340	20,018
22	PARACHUTE FLARE LULU-2 B/B	0	0	0	0	0	0	0	0
23	MJU-23 FLARE	0	0	0	0	0	0	0	0
24	MJU-10B	0	0	209,472	12,730	209,472	12,730	209,472	12,730
25	M-206 CARTRIDGE FLARE	0	0	1,020,000	12,791	1,020,000	12,791	1,020,000	12,791
26	INITIAL SPARES	0	0	0	25	0	25	0	25
27	REPLENISHMENT SPARES	0	0	0	2,201	0	2,201	0	2,201
28	MODIFICATIONS	0	0	0	650	0	650	0	650
29	ITEMS LESS THAN \$2,000,000	0	0	0	3,544	0	3,544	0	3,544
	FUZES								

**TITLE I - PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION		COMMITTEE CHANGE FROM REQUEST		FY 1997 COMMITTEE RECOMMENDATION	
		QUANTITY	COST	QUANTITY	COST	QUANTITY	COST
	FMU-139 FUZE	0	0	0	0	0	0
30	FMU-139 FUZE						
30a	JOINT PROGRAMMABLE FUZE (JPF)	0	0	324	4,125	324	4,125
31	ITEMS LESS THAN \$2,000,000	0	0	0	0	0	0
	MUNITIONS UNDISTRIBUTED						
32	M-16 A2 RIFLE	0	0	0	15,524	0	15,524
32a	9MM COMPACT PISTOL			131	73	131	73
	<b>TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE</b>		<b>0</b>		<b>303,899</b>		<b>303,899</b>
	<b>TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE</b>		<b>0</b>		<b>303,899</b>		<b>303,899</b>

## MISSILE PROCUREMENT, AIR FORCE

## Overview

The budget request contained \$2,733.9 million for Missile Procurement, Air Force in fiscal year 1997. The committee recommends authorization of \$4,341.2 million for fiscal year 1997.

The committee recommends approval of the request except for those programs adjusted in the following table. Unless otherwise specified, adjustments are without prejudice and based on affordability considerations.

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION		FY 1997 COMMITTEE CHANGE FROM		FY 1997 COMMITTEE RECOMMENDATION		
		QUANTITY	COST	QUANTITY	COST	QUANTITY	COST	
<b>MISSILE PROCUREMENT, AIR FORCE</b>								
<b>BALLISTIC MISSILES</b>								
<b>MISSILE REPLACEMENT EQUIPMENT - BALLISTIC</b>								
1	MISSILE REPLACEMENT EQ-BALLISTIC	0	8,300	0	3,400	0	11,700	
<b>TOTAL BALLISTIC MISSILES</b>			<b>8,300</b>		<b>3,400</b>		<b>11,700</b>	
<b>OTHER MISSILES</b>								
<b>STRATEGIC</b>								
2	HAVE NAP	0	0	50	39,000	50	39,000	
3	ADVANCED CRUISE MISSILE	0	1,236	0	0	0	1,236	
<b>TACTICAL</b>								
4	GPS AIDED MUNITION	0	0	0	0	0	0	
5	JOINT DIRECT ATTACK MUNITION	937	23,010	3,000	50,000	3,937	73,010	
6	JOINT STANDOFF WEAPON	0	8,033	0	0	0	8,033	
7	AMRAAM	133	116,239	67	23,500	200	139,739	
8	AGM-130 POWERED GBU-15	0	0	250	95,000	250	95,000	
8a	AGM-165 G MAVERICK	0	0	425	34,000	425	34,000	
<b>TARGET DRONES</b>								
9	TARGET DRONES	88	38,040	0	0	88	38,040	
<b>INDUSTRIAL FACILITIES</b>								
10	NONE	0	5,198	0	0	0	5,198	
<b>MISSILE REPLACEMENT EQUIPMENT - OTHER</b>								
11	MISSILE REPLACEMENT EQ-OTHER	0	149	0	0	0	149	
<b>TOTAL OTHER MISSILES</b>			<b>191,885</b>		<b>241,500</b>		<b>433,485</b>	
<b>MODIFICATION OF INSERVICE MISSILES</b>								
<b>CLASS IV</b>								
12	CONVENTIONAL ALCM	0	0	100	15,000	100	15,000	
13	AIM-9 SIDEWINDER	0	9,451	0	0	0	9,451	
14	MM III MODIFICATIONS	0	72,752	0	5,300	0	78,052	
15	AGM-88A HARM	0	0	0	0	0	0	
16	MODIFICATIONS UNDER \$2.0M	0	128	0	0	0	128	
<b>TOTAL MODIFICATION OF INSERVICE MISSILES</b>			<b>82,331</b>		<b>20,300</b>		<b>102,631</b>	
<b>SPARES AND REPAIR PARTS</b>								
<b>MISSILE SPARES + REPAIR PARTS</b>								
17	SPARES AND REPAIR PARTS	0	44,590	0	300	0	44,890	

**TITLE I - PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1987 COMMITTEE	
		QUANTITY	COST	REQUEST	REQUST	RECOMMENDATION	COST
<b>TOTAL SPARES AND REPAIR PARTS</b>			44,880		300		44,880
OTHER SUPPORT							
18	SPACE PROGRAMS						
19	CANCELLED ACCOUNT	0	0	0	0	0	0
20	SPACEBORNE EQUIP (COMSEC)	0	0	0	0	0	0
20	GLOBAL POSITIONING (MYP) SPACE	3	197,693	0	0	3	197,693
21	LESS: ADVANCE PROCUREMENT (PY)	0	(26,558)	0	0	0	(26,558)
21	ADVANCE PROCUREMENT (CY)	0	27,501	0	0	0	27,501
23	IONDS (MYP) SPACE	0	4,112	0	0	0	4,112
23	SPACE SHUTTLE OPERATIONS SPACE	0	52,500	0	0	0	52,500
24	LESS: ADVANCE PROCUREMENT (PY)	0	0	0	0	0	0
25	SPACE BOOSTERS SPACE	0	488,606	0	(79,800)	0	408,806
25	MEDIUM LAUNCH VEHICLE SPACE	3	166,556	0	(4,000)	3	162,556
26	LESS: ADVANCE PROCUREMENT (PY)	0	(31,195)	0	0	0	(31,195)
27	ADVANCE PROCUREMENT (CY)	0	40,238	0	(9,700)	0	30,538
28	DEF METEOROLOGICAL SAT PROG SPACE	0	27,885	0	0	0	27,885
29	DEFENSE SUPPORT PROGRAM (MYP) SPACE	0	70,967	0	0	0	70,967
30	DEFENSE SATELLITE COMM SYSTEM SPACE	0	22,729	0	0	0	22,729
30	ADVANCE PROCUREMENT (CY)	0	4,200	0	0	0	4,200
31	SPECIAL PROGRAMS	0	13,990	0	0	0	13,990
32	SPACEBORNE EQUIP (COMSEC)	0	0	0	0	0	0
33	IONDS (MYP) SPACE	0	0	0	0	0	0
33	LESS: ADVANCE PROCUREMENT (PY)	0	0	0	0	0	0
34	ADVANCE PROCUREMENT (CY)	0	0	0	0	0	0
35	SPECIAL UPDATE PROGRAMS	0	301,368	0	(194,400)	0	106,968
		0	774,800	0	1,900,000	0	2,674,800
<b>TOTAL OTHER SUPPORT</b>			2,138,392		1,612,100		3,748,482
MUNITIONS & RELATED EQUIPMENT							
36	ROCKETS & LAUNCHERS						
37	2.75 INCH ROCKET MOTOR	25,392	10,126	(25,392)	(10,126)	0	0
38	2.75" ROCKET HEAD SIGNATURE	25,360	1,765	(25,360)	(1,765)	0	0
	ITEMS LESS THAN \$2,000,000	0	50	0	(50)	0	0
39	CARTRIDGES	18,951	7,653	(18,951)	(7,653)	0	0
40	5.56 MM	435	2,404	(435)	(2,404)	0	0
41	20MM TRAINING	399	3,160	(399)	(3,160)	0	0
42	30 MM TRAINING						

TITLE I -- PROCUREMENT  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1987 COMMITTEE	
		QUANTITY	COST	QUANTITY	COST	RECOMMENDATION	COST
43	CARTRIDGE CHAFF RR-188 ITEMS LESS THAN \$2,000,000	507	1,191	(507)	(1,191)	0	0
44	BOMBS	0	4,524	0	(4,524)	0	0
45	MK-82 INERT/BDU-50	12,750	6,430	(12,750)	(6,430)	0	0
46	GBU-28 HARD TARGET PENETRATOR	161	18,417	(161)	(18,417)	0	0
47	BOMB PRACTICE 25 POUND	200,000	2,978	(200,000)	(2,978)	0	0
48	MK-84 BOMB EMPTY	1,500	3,594	(1,500)	(3,594)	0	0
49	SENSOR FUZED WEAPON	400	131,146	(400)	(131,146)	0	0
50	TTU-373A DIGITAL TEST SET ITEMS LESS THAN \$2,000,000	13	5,060	(13)	(5,060)	0	0
51	TARGETS	0	50	0	(50)	0	0
52	OTHER ITEMS	0	50	0	(50)	0	0
53	FLARE IR MJU-7B	878,340	20,018	(878,340)	(20,018)	0	0
54	MJU-108	208,472	12,730	(208,472)	(12,730)	0	0
55	M-206 CARTRIDGE FLARE	1,020,000	12,791	(1,020,000)	(12,791)	0	0
56	INITIAL SPARES	0	25	0	(25)	0	0
57	REPLENISHMENT SPARES	0	2,201	0	(2,201)	0	0
58	MODIFICATIONS	0	650	0	(650)	0	0
59	FUZES ITEMS LESS THAN \$2,000,000	0	3,544	0	(3,544)	0	0
60	JOINT PROGRAMMABLE FUSE(JPF)	324	4,125	(324)	(4,125)	0	0
61	OTHER WEAPONS	0	15,524	0	(15,524)	0	0
	9MM COMPACT PISTOL	131	73	(131)	(73)	0	0
<b>TOTAL MUNITIONS &amp; RELATED EQUIPMENT</b>			<b>270,299</b>		<b>(270,299)</b>		<b>0</b>
<b>TOTAL MISSILE PROCUREMENT, AIR FORCE</b>			<b>2,733,877</b>		<b>1,607,301</b>		<b>4,341,178</b>

## Items of Special Interest

*Peacekeeper*

The budget request contained \$8.3 million for procurement of missile replacement equipment, \$72.8 million for procurement of Minuteman III modifications, and \$44.6 million for procurement of spares and repair parts.

The statement of managers accompanying the conference report on the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) directed the Secretary of the Air Force to submit a report to the congressional defense committees that outlines the Air Force's plans for retaining up to 50 Peacekeeper intercontinental ballistic missiles (ICBMs) in an operational status beyond 2003, including the timing and funding required to implement this plan. Although the committee has not received the required report, the committee continues to firmly believe that steps must be taken now to sustain the Peacekeeper ICBM force in light of the fact that Russia has yet to ratify the START II treaty. Therefore, the committee recommends \$32.0 million for Peacekeeper sustainment activities. This includes an additional \$3.4 million for missile replacement equipment, \$5.3 million for Minuteman modifications, and \$300,000 for replacement spares and repairs. In addition, of the amounts authorized to be appropriated pursuant to Title III for Air Force operations and maintenance, \$23.0 million is to be used for sustaining Peacekeeper operations.

*Precision guided munitions (PGMs)*

The budget request contained \$23.0 million to procure 937 Joint Direct Attack Munitions (JDAM), \$131.1 million to procure 400 Sensor Fuzed Weapons (SFW), and \$18.4 million to procure 161 GBU-28 hard target penetrator bombs. No funds were requested for procurement of the AGM-130 powered laser guided bomb, the AGM-86B conventional air-launched cruise missile (CALCM), or the AGM-142 HAVE NAP medium range tactical missile, even though these weapons represent the only current stand-off PGMs in the Air Force inventory.

The committee noted its concern about the lack of PGMs during its fiscal year 1996 budget deliberations and continues to have reservations with the Air Force's strategy for procuring this much-needed capability. Therefore, the committee recommends \$95.0 million for procurement of 250 AGM-130 laser-guided bombs, \$15.0 million to modify 100 air-launched cruise missiles to the CALCM configuration, and \$39.0 million to procure 50 HAVE NAP missiles. The committee also recommends an increase of \$12.0 for procurement of 100 additional GBU-28 hard target penetrator bombs and \$21.6 million for procurement of 100 additional SFWs.

Further, in order to accelerate deliveries of JDAM and provide the earliest possible operational capability to the bomber force, the committee also recommends an increase of \$50.0 million for procurement of up to 3,000 additional JDAM kits. The committee notes that there is a requirement for more than 87,000 of these munitions and the Secretary of Defense has praised the JDAM program as one of the Department's most successful examples of ac-



quisition streamlining. Consequently, the committee strongly urges the Department to consider multiyear procurement of this PGM.

#### OTHER PROCUREMENT, AIR FORCE

##### Overview

The budget request contained \$5,998.8 million for Other Procurement, Air Force in fiscal year 1997. The committee recommends authorization of \$6,117.4 million for fiscal year 1997.

The committee recommends approval of the request except for those programs adjusted in the following table. Unless otherwise specified, adjustments are without prejudice and based on affordability considerations.

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987		COMMITTEE		FY 1987	
		AUTHORIZATION QUANTITY	REQUEST COST	CHANGE FROM REQUEST QUANTITY	REQUEST COST	RECOMMENDATION QUANTITY	COST
	<b>OTHER PROCUREMENT, AIR FORCE</b>						
	<b>VEHICULAR EQUIPMENT</b>						
1	PASSENGER CARRYING VEHICLES						
2	SEDAN, 4 DR 4X2	154	2,127	0	0	154	2,127
3	STATION WAGON, 4X2	57	949	0	0	57	949
4	BUS, 28 PASSENGER	0	0	0	0	0	0
5	BUS - 32-44 PASSENGER	0	0	0	0	0	0
6	BUSES	91	5,095	0	0	91	5,095
7	AMBULANCE, BUS	0	0	0	0	0	0
8	AMBULANCES	4	292	0	0	4	292
9	MODULAR AMBULANCE	0	0	0	0	0	0
10	14-23 PASSENGER BUS	0	0	0	0	0	0
11	LAW ENFORCEMENT VEHICLE	199	3,510	0	0	199	3,510
	ARMORED SEDAN	1	287	0	0	1	287
12	CARGO + UTILITY VEHICLES						
13	TRUCK, CARGO-UTILITY, 3/4T, 4X4	317	6,887	0	0	317	6,887
14	TRUCK, CARGO-UTILITY, 1/2T, 4X2	257	6,392	0	0	257	6,392
15	TRUCK, PICKUP, 1/2T, 4X2	572	8,678	0	0	572	8,678
16	TRUCK, PICKUP, COMPACT	556	9,775	0	0	556	9,775
17	TRUCK MULTI-STOP 1 TON 4X2	419	9,537	0	0	419	9,537
18	TRUCK CARRYALL	145	2,989	0	0	145	2,989
19	TRUCK, CARGO, 2 1/2T, 6X6, M-35	0	0	0	0	0	0
20	MEDIUM TACTICAL VEHICLE	0	0	0	0	0	0
21	TRUCK TRACTOR, OVER 5T	38	2,713	0	0	38	2,713
22	CAP VEHICLES	0	760	0	0	0	760
	ITEMS LESS THAN \$2,000,000	0	10,240	0	0	0	10,240
23	SPECIAL PURPOSE VEHICLES						
24	TRUCK TANK FUEL R-11	0	0	0	0	0	0
25	HMMWV, ARMORED	38	7,386	0	0	38	7,386
26	TRACTOR, TOW, FLIGHTLINE	108	3,120	0	0	108	3,120
	ITEMS LESS THAN \$2,000,000	0	4,753	0	0	0	4,753
27	FIRE FIGHTING EQUIPMENT						
28	HEAVY RESCUE VEHICLE	0	0	0	0	0	0
29	TRUCK PUMPER P-24	0	0	0	0	0	0
30	TRUCK PUMPER P-22	0	0	0	0	0	0
	ITEMS LESS THAN \$2,000,000	0	0	0	0	0	0
31	MATERIALS HANDLING EQUIPMENT						
32	60K A/C LOADER	37	40,296	0	0	37	40,296
	ITEMS LESS THAN \$2,000,000	0	2,133	0	0	0	2,133
33	BASE MAINTENANCE SUPPORT						

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987 AUTHORIZATION		COMMITTEE CHANGE FROM REQUEST		FY 1987 COMMITTEE RECOMMENDATION	
		QUANTITY	COST	QUANTITY	COST	QUANTITY	COST
34	MODIFICATIONS ITEMS LESS THAN \$2,000,000	0	1,849	0	0	0	1,849
35	CANCELLED ACCOUNT ADJUSTM CANCELLED ACCOUNT ADJUSTMENTS	0	0	0	0	0	0
<b>TOTAL VEHICULAR EQUIPMENT</b>			<b>128,778</b>		<b>0</b>		<b>128,778</b>
<b>ELECTRONICS AND TELECOMMUNICATIONS EQUIP</b>							
36	COMM SECURITY EQUIPMENT(COMSEC)	0	27,421	0	0	0	27,421
37	COMSEC EQUIPMENT	0	0	0	4,500	0	4,500
37a	SECURE TERMINAL EQUIPMENT MODIFICATIONS (COMSEC)	0	501	0	6,300	0	6,300
38a	PREDATOR	0	0	0	107,800	0	107,800
39	INTELLIGENCE DATA HANDLING SYS	0	14,008	0	0	0	14,008
40	INTELLIGENCE TRAINING EQUIPMENT	0	1,969	0	0	0	1,969
41	INTELLIGENCE COMM EQUIP	0	11,247	0	0	0	11,247
42	ITEMS LESS THAN \$2,000,000	0	0	0	0	0	0
43	ELECTRONICS PROGRAMS	0	21,698	0	0	0	21,698
44	THEATER AIR CONTROL SYS IMPROVEMENT	0	13,944	0	4,000	0	17,944
45	WEATHER OBSERVFORCAST	0	23,382	0	0	0	23,382
46	STRATEGIC COMMAND AND CONTROL	0	3,063	0	0	0	3,063
47	CHEYENNE MOUNTAIN COMPLEX	0	5,817	0	0	0	5,817
48	TAC SIGHT SUPPORT	0	0	0	0	0	0
49	DRUG INTERDICTION PROGRAM DARP	0	0	0	0	0	0
49	SPECIAL COMM-ELECTRONICS PROJECTS	0	17,791	0	0	0	17,791
50	AUTOMATIC DATA PROCESSING EQUIP	0	10,165	0	0	0	10,165
51	WMMCCS/GLOBAL COMMAND & CONTROL SYS	0	4,605	0	0	0	4,605
52	MOBILITY COMMAND AND CONTROL	0	14,316	0	0	0	14,316
53	AIR FORCE PHYSICAL SECURITY SYSTEM	0	11,364	0	0	0	11,364
54	COMBAT TRAINING RANGES	0	9,128	0	0	0	9,128
55	C3 COUNTERMEASURES	0	22,385	0	0	0	22,385
56	BASE LEVEL DATA AUTO PROGRAM THEATER BATTLE MGT C2 SYS	0	47,966	0	0	0	47,966
57	AIR FORCE COMMUNICATIONS	0	0	0	0	0	0
58	INFORMATION TRANSMISSION SYSTEMS	0	125,741	0	(10,000)	0	115,741
59	BASE INFORMATION INFRASTRUCTURE	0	2,298	0	0	0	2,298
60	USCENTCOM	0	19,173	0	0	0	19,173
61	AUTOMATED TELECOMMUNICATIONS PRG	0	0	0	0	0	0

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987		COMMITTEE		FY 1987	
		AUTHORIZATION REQUEST	QUANTITY	CHANGE FROM REQUEST	QUANTITY	COMMITTEE RECOMMENDATION	COST
62	WIDEBAND SYSTEMS UPGRADE	0	0	0	0	0	0
63	SATELLITE TERMINALS	0	0	0	0	0	0
64	DISA PROGRAMS	0	0	0	0	0	0
65	DEFENSE SUPPORT PROGRAM SPACE	0	0	0	0	0	0
66	SPACE BASED IR SENSOR PROG SPACE	0	0	0	0	0	0
67	NAVSTAR GPS SPACE	0	0	0	0	0	0
68	DEFENSE METEOROLOGICAL SAT PROG SPAC	0	0	0	0	0	0
69	NUDET DETECTION SYS (NDS) SPACE	0	0	0	0	0	0
70	AF SATELLITE CONTROL NETWORK SPACE	0	0	0	0	0	0
71	EASTERN/WESTERN RANGE I&M SPACE	0	0	0	0	0	0
72	MILSATCOM SPACE	0	0	0	0	0	0
73	SPACE MODS SPACE	0	0	0	0	0	0
74	ORGANIZATION AND BASE	0	0	0	0	0	0
75	TACTICAL C-E EQUIPMENT	0	0	0	0	0	0
76	COMBAT SEARCH & RESCUE (CSAR) RADIO	0	0	0	0	0	0
77	RADIO EQUIPMENT	0	0	0	0	0	0
78	TV EQUIPMENT (AFRTV)	0	0	0	0	0	0
79	CCTV/AUDIOVISUAL EQUIPMENT	0	0	0	0	0	0
80	BASE COMM INFRASTRUCTURE	0	0	0	0	0	0
81	CAP COM & ELECT	0	0	0	0	0	0
82	ITEMS LESS THAN \$2,000,000	0	0	0	0	0	0
83	MODIFICATIONS	0	0	0	0	0	0
84	COMM ELECT MODS	0	0	0	0	0	0
<b>TOTAL ELECTRONICS AND TELECOMMUNICATIONS EQUIPMENT</b>		<b>710,408</b>		<b>112,800</b>		<b>823,008</b>	
OTHER BASE MAINTENANCE AND SUPPORT EQUIP							
85	TEST EQUIPMENT	0	0	0	0	0	0
86	BASE/AC CALIBRATION PACKAGE	0	0	0	0	0	0
87	PRIMARY STANDARDS LABORATORY PACKAGE	0	0	0	0	0	0
88	ITEMS LESS THAN \$2,000,000	0	0	0	0	0	0
89	PERSONAL SAFETY AND RESCUE EQUIP	0	0	0	0	0	0
90	NIGHT VISION GOGGLES	0	0	0	0	0	0
91	BREATHING APPARATUS TWO HOUR	0	0	0	0	0	0
92	UNIVERSAL WATER ACTIVATED REL SYS	0	0	0	0	0	0
93	CHEMICAL/BIOLOGICAL DEF PROG	0	0	0	0	0	0
94	ITEMS LESS THAN \$2,000,000	0	0	0	0	0	0
95	DEPOT PLANT + MATERIALS HANDLING EQ	0	0	0	0	0	0
96	MECHANIZED MATERIAL HANDLING EQUIP	0	0	0	0	0	0
97	BASE MECHANIZATION EQUIPMENT	0	0	0	0	0	0

**TITLE I - PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1997 COMMITTEE	
		REQUEST QUANTITY	COST	REQUEST QUANTITY	RECOMMENDATION COST	REQUEST QUANTITY	RECOMMENDATION COST
92	AIR TERMINAL MECHANIZATION EQUIP ITEMS LESS THAN \$2,000,000	0	0	0	0	0	0
93	ELECTRICAL EQUIPMENT	0	5,718	0	0	0	5,718
94	GENERATORS-MOBILE ELECTRIC	0	606	0	0	0	606
95	FLOODLIGHTS SET TYPE NF2D	0	0	0	0	0	0
96	ITEMS LESS THAN \$2,000,000	0	3,425	0	0	0	3,425
97	BASE SUPPORT EQUIPMENT	0	0	0	0	0	0
98	NATURAL GAS UTILIZATION EQUIPMENT	0	0	0	0	0	0
99	MEDICAL/DENTAL EQUIPMENT	0	15,268	0	0	0	15,268
100	ENVIRONMENTAL PROJECTS	0	0	0	0	0	0
101	AIR BASE OPERABILITY	0	4,866	0	0	0	4,866
102	PALLET AIR CARGO	4,000	3,562	0	0	4,000	3,562
103	"NET ASSEMBLY, 108"X88"	0	1,900	0	0	0	1,900
104	BLADDERS FUEL	0	1,911	0	0	0	1,911
105	AERIAL BULK FUEL DELIVERY SYSTEM	0	2,063	0	0	0	2,063
106	PHOTOGRAPHIC EQUIPMENT	0	6,089	0	0	0	6,089
107	PRODUCTIVITY ENHANCEMENT	0	0	0	0	0	0
108	PRODUCTIVITY INVESTMENTS	0	0	0	0	0	0
109	MOBILITY EQUIPMENT	0	0	0	0	0	0
110	SPARES AND REPAIR PARTS	0	21,259	0	0	0	21,259
111	DEPLOYMENT/EMPLOYMENT CONTAINERS	0	1,948	0	0	0	1,948
112	SPATIAL DISORIENTATION DEMONSTRATOR	0	1,947	0	0	0	1,947
113	AIR CONDITIONERS	0	803	0	0	0	803
114	ITEMS LESS THAN \$2,000,000	0	4,971	0	0	0	4,971
115	SPECIAL SUPPORT PROJECTS	0	64,977	0	12,300	0	77,277
116	INTELLIGENCE PRODUCTION ACTIVITY	0	1,061	0	0	0	1,061
117	TECH SURV COUNTERMEASURES EQ	0	77,074	0	0	0	77,074
118	DARP	0	4,651,580	0	(6,300)	0	4,655,280
119	SELECTED ACTIVITIES	0	176,455	0	0	0	176,455
120	SPECIAL UPDATE PROGRAM	0	1,351	0	0	0	1,351
121	INDUSTRIAL PREPAREDNESS MODIFICATIONS	0	195	0	0	0	195
121	FIRST DESTINATION TRANSPORTATION	0	13,534	0	0	0	13,534
<b>TOTAL OTHER BASE MAINTENANCE AND SUPPORT EQUIPMENT</b>			<b>5,121,582</b>		<b>6,000</b>		<b>5,127,582</b>
122	SPARES AND REPAIR PARTS	0	37,051	0	0	0	37,051
	SPARES AND REPAIR PARTS						

**TITLE I - PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987		COMMITTEE		FY 1987	
		AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	COMMITTEE RECOMMENDATION	COMMITTEE RECOMMENDATION		
		QUANTITY	COST	QUANTITY	COST	QUANTITY	COST
	TOTAL SPARE AND REPAIR PARTS		37,061		0		37,061
	TOTAL OTHER PROCUREMENT, AIR FORCE		5,968,819		118,600		6,117,419

## Items of Special Interest

*Predator unmanned aerial vehicle (UAV)*

The budget request contained \$57.8 million for procurement of two Predator UAV systems.

The committee is pleased with the performance of the Predator in support of peacekeeping operations in Bosnia and understands that the Department has determined that the Predator's demonstrated military utility merits its fielding to meet identified requirements.

The committee notes that theater commanders-in-chief (CINCs) have requirements for 17 Predator systems, but that the requested funding does not support production rates to meet these requirements. Therefore, the committee recommends \$107.8 million, an increase of \$50.0 million, to procure up to four additional Predator systems. Consistent with the legislative provision recommended elsewhere in this report (sec. 217), the committee recommends that these funds be transferred from Procurement, Defense-Wide, to Other Procurement, Air Force.

The committee also understands that the Air Force has identified a requirement to obtain a limited number of Predator systems to establish a training base for its Predator operators. The committee directs the Secretary of the Air Force to conduct a cost analysis to determine whether leasing such systems (in addition to those procured) constitutes a cost-effective strategy for meeting this immediate training requirement. A report containing the details of this analysis and the Secretary's recommendations should be provided to the congressional defense committees not later than 60 days after enactment of this Act. Further, if leasing Predator systems proves to be a cost-effective solution to this requirement and is recommended by the Secretary, the committee urges the Secretary to immediately pursue such a lease arrangement.

*Tri-band precision landing receiver*

The budget request did not contain any funding for procurement of the Tri-Band Precision Landing Receiver (PLSR).

The committee understands that the Air Force has invested approximately \$50 million to develop this all-weather, worldwide landing capability for military aircraft but has not yet initiated procurement of the PLSR. Elsewhere in this report, the committee recommends \$5.0 million in RDT&E funds to complete development of the program. Therefore, the committee recommends that the Secretary of the Air Force assess the cost and operational effectiveness for procurement of the PLSR and provide a report of the results of this assessment to the congressional defense committees by February 1, 1997.

## PROCUREMENT, DEFENSE-WIDE

## Overview

The budget request contained \$1,841.2 million for Procurement, Defense-Wide in fiscal year 1997. The committee recommends authorization of \$1,890.2 million for fiscal year 1997.

The committee recommends approval of the request except for those programs adjusted in the following table. Unless otherwise specified, adjustments are without prejudice and based on affordability considerations.



TITLE I -- PROCUREMENT  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987		COMMITTEE		FY 1987	
		AUTHORIZATION REQUEST	COST	CHANGE FROM REQUEST	COST	COMMITTEE RECOMMENDATION	COST
	PROCUREMENT, DEFENSE-WIDE						
1	MAJOR EQUIPMENT, OSD/WHIS	0	0	0	0	0	0
2	MOTOR VEHICLES	0	136,216	0	0	0	136,216
3	MAJOR EQUIPMENT, OSD	0	15,207	0	0	0	15,207
4	MAJOR EQUIPMENT, WHS	0	7,897	0	0	0	7,897
5	ARMED FORCE INFORMATION SERVICE	0	1,595	0	0	0	1,595
6	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	0	698	0	0	0	698
7	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	0	168,867	0	(8,800)	0	160,067
8	DARP	0	0	0	0	0	0
	CORPORATE INFORMATION MANAGEMENT						
10	MAJOR EQUIPMENT, NSA	0	13,746	0	0	0	13,746
	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM						
11	MAJOR EQUIPMENT, DNA	0	171	0	0	0	171
12	VEHICLES	0	7,700	0	0	0	7,700
	OTHER MAJOR EQUIPMENT						
13	MAJOR EQUIPMENT, DISA	0	3,982	0	0	0	3,982
14	WMCCS ADP SYSTEMS	0	20,602	0	0	0	20,602
15	MOBILE SATELLITE SYSTEM TECHNOLOGIES	0	17,136	0	0	0	17,136
16	INFORMATION SYSTEMS SECURITY	0	5,295	0	0	0	5,295
17	CONTINUITY OF OPERATIONS	0	4,814	0	0	0	4,814
18	JOINT C/ISR	0	41,397	0	0	0	41,397
19	DEFENSE MESSAGE SYSTEM	0	3,300	0	0	0	3,300
20	PLANS & PROGRAM ANALYSIS SUPPORT CENTER	0	283	0	0	0	283
21	ITEMS LESS THAN \$2 MILLION	0	0	0	19,000	0	19,000
	DRUG INTERDICTION SUPPORT						
	MAJOR EQUIPMENT, DIA						
24	MAJOR EQUIPMENT, DIA	0	6,673	0	0	0	6,673
24a	AUTOMATED DOCUMENT CONVERSION SYSTEM	0	0	0	36,800	0	36,800
	DEFENSE SUPPORT ACTIVITIES						
25	MAJOR EQUIPMENT, DMA	0	0	0	0	0	0
26	AUTOMATED INFORMATION SYSTEM EQUIPMENT	0	59	0	0	0	59
27	VEHICLES	0	0	0	0	0	0
	OTHER CAPITAL EQUIPMENT						
28	MAJOR EQUIPMENT, DIS	244	2,986	0	0	244	2,986
28	VEHICLES	0	6,590	0	0	0	6,590
	OTHER CAPITAL EQUIPMENT						
30	MAJOR EQUIPMENT, DCAA	0	0	0	0	0	0
	ITEMS LESS THAN \$2 MILLION						
31	MAJOR EQUIPMENT, DSPO	0	3,832	0	0	0	3,832

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987 AUTHORIZATION		COMMITTEE CHANGE FROM REQUEST		FY 1987 COMMITTEE RECOMMENDATION	
		QUANTITY	COST	QUANTITY	COST	QUANTITY	COST
32	MAJOR EQUIPMENT, DSPO	0	20,025	0	0	0	20,025
33	MAJOR EQUIPMENT, TJS	0	21,501	0	0	0	21,501
34	ON-SITE INSPECTION AGENCY VEHICLES	0	95	0	0	0	95
35	OTHER CAPITAL EQUIPMENT	0	3,181	0	0	0	3,181
36	BALLISTIC MISSILE DEFENSE ORGANIZATION	0	215,378	0	0	0	215,378
37	PATRIOT PAC-3	0	18,256	0	0	0	18,256
38	CAI	0	18,379	0	0	0	18,379
39	HAWK BN/C3 MODS	0	9,160	0	0	0	9,160
999	NAVY AREA TRDM PROGRAM CENTRAL IMAGERY OFFICE MAJOR EQUIPMENT, CIO CLASSIFIED PROGRAMS	0	399,638	0	0	0	399,638
<b>TOTAL MAJOR EQUIPMENT</b>			<b>1,176,761</b>		<b>46,000</b>		<b>1,227,761</b>
SPECIAL OPERATIONS COMMAND							
40	AVIATION PROGRAMS	0	14,340	0	0	0	14,340
41	RADIO FREQUENCY MOBILE ELECTRONIC TEST SET	0	4,788	0	0	0	4,788
42	SOF ROTARY WING UPGRADES	0	1,074	0	0	0	1,074
43	SOF TRAINING SYSTEMS	0	8,067	0	0	0	8,067
44	MC-130H COMBAT TALON II	0	44,800	0	0	0	44,800
45	AC-130U GUNSHIP ACQUISITION	0	86,677	0	0	0	86,677
46	C-130 MODIFICATIONS	0	0	0	0	0	0
47	LESS: ADVANCE PROCUREMENT (PY)	0	0	0	0	0	0
48	ADVANCE PROCUREMENT (CY)	0	0	0	0	0	0
49	HH-53 MODIFICATIONS	0	0	0	0	0	0
50	MH-47/MH-60 MODIFICATIONS	0	0	0	0	0	0
51	OH-6 PROCUREMENT & MODIFICATIONS	0	13,639	0	0	0	13,639
52	AIRCRAFT SUPPORT	0	0	0	0	0	0
53	SHIPBUILDING	0	0	0	0	0	0
54	PC CYCLONE CLASS	0	0	0	0	0	0
55	ADVANCED SEAL DELIVERY SYSTEM (ASDS)	0	0	0	0	0	0
56	MK VIII MOD 1 - SEAL DELIVERY VEHICLE	0	9,255	0	0	0	9,255
57	SUBMARINE CONVERSION	0	6,027	0	0	0	6,027
58	LESS: ADVANCE PROCUREMENT (PY)	0	0	0	0	0	0
59	ADVANCE PROCUREMENT (CY)	0	2,886	0	0	0	2,886
60	MKV SPECIAL OPERATIONS CRAFT (MKV SOC)	0	41,211	0	0	0	41,211
61	AMMUNITION PROGRAMS	0	0	0	0	0	0

TITLE I -- PROCUREMENT  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION		FY 1997 COMMITTEE CHANGE FROM		FY 1997 COMMITTEE RECOMMENDATION	
		QUANTITY	COST	QUANTITY	COST	QUANTITY	COST
58	SOF PYRODEMO	0	6,161	0	0	0	6,161
59	SOF PLATFORM GUN AMMUNITION	0	0	0	0	0	0
60	SOF INDIV WEAPONS AMMUNITION	0	24,379	0	0	0	24,379
61	OTHER PROCUREMENT PROGRAMS	0	0	0	0	0	0
62	LIGHT STRIKE VEHICLE	0	0	0	0	0	0
63	MARITIME EQUIPMENT MODIFICATIONS	0	4,833	0	0	0	4,833
64	SPARES AND REPAIR PARTS	0	36,134	0	0	0	36,134
65	COMM EQUIPMENT & ELECTRONICS	0	28,617	0	0	0	28,617
66	SOF INTELLIGENCE SYSTEMS	0	19,833	0	0	0	19,833
67	SOF SMALL ARMS & WEAPONS	0	10,613	0	0	0	10,613
68	SPECIAL WARFARE EQUIPMENT	0	5,030	0	0	0	5,030
69	DRUG INTERDICTION	0	0	0	0	0	0
70	MISCELLANEOUS EQUIPMENT	0	3,030	0	0	0	3,030
71	SOF PLANNING AND REHEARSAL SYSTEM (SOFPARS)	0	1,876	0	0	0	1,876
	CLASSIFIED PROGRAMS	0	75,221	0	0	0	75,221
	PSYOP EQUIPMENT	0	7,794	0	0	0	7,794
	<b>TOTAL SPECIAL OPERATIONS COMMAND</b>		<b>454,285</b>		<b>0</b>		<b>454,285</b>
72	CHEMICAL/BIOLOGICAL DEFENSE						
73	CBDP	0	0	0	0	0	0
74	PROTECTIVE MASK	0	53,785	0	0	0	53,785
75	INDIVIDUAL PROTECTION	0	252	0	0	0	252
76	DECONTAMINATION	0	0	0	0	0	0
77	IMPROVED CHEM AGENT MONITOR (ICAM)	0	0	0	0	0	0
78	NBC RECON SYS (NBRS) MODS	0	0	0	0	0	0
79	M17 DECON MODS	0	0	0	0	0	0
80	POCKET RADIAC ANUJDR - 13	0	0	0	0	0	0
81	REMOTE CHEM AGT ALARM (RSCAAL)	0	60,619	0	0	0	60,619
82	JOINT BIO DEFENSE PROGRAM	0	12,333	0	0	0	12,333
83	COLLECTIVE PROTECTION	0	0	0	0	0	0
84	CB PROTECTIVE SHELTER (CBPS)	0	81,237	0	0	0	81,237
85	CONTAMINATION AVOIDANCE	0	0	0	0	0	0
	JOINT BIO DEFENSE PRGM	0	0	0	0	0	0

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1987 COMMITTEE	
		QUANTITY	COST	QUANTITY	COST	QUANTITY	COST
86	CHEM/BIO DEFENSE EQ (AF)	0	0	0	0	0	0
87	CHEM WARFARE DETECTORS	0	0	0	0	0	0
	CBR EQUIP-SHIPBOARD	0	0	0	0	0	0
	<b>TOTAL CHEMICAL/BIOLOGICAL DEFENSE</b>		<b>204,228</b>		<b>0</b>		<b>204,228</b>
<b>TOTAL PROCUREMENT, DEFENSE-WIDE</b>			<b>1,841,212</b>		<b>46,000</b>		<b>1,880,212</b>

## Items of Special Interest

*Automated document conversion system (ADCS)–*

The budget request did not contain any funds for the ADCS.

–The committee is aware that the Department has made some progress in following its direction to begin the purchase of the UNIX-based software necessary to convert the Department's more complex engineering documents from raster files to an intelligent format. In addition, the committee is encouraged by the initial results of the PC-based ADCS testing, which will allow engineers to convert less complex and smaller engineering drawings. However, as the committee has noted in the past, significant cost savings can be achieved through the use of an ADCS; thus, the committee is disappointed that no funds were requested for this purpose.

Accordingly, the committee recommends \$38.8 million for ADCS, allocated as follows: \$10 million for the purchase of UNIX-based conversion software; \$5 million to purchase video tracing technology for those documents that require computer-aided design perfect/accurate conversion; \$10 million for bulk conversion; and \$3.8 million for system integration software.–

*Pioneer unmanned aerial vehicle (UAV)*

The budget request contained \$10.6 million for procurement of attrition spares and support kits for the Pioneer UAV system.

The committee understands that the Department has decided to terminate procurement of the Hunter UAV system and use the existing equipment for testing and maintaining a residual capability. This decision results in the Pioneer being the only UAV currently capable of meeting Navy and Marine Corps short-range requirements. The committee further understands that several initiatives necessary to ensure continued effectiveness of the Pioneer are ongoing but have been underfunded in anticipation of future fielding of the Tactical UAV, a new, advanced concepts technology demonstration program. Consequently, the committee recommends \$40.6 million, an increase of \$30.0 million, to fund these initiatives and maintain the Pioneer system at acceptable readiness levels.

## NATIONAL GUARD AND RESERVE EQUIPMENT

## Overview

The budget request did not contain any funds for National Guard and Reserve Equipment for fiscal year 1997. The committee recommends authorization of \$805.0 million for fiscal year 1997.

TITLE I - PROCUREMENT  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1997 COMMITTEE	
		QUANTITY	COST	QUANTITY	REQUEST	QUANTITY	RECOMMENDATION
NATIONAL GUARD & RESERVE EQUIPMENT							
RESERVE EQUIPMENT							
1	ARMY RESERVE	0	0	0	0	0	15,000
	NEW PROCUREMENT 2.5/5 TON TRUCKS	0	0	0	0	0	15,000
	TACTICAL TRUCK SLEP 2.5 TON	0	0	0	0	0	10,000
	TACTICAL TRUCK SLEP 5 TON	0	0	0	0	0	4,000
	HEMTT BRIDGE TRANS	0	0	0	0	0	2,000
	DUMP TRUCKS 20 TON	0	0	0	0	0	2,000
	WATER PURIFICATION UNITS	0	0	0	0	0	4,000
	PORTABLE LIGHTING SYS W/TRAILERS	0	0	0	0	0	5,000
	AUTOMATIC BUILDING MACHINES	0	0	0	0	0	2,000
	HM/VV CONTACT MAINT TRUCK	0	0	0	0	0	4,000
	ALL-TERRAIN FORK/LIFT 10' TON	0	0	0	0	0	2,000
	ALL-TERRAIN CRANE 20 TON	0	0	0	0	0	4,000
	HYDRAULIC EXCAVATOR	0	0	0	0	0	3,000
	HEMTT WRECKER	0	0	0	0	0	3,000
	MK-19 40MM GRENADE LAUNCHER	0	0	0	0	0	3,000
	STEAM CLEANER	0	0	0	0	0	2,000
	COOLANT PURIFICATION SYSTEM	0	0	0	0	0	1,000
	SMALL ARMS SIMULATORS	0	0	0	0	0	2,000
	HIGH MOBILITY TRAILER	0	0	0	0	0	1,000
	UNIT LEVEL LOGISTICS SYSTEM	0	0	0	0	0	2,000
	SINGGARS	0	0	0	0	0	2,000
	PALLETIZED LOAD SYSTEM	0	0	0	0	0	4,000
	PALLETIZED TRAILERS	0	0	0	0	0	2,000
	HEMTT CARGO CHASSIS	0	0	0	0	0	4,000
	MISCELLANEOUS EQUIPMENT	0	0	0	0	0	10,000
2	NAVY RESERVE	0	0	4	160,000	4	160,000
	C-9 REPLACEMENT AIRCRAFT	0	0	0	10,000	0	10,000
	MIL/VAN SYSTEM UPGRADES	0	0	0	2,000	0	2,000
	NIGHT VISION GOGGLES	0	0	0	3,000	0	3,000
	C-9 MODS	0	0	0	2,000	0	2,000
	P-3C SIMULATOR UPGRADE	0	0	0	5,000	0	5,000
	MAGIC LANTERN SPARES	0	0	0	10,000	0	10,000
	MISCELLANEOUS EQUIPMENT	0	0	0	0	0	0
3	MARINE CORPS RESERVE	0	0	0	2,000	0	2,000
	LAV IMPROVEMENTS	0	0	2	64,000	2	64,000
	CH-53 HELICOPTERS						

TITLE I -- PROCUREMENT  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1987 COMMITTEE	
		QUANTITY	COST	QUANTITY	COST	QUANTITY	COST
	AAV7A1 MODIFICATIONS	0	0	0	2,000	0	2,000
	NIGHT VISION EQUIPMENT	0	0	0	1,000	0	1,000
	COMMON END USER COMPUTERS	0	0	0	4,000	0	4,000
	MISCELLANEOUS EQUIPMENT	0	0	0	10,000	0	10,000
4	AIR FORCE RESERVE						
	F-16 AVIONICS UPGRADES	0	0	0	5,000	0	5,000
	NIGHT VISION DEVICES	0	0	0	3,000	0	3,000
	A-10 AVIONICS UPGRADES	0	0	0	7,000	0	7,000
	C-130 AVIONICS UPGRADES	0	0	0	7,000	0	7,000
	HC-130P TANKER CONVERSION	0	0	0	3,000	0	3,000
	C-130 MODULAR AIRBORNE FIREFIGHTING SYS	0	0	0	1,000	0	1,000
	F-16 WEAPONS PYLON UPGRADES	0	0	0	1,000	0	1,000
	KC-135R ENGINE KITS	0	0	0	104,000	0	104,000
	KC-135R RADAR REPLACEMENT	0	0	0	5,000	0	5,000
	B-52 AVIONICS UPGRADE	0	0	0	1,000	0	1,000
	NON-AIRCREW TRAINING SYSTEMS	0	0	0	1,000	0	1,000
	MISCELLANEOUS EQUIPMENT	0	0	0	10,000	0	10,000
	<b>TOTAL RESERVE EQUIPMENT</b>		<b>0</b>		<b>529,000</b>		<b>529,000</b>
5	NATIONAL GUARD EQUIPMENT						
	ARMY NATIONAL GUARD						
	NEW PROCUREMENT TACTICAL TRUCK 5 TON	0	0	0	4,000	0	4,000
	SLEP 2.5 TON	0	0	0	15,000	0	15,000
	SLEP 5 TON	0	0	0	4,000	0	4,000
	CRASHWORTHY INTERNAL FUEL CELLS	0	0	0	5,000	0	5,000
	SMALL ARMS SIMULATORS	0	0	0	5,000	0	5,000
	AH-1 BORE SIGHTING DEVICE	0	0	0	3,000	0	3,000
	COOLANT PURIFICATION SYSTEM	0	0	0	3,000	0	3,000
	AVENGER L-COFT SIMULATOR	0	0	0	4,000	0	4,000
	D7 BULLDOZER WRIPPER	0	0	0	2,000	0	2,000
	WATER PURIFICATION UNIT	0	0	0	1,000	0	1,000
	NIGHT VISION EQUIPMENT	0	0	0	3,000	0	3,000
	FADEC	0	0	0	10,000	0	10,000
	DIGITAL SYSTEM TEST AND TRAINING SIMULATOR	0	0	0	3,000	0	3,000
	AUTOMATIC BUILDING MACHINES	0	0	0	3,000	0	3,000
	AH-1 CANITE	0	0	0	2,000	0	2,000
	DUMP TRUCKS 20 TONS	0	0	0	3,000	0	3,000
	C-23 SHERPA ENHANCEMENT PROGRAM	0	0	0	28,000	0	28,000

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1987 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1987 COMMITTEE	
		QUANTITY	COST	QUANTITY	COST	RECOMMENDATION	COST
	HELICOPTER SIMULATORS (ARMS)	0	0	0	5,000	0	5,000
	DRAGON MODIFICATIONS	0	0	0	2,000	0	2,000
	VIBRATION MANAGEMENT ENHANCEMENT PROGRAM	0	0	0	3,000	0	3,000
	MISCELLANEOUS EQUIPMENT	0	0	0	10,000	0	10,000
6	AIR NATIONAL GUARD						
	THEATER DEPLOYABLE COMMUNICATIONS	0	0	0	17,000	0	17,000
	C-130J	0	0	2	105,000	2	105,000
	C-268	0	0	0	5,000	0	5,000
	AUTOMATIC BUILDING MACHINES	0	0	0	3,000	0	3,000
	F-16 IMPROVED AVONICS INTERMEDIATE SHOP	0	0	0	15,000	0	15,000
	F-16 HTS	0	0	0	10,000	0	10,000
	AN/TLQ-32 RADAR DECOYS	0	0	0	3,000	0	3,000
	MISCELLANEOUS EQUIPMENT	0	0	0	0	0	0
7	DOD						
	MISCELLANEOUS EQUIPMENT	0	0	0	0	0	0
<b>TOTAL NATIONAL GUARD EQUIPMENT</b>		0		276,000		276,000	
<b>TOTAL NATIONAL GUARD &amp; RESERVE EQUIPMENT</b>		0		805,000		805,000	



## CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

## Overview

The budget request contained \$799.8 million for Chemical Agents and Munitions Destruction, Defense for fiscal year 1997. The committee recommends authorization of \$799.8 million for fiscal year 1997.

The committee recommends approval of the request except for those programs adjusted in the following table. Unless otherwise specified, adjustments are without prejudice and based on affordability considerations.

**TITLE I -- PROCUREMENT**  
(Dollars in Thousands)

P-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION		COMMITTEE CHANGE FROM		FY 1997 COMMITTEE	
		QUANTITY	COST	REQUEST	QUANTITY	RECOMMENDATION	COST
	CHM AGENTS & MUNITIONS DESTRUCTION, DEF						
	CHM AGENTS & MUNITIONS DESTRUCT-RDT&E						
1	RESEARCH AND DEVELOPMENT	0	48,300	0	0	0	48,300
	CHM DEMILITARIZATION - RDTE						
	CHM AGENTS & MUNITIONS DESTRUCT-PROC						
	<b>TOTAL CHM AGENTS &amp; MUNITIONS DESTRUCT-RDT&amp;E</b>		<b>48,300</b>		<b>0</b>		<b>48,300</b>
2	PROCUREMENT						
	CHM DEMILITARIZATION - PROC	0	273,600	0	0	0	273,600
	CHM AGENTS & MUNITIONS DESTRUCT-O&M						
	<b>TOTAL CHM AGENTS &amp; MUNITIONS DESTRUCT - PROC</b>		<b>273,600</b>		<b>0</b>		<b>273,600</b>
3	OPERATION AND MAINTENANCE						
	CHM DEMILITARIZATION - O&M	0	477,947	0	0	0	477,947
	<b>TOTAL CHM AGENTS &amp; MUNITIONS DESTRUCT - O&amp;M</b>		<b>477,947</b>		<b>0</b>		<b>477,947</b>
	<b>TOTAL CHM AGENTS &amp; MUNITIONS DESTRUCT - DEF</b>		<b>799,847</b>		<b>0</b>		<b>799,847</b>
	DEFENSE HEALTH PROGRAM		269,470	0	0	0	269,470
	OFFICE OF THE INSPECTOR GENERAL		2,000	0	0	0	2,000

## Item of Special Interest

*Chemical agents and munitions destruction*

The budget request contained \$799.8 million for operation and maintenance, research and development, and procurement activities of the defense chemical agents and munitions destruction program.

The committee is aware of concerns raised by several citizen groups about this program and whether there are alternative technologies that should be pursued to reduce what they consider to be the potential hazard of the Army's baseline incineration process. The committee notes that the Army is proceeding with the investigation of alternative technologies for potential use in accordance with the recommendations of the National Research Council (NRC). The committee believes there is potential for the implementation of these processes at selected future demilitarization and destruction sites. However, the committee supports the NRC's recommendation that the Army continue its current baseline incineration program until such time as the evaluation of these alternative technologies is concluded. Should the results of the alternative technologies investigation indicate that certain of them be adopted for particular sites or configurations of the stockpile, the committee would support inclusion of these processes in the program.

The National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) requires the Secretary of Defense to conduct an assessment of the current chemical demilitarization program and of measures that could be taken to significantly reduce its cost, while ensuring maximum protection of the general public, the personnel involved in the demilitarization program, and the environment. The law requires the Secretary to submit a final report on this assessment and recommendations for revisions to the program with the submission of the fiscal year Department's budget request. The committee expects that should the Secretary recommend alternative technologies be adopted for use at selected demilitarization sites, the Department will submit a fiscal year 1997 reprogramming request to immediately implement this decision. The committee intends to review the status of the program and the Department's recommendations for any changes to it as a part of the committee's review of the fiscal year 1998 budget request.

## LEGISLATIVE PROVISIONS

## SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

## Sections 101-108—Authorization of Appropriations

These sections would authorize the recommended fiscal year 1997 funding levels for all procurement accounts.

## SUBTITLE B—ARMY PROGRAMS

## Section 111—Repeal of Limitation on Procurement of Certain Aircraft

This section would repeal prohibitions on the procurement of AH-64D Apache and OH-58D Armed Kiowa Warrior helicopters.

### Section 112—Multiyear Procurement Authority for Army Programs

This section would authorize the Secretary of the Army to enter into a multiyear procurement contract for procurement of the Army Tactical Missile System. This section would also authorize the Secretary to extend the multiyear procurement contract for the Avenger air defense missile system through fiscal year 1997.

### SUBTITLE C—NAVY PROGRAMS

#### Section 121—Nuclear Attack Submarine Programs

This section would authorize funding for both the Seawolf-class and the next-generation nuclear attack submarine programs; provide certain restrictions on the obligation of this funding; specify the basis for awarding of contracts for the fifth and subsequent next-generation submarines; and delineate design responsibility for the four transition submarines—all as described elsewhere in this report.

#### Section 122—Cost Limitations for Seawolf Submarine Program

This section would establish a separate cost cap for the final Seawolf-class nuclear attack submarine (SSN-23).

#### Section 123—Pulse Doppler Radar Modification—

This section would require the Secretary of the Navy to fund the SPS-48E pulse doppler radar upgrade from prior years' unobligated balances available to him.

#### Section 124—Reduction in Number of Vessels Excluded From Limit on Purchase of Vessels Built in Foreign Shipyards

This section would repeal the statutory authority which allows the Marine Corps to purchase, using funds in the National Defense Sealift Fund, foreign-built hulls for conversion to maritime repositioning ships.

#### Section 125—T-39N Trainer Aircraft for the Navy

This section would repeal subsection (a) of section 137 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106), thereby enabling the Secretary of the Navy to purchase the fleet of 17 currently-leased T-39N trainer aircraft used for naval flight officer training. However, the committee directs that the Navy pay a fair and reasonable price for these 17 aircraft and that such price not exceed \$45.0 million.

### SUBTITLE D—AIR FORCE PROGRAMS

#### Section 141—Repeal of Limitation on the Procurement of F-15E Aircraft

This section would repeal a prohibition on the procurement of the F-15E.

Section 142—C-17 Aircraft Procurement—

This section would authorize the Secretary of the Air Force to enter into a multiyear procurement contract for procurement of the C-17.—

## TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

### OVERVIEW

The budget request for fiscal year 1997 contained \$34,745.7 million for research, development, test, and evaluation (RDT&E). This represents a \$396.0 million decrease from the amount authorized for fiscal year 1996.

The committee recommends authorization of \$35,537.4 million, an increase of \$791.7 million from the fiscal year 1997 request.

The committee recommendations for the fiscal year 1997 RDT&E program are identified in the table below. Major issues are discussed following the table.

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

ACCOUNT TITLE	FY 1997		FY 1997	
	AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	COMMITTEE RECOMMENDATION	COMMITTEE RECOMMENDATION
TOTAL, RESEARCH DEVELOPMENT TEST & EVAL ARMY	4,320,640	349,339	4,669,979	4,669,979
RESEARCH AND DEVELOPMENT	3,256,964	182,939	3,439,803	3,439,803
ENGINEERING AND MANUFACTURING DEVELOPMENT	1,063,776	166,400	1,230,176	1,230,176
TOTAL, RESEARCH DEVELOPMENT TEST & EVAL NAVY	7,334,734	855,223	8,189,957	8,189,957
RESEARCH AND DEVELOPMENT	5,286,077	706,723	5,992,800	5,992,800
ENGINEERING AND MANUFACTURING DEVELOPMENT	2,048,657	148,500	2,197,157	2,197,157
TOTAL, RESEARCH DEVELOPMENT TEST & EVAL AF	14,417,456	(1,146,369)	13,271,087	13,271,087
RESEARCH AND DEVELOPMENT	9,739,524	(1,579,433)	8,160,091	8,160,091
ENGINEERING AND MANUFACTURING DEVELOPMENT	4,677,932	433,064	5,110,996	5,110,996
TOTAL, RESEARCH DEVELOPMENT TEST & EVAL DEFENSE	8,398,836	733,535	9,132,371	9,132,371
RESEARCH AND DEVELOPMENT	7,425,880	715,735	8,141,615	8,141,615
ENGINEERING AND MANUFACTURING DEVELOPMENT	972,956	17,800	990,756	990,756
TOTAL, DIRECTOR OF TEST & EVAL DEFENSE	252,038	0	252,038	252,038
RESEARCH AND DEVELOPMENT	252,038	0	252,038	252,038
ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0	0
TOTAL, DIRECTOR OF OPERATIONAL TEST & EVALUATION	21,968	0	21,968	21,968
RESEARCH AND DEVELOPMENT	21,968	0	21,968	21,968
ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0	0
TOTAL, RESEARCH DEVELOPMENT TEST & EVAL	34,745,672	791,728	35,537,400	35,537,400
RESEARCH AND DEVELOPMENT	25,982,351	25,964	26,008,315	26,008,315
ENGINEERING AND MANUFACTURING DEVELOPMENT	8,763,321	765,764	9,529,085	9,529,085

## DEFENSE-WIDE PROGRAMS

## Special Considerations

*Ballistic missile defense*

The budget request included \$2,798.8 million in various program elements (PEs) for research, development, test, and evaluation (RDT&E), procurement, and military construction activities of the Ballistic Missile Defense Organization (BMDO). The committee-recommended changes to the request are summarized below:

[In millions of dollars]	
Corps SAM/MEADS (PE63869C) .....	(\$56.2)
Navy Upper Tier (PE 63868C) .....	246.0
National Missile Defense (PE 63871C) .....	350.0
THAAD (PE 63861C) .....	140.0
Support Technology-AIT (PE 63173C) .....	40.0
Cooperative Projects with Russia (PE 62XXXC) .....	20.0
Management (General Reduction) .....	(15.0)

A more detailed explanation is provided below.

*Advanced interceptor technology*

The budget request included \$7.4 million in PE 63173C for Advanced Interceptor Technology (AIT). The committee recommends an additional \$40.0 million in this PE for AIT. These additional funds would support a more aggressive schedule for development and testing of advanced kinetic kill vehicle technologies with potential applicability to various future TMD systems, such as THAAD and Boost Phase Interceptor.

*Arrow*

The committee continues to strongly support the U.S.-Israeli Arrow program. The committee recommends full funding of the Arrow and other U.S.-Israeli cooperative missile defense projects contained in the budget request. The committee notes, however, that \$27.0 million in fiscal year 1996 and prior year funding for the U.S. portion of the Arrow Deployability Project remains unobligated as a result of the lack of a Presidential certification that a memorandum of agreement exists with Israel for the project, that the project provides benefits to the United States, that the Arrow missile has completed a successful intercept, and that the Government of Israel is adhering to export controls pursuant to the Missile Technology Control Regime.

*Cooperative projects with Russia*

The committee strongly endorses an expanded program of cooperative BMD-related projects with Russia as a means of building trust and confidence as both sides pursue development and deployment of TMD and NMD systems. U.S.-Russian cooperative BMD activities include various programmatic endeavors as well as a series of joint TMD simulation exercises, the first of which is to be held in June at the Joint National Test Facility, Colorado Springs, Colorado. The Russian-American Observational Satellite (RAMOS) program is one such high-payoff, cooperative technology development program, a point recognized by senior Office of the Secretary of Defense (OSD) officials. For example, the Under Secretary of De-



fense for Acquisition and Technology has written to the First Deputy Minister of Defense in the Russian Ministry of Defense to apprise him of U.S. government approval and support of the program and to encourage timely final approval from the Russian government. Other U.S.-Russian cooperative BMD activities include the Active Geophysical Rocket Experiment (AGRE) project, and small-scale projects such as electric thrusters for spacecraft, photo-voltaic arrays, and energetic materials.

To promote and highlight expanded U.S.-Russian BMD cooperation, the committee recommends establishment of a new program element (PE) for cooperation with Russia. The committee recommends consolidating all existing cooperation projects within this new PE, and recommends \$20.0 million be made available within this PE.

#### *CorpsSAM/MEADS*

The budget request included \$56.2 million for the Corps surface-to-air missile/Medium Extended Air Defense System (CorpsSAM/MEADS). The committee has in the past supported a cooperative multinational program, but notes that: a memorandum of understanding establishing the program has yet to be signed; there is a high degree of uncertainty as to which U.S. European allies will join in the project; and other programmatic changes have significantly delayed formal initiation of the program. As a result, the committee can no longer determine the total cost of the program, the U.S. cost-share percentage, or the program schedule, including key technical milestones. Furthermore, the committee notes that senior DOD officials have thus far chosen not to press support for the program during congressional consideration of the fiscal year 1997 budget request. Therefore, the committee recommends no funds for the program. The committee also notes that the Department has yet to submit a report on options associated with the use of existing systems technologies and program management mechanisms to satisfy validated CorpsSAM/MEADS requirements, as was requested in the statement of managers accompanying the conference report on S. 1124 (H. Rept. 104-450). Therefore, only \$5.0 million of the \$20.0 million authorized in fiscal year 1996 has been obligated for CorpsSAM/MEADS. The committee urges the expeditious completion and submission of this report.

#### *Joint national test facility*

The budget request included \$5.8 million for Joint National Test Facility (JNTF) modernization split among program elements 63871C, 63872C, and 63173C. The committee recognizes the importance of the BMDO-sponsored JNTF as an essential joint missile defense modeling, simulation, and test center of excellence. The JNTF's focus is the joint inter-service, interoperability, and integration aspects of missile defense system acquisition. As the only missile defense modeling and simulation facility which is staffed by all the services and BMDO, the JNTF provides inter-service computational capabilities and wide area network communication networks with service-sponsored facilities such as the Army's Advanced Research Center, the Naval Surface Warfare Center, and the Air Force Theater Air Command and Control Facility. To adequately

satisfy the complex missile defense integration requirements leading to successful joint tests, analysis, wargaming, CINC exercises, and acquisition support, the committee recommends \$15.0 million be made available for modernization, computational and wide area network capabilities in support of the Ballistic Missile Defense Network (BMDN) within the program elements listed above. This modernization program will also support the JNTF's contribution to emerging international efforts with friends and allies for interoperability and in development of joint missile defense systems.

#### *Management*

The budget request did not contain a separate program element for management. The committee believes that greater management efficiencies can be achieved, and therefore recommends a general reduction of \$15.0 million for management.

#### *National Missile Defense*

The budget request included \$508.4 million in PE 63871C for National Missile Defense (NMD). The committee recommends an additional \$350.0 million for NMD in an effort to accelerate hardware development, including a new common booster, accelerate and increase the number of exoatmospheric kill vehicle (EKV) flight tests, enhance systems engineering and integration, and accelerate planning and siting activities required for the deployment of an effective NMD system.

The committee commends the Under Secretary of Defense (Acquisition and Technology) for his recent decision to establish an NMD joint-service program office (JPO), and directs the Director, BMDO to ensure full participation by the Army, Navy, and Air Force in the JPO. In addition, the committee directs the Director, BMDO to ensure that the EKV and associated booster designs are compatible with the widest possible range of NMD system architectures and basing modes. The committee directs that the Director, BMDO inform the committee of his plans in this regard not later than September 15, 1996.—

The committee notes that the prototype ground-based radar (GBR-P) is an important NMD system element, and that GBR-P is scheduled to begin testing at U.S. Army Kwajalein Atoll (USAKA) in 1998. This schedule must be maintained, or accelerated, in order to realize cost savings associated with leveraging the THAAD radar program and test schedule. Of the amounts authorized in PE 63871C, the committee recommends \$68.0 million for GBR-P in order to ensure that the radar is available for integrated system testing in fiscal year 1998.

The committee recognizes the importance of the Midcourse Space Experiment (MSX) for collecting and analyzing background data of use to future midcourse sensors such as the Space Missile and Tracking System. The committee is concerned, however, that BMDO has failed to budget funds to continue operations through the end of the expected lifetime of the satellite. Therefore, the committee strongly urges the Director, BMDO to provide adequate funds in the fiscal year 1998 budget submission and over the Future Years Defense Plan (FYDP) for MSX satellite operations.

The committee understands the importance of an effective battle management/command, control, and communications (BM/C3) architecture to overall NMD system performance and reliability. In this regard, the committee is aware of proposals to leverage existing theater missile defense (TMD) BM/C3 capabilities, including such capabilities being developed under the THAAD program, to support an NMD system. The committee therefore urges the Director, BMDO to study these proposals and inform the committee not later than October 15, 1996, of his views in this regard. –

Finally, taking into account the various architectural options for providing a highly-effective defense of the United States against limited missile attacks, the committee directs the commander-in-chief, U.S. Space Command (CINCSPACE) to ensure that the NMD concept-of-operations is flexible enough to accommodate and support a wide range of NMD system architectures and basing modes. CINCSPACE shall inform the committee of his plans in this regard not later than September 15, 1996.

*NATO cooperation*

The committee is aware of recent progress made within the North Atlantic Treaty Organization (NATO) alliance regarding the threat posed to members of the Alliance by the proliferation of ballistic missiles and response options, including the development and deployment of effective missile defenses. The committee strongly endorses this effort and directs the Secretary of Defense to keep the Congressional defense committees apprised of future activities and progress in this area.

*Navy upper tier*

The budget request included \$58.2 million for Navy Upper Tier (PE 63868C). The committee recommends an additional \$246.0 million this high-priority project. The additional funds shall be used to accelerate the development, testing, and deployment of the Navy's theater-wide TMD system.

The committee is dismayed by the Department's refusal to include Navy Upper Tier as a "core" TMD program—as required by section 234 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106)—and the Department's proposal to reduce funding for this project in fiscal year 1997 by over \$140.0 million as compared to the amount authorized by Congress in fiscal year 1996. Furthermore, the committee directs the Secretary of Defense to provide adequate resources in the fiscal year 1998 budget request to accelerate the schedule for Navy Upper Tier in accordance with previous congressional direction.

*New director, BMDO*

The committee was initially concerned by reports that, upon the retirement of the current Director, BMDO, the Department was planning to downgrade this position to a two-star billet. The committee is pleased to note that members of the committee expressed concern and strongly urged that the position remain a three-star billet. The Department has now agreed with the committee's recommendation. The committee looks forward to establishing a frank and open dialogue with the next BMDO Director, and expects that

this individual will continue and expand upon the current, positive working relationship between the committee and the Director.

#### *Targets*

The committee directs the Director, BMDO to submit a report to the Congressional defense committees by December 1, 1996, describing BMDO target missile requirements, by number and types, and which target missiles are U.S.-built and which have been or will be acquired through the Foreign Military Acquisition (FMA) program. The report shall also discuss the issues associated with increasing reliance on missiles acquired through the FMA program for meeting BMDO target missile requirements.

#### *THAAD*

The budget request included \$269.0 million in PE 63861C for THAAD demonstration/validation (dem/val), and \$212.7 million in PE 64861C for THAAD engineering and manufacturing development (EMD). The committee continues to support the development, production, and fielding of THAAD as a matter of highest priority, and recommends an additional \$140.0 million in PE 63861C for the THAAD program.

The committee endorses the acquisition, beginning in fiscal year 1997, of a second THAAD radar, in order to reduce risk and support operational ground-testing. Of the \$140.0 million in additional funds authorized for THAAD, \$65.0 million shall be used for long-lead funding for a second THAAD radar.

The committee strongly objects to the Department's plan for THAAD that emerged from the BMD Program Review. That plan, which involves delaying the initiation of low-rate initial production (LRIP) and hence achievement of a first unit equipped (FUE) date of 2006, violates the letter and the spirit of section 234 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106). The committee directs the Secretary of Defense to include the necessary resources in the fiscal year 1998-2003 program objective memorandum (POM) to significantly accelerate the THAAD schedule.—

#### *Theater missile defense of U.S. territories*

The committee strongly supports fielding highly effective TMD systems that are capable of protecting U.S. territories from ballistic missile attack, and directs the Secretary of Defense to review the TMD requirements for U.S. territories. The Secretary shall submit a report on the results of this review to the Congressional defense committees not later than November 15, 1996.

#### *Chemical-biological defense program*

The budget request included a total of \$505.0 million for the chemical-biological defense program of the Department of Defense, including \$296.8 million in research, development, test, and evaluation and \$208.2 million in procurement.

The continuing proliferation of weapons of mass destruction, the spread of chemical and biological weapons technology and delivery capabilities, and the threat posed to U.S. military forces by the potential use of chemical or biological weapons on the battlefield have

resulted in repeated expressions of concern by the Congress about the chemical and biological defense readiness of U.S. forces. In response to the guidance provided in title XVII of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160), the Department has executed a number of management, research, development and acquisition, and training initiatives which over time and with proper emphasis and funding support should result in significant improvements in the chemical and biological defense readiness of U.S. armed forces. The committee is pleased that the Department has essentially implemented the requirements of the public law. Great strides have been made in establishing a consolidated chemical-biological defense program; however, much remains to be done.

At the request of the Readiness Subcommittee, the General Accounting Office (GAO) has assessed the chemical and biological defense preparedness of early-deploying U.S. Army and Marine Corps ground forces. In testimony before the Military Research and Development Subcommittee in March, 1996, the GAO acknowledged the progress made by the Department of Defense, but stated that the Department had not done enough to overcome the chemical and biological defense shortcomings U.S. forces experienced in the Gulf War. The GAO concluded that "U.S. forces still lack the ability to defend adequately against chemical and/or biological agents and a degrading war-fighting capability could still result from persistent equipment, training, and medical shortcomings." Many of the problems cited were similar to those cited in the "Department of Defense Nuclear, Biological, Chemical (NBC) Warfare Defense Annual Report to Congress for fiscal year 1995." In the GAO's view, the principal reason for these shortcomings is that chemical and biological preparedness has a relatively low priority on a DOD-wide basis relative to traditional operational missions, as evidenced by the limited funding, staffing, and mission priority that chemical and biological defense activities receive. The committee understands that a warfighting analysis is now underway within the Joint Staff with input from the military services and the combatant CINCs that will provide an assessment of chemical and biological defense mission priorities in view of the evolving threat and that will recommend funding levels for consideration in the development of the fiscal year 1998 budget request and the future years defense plan.

The committee strongly believes that some action must be taken in the fiscal year 1997 defense budget to address shortcomings in the current chemical and biological defense program. The committee believes that unless the Secretary of Defense, the Joint Chiefs of Staff, and the Department of Defense as a whole, down to individual unit commanders, all increase their emphasis on improving the armed forces' chemical and biological defense preparedness, many of the issues identified in the Department's annual report and by the GAO are likely to remain unresolved.

Accordingly, the committee recommends a continuation of increased emphasis on chemical-biological defense training in units, joint training of commanders and chemical-biological defense specialists, and training of medical units and personnel which could be involved in the treatment of chemical-biological warfare casualties.

The committee recommends an additional \$16.2 million for shortfalls in operations and maintenance identified by the GAO as follows, and directs the Secretary of Defense to report to the Congressional defense committees on the plans for expenditure of these funds prior to their obligation:

Operations and Maintenance, Army (OMA)—\$13.2 million for chemical-biological equipment maintenance support.

Operations and Maintenance, Air Force (OMAF)—\$3.0 million for sustainment and replacement of Air Force chemical protective equipment.

To address shortfalls in chemical-biological defense research, development, testing, and evaluation, the committee recommends increased authorizations to the budget request as indicated below:

PE 62384BP—	Chemical/biological defense	\$3.9 million
	Medical biological defense	1.7 million
PE 63884BP	Medical biological defense	2.2 million
PE 64384BP—	Contamination avoidance	2.0 million
	Collective Protection—	6.6 million
	Individual Protection	200,000
	Medical biological defense	9.0 million
PE 65384BP	Management support	15.0 million
	Dugway Proving Ground	3.7 million

The committee directs the Secretary of Defense to address shortfalls in chemical-biological defense procurement, identified by the GAO and to report actions taken to resolve these shortfalls as a specific area of interest in the next annual report to Congress on the NBC defense program.

*Chemical-biological defense—counter-terror and crisis response*

The Congress has repeatedly expressed its concern about domestic readiness to respond to a terrorist attack, particularly one that might involve the use of chemical or biological agents. Title XVII of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) expressed the sense of Congress that “. . . the President should strengthen Federal interagency planning by the Federal Emergency Management Agency and other 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.”

A Military Research and Development Subcommittee hearing on March 12, 1996, reviewed the preparedness of the United States to respond to the use of chemical or biological agents in domestic terrorism, or to a natural disaster involving industrial chemicals or the widespread outbreak of disease. The hearing also addressed the preparedness of local jurisdictions to respond to natural disaster and to terrorism in general, and the federal response that could be provided in such situations. Despite the magnificent response by federal, state, and local emergency response agencies to the terrorist bombing of the federal building in Oklahoma City, local law enforcement and emergency response capabilities would, in the event of a terrorist attack or natural disaster involving chemical or bio-

logical agents, be overwhelmed by the magnitude of the casualties that would result. The subcommittee heard testimony that local agencies "are simply not prepared to deal with a chemical or biological terrorist incident. We have neither the training nor the resources to allow us to mitigate this sort of incident." Even in the most prepared local jurisdictions, chemical/biological incident training is limited to a very few highly specialized response teams, as is the availability of protective equipment and chemical agent antidotes. The capabilities of local medical teams and hospitals to treat chemical agent casualties are likewise severely limited.

The committee encourages the Secretary of Defense to assess the advisability of establishing a program for enhancing the capability of the Department of Defense to assist domestic law enforcement agencies response to terrorism or natural disasters involving chemical or biological agents. The Secretary of Defense should report to the Congressional defense committees by September 30, 1996, the Secretary's assessment and recommendations for such a program, including a specific discussion on the appropriate role of the Department of Defense in this area. To preserve the option of initiating such a program in fiscal year 1997, the committee recommends an increased authorization of \$12.0 million in PE 65760D, and requests the Secretary to report to the Congressional defense committees on the plans for expenditure of these funds prior to their obligation.

#### *Combat casualty care*

The committee continues to support technology development to improve combat casualty care to ensure that higher quality medical treatment can be delivered. As a matter of policy the committee believes that the military should utilize, to the extent practical, commercial off-the-shelf technologies that are rapidly emerging in the commercial sector. This is particularly applicable with medical information and telecommunications technologies, commonly referred to as "telemedicine", when medical information is transmitted over long distances.

The committee believes that telemedicine provides a unique opportunity to deliver combat care more rapidly, accurately and efficiently than by current methods. The challenge for the military is to tailor commercial equipment to meet the specific needs of the warfighter. This will require a commitment to pursue appropriate research and development initiatives to address the specific medical needs of the services whether it be on the battlefield, aboard ship, at remote air bases, or in search and rescue operations.

However, the committee is concerned by the paucity of research and development funding and lack of insertion plans to move more actively to make military telemedicine a reality. The committee also notes that there appears to be no funding planned to transition to the services those high technology medical programs being pursued by the Defense Advanced Research Projects Agency (DARPA). Initiatives in development such as the personal status monitor, telesurgery, and other information based field systems offer radical change in the way medical monitoring, trauma assistance, clinical consultation, and medical command and control is administered, substantially raising the probability of saving lives

and optimizing logistics and medical assistance development. Also disturbing is the funding profile for the DARPA program which shows future funding ceasing after fiscal year 1999.

The committee notes that establishing an institutionalized infrastructure in the combat telecommunications arena is mandatory if system integration is to be achieved smoothly. Therefore, the committee recommends that the telemedicine effort being pursued by the Army and DARPA be an active part of the Force XXI Advanced Warfighting Experiments (AWE), in both the simulated and full scale hardware experiments. The committee recommends an additional \$5.0 million in PE 63002A for this purpose.

In addition to combat casualty care, the committee also sees an opportunity to reduce costs and improve capability by further fostering telemedicine in its overall military composite health care system (CHCS). The committee is aware of the ongoing support for a number of prototype programs and centers acting as Department of Defense telemedicine testbeds or participating in advanced patient care prototypes such as the Center for Total Access and the Pacific Medical Network (PACMEDNET). The committee recognizes that the integration of telecommunications can drastically reduce the requirement for medical evacuations as well as improve diagnostic effectiveness. Therefore, the committee urges the completion of the remaining phases of PACMEDNET, including the incorporation of open standards and the testing of other evolutionary medical information technology that can be integrated into the CHCS.

The committee is further aware of the desire on the part of other civilian hospital facilities to participate in the military's fledgling telemedicine effort. The committee recognizes that trauma services delivery and management activities account for a major component of health care cost in the civilian sector as well as the military. In many ways, disaster relief requires similar rapid response to high casualty incidents as the military is geared to effectively respond. Therefore, the Department should seize every opportunity for technology transfer or co-development of some facets of casualty care through the use of military-civilian testbeds or demonstration projects.

#### *Composite materials insertion for fielded weapons systems*

The committee notes the substantial past and current federally funded research investments in composite materials, as well as the slow pace in which these materials are being used in system upgrades and new systems. The committee believes that a robust program by the Department to insert new materials into fielded weapon systems would accelerate the potential for advanced composites to lower the life cycle costs of weapons systems by solving difficult and costly maintenance problems, as well as strengthening the composite materials industrial base. The Secretary of Defense is directed to institute a composite materials insertion program in the military services that includes projects that: propose lightweight metals, intermetallics, superalloys, metal matrix composites, ceramic and ceramics matrix composites; quantify mission benefits—improved performance, readiness, or reduced supportability costs; compare proposed new materials solutions with competing compo-



ment improvement or preplanned product improvement programs; outline a design to cost approach; and incorporate materials suppliers who are domestically based, preferably U.S. owned, and committed to production. The technical and programmatic management of the project should include both laboratory technical and cognizant field authority (program office or repair depot) personnel. Projects pursued through the program should include design, prototype component fabrication, testing, and technical data package preparation.

The committee directs the Secretary of Defense to report to the Senate Committee on Armed Services and the House Committee on National Security on the plan for the directed program by April 1, 1997.

*Countermine technology development and demonstration program*

The budget request included \$4.7 million in PE 62712A for exploratory development of countermine technology; \$15.2 million in PE 63606A for advanced development of countermine technologies; \$16.4 million in PE 63619A for development, prototyping, and demonstration of advanced countermine systems; and \$7.7 million in PE 63120D for development and demonstration of technologies for use in humanitarian demining. The fiscal year 1997 budget request separates funding for the humanitarian demining program from the Army's countermine advanced technology development program where countermine development for military operations other than war were previously managed.

The Congress has previously expressed concerns that the military services lacked an effective means to address the significant threat posed by anti-personnel land mines to future force projection operations and military operations other than war (H. Rept 103-499). In fiscal year 1995, \$10.0 million was added to the budget request to initiate an Army-led, integrated mine countermeasure research program which would concentrate on mine clearance in operations other than war. In the statement of managers accompanying the conference report on S. 1124 (H. Rept. 104-450), the conferees added \$3.0 million to the fiscal year 1996 budget request for land mine detection and clearance technology development.—

In the wake of the President's decision to deploy U.S. military forces to Bosnia as a part of the NATO peacekeeping operation and heightened concerns about the threat to U.S. forces posed by an estimated two million land mines left in Bosnia by the opposing forces, the Military Research and Development and Military Procurement subcommittees held a joint hearing in January 1996. The hearing focused on the landmine threat facing deploying U.S. forces and their capability for dealing with that threat, and on research, development, and acquisition programs and technologies that could improve the capabilities of U.S. forces in Bosnia and in the future. The hearing found that:

(1) The lessons of the Gulf War, Somalia, and Bosnia are that the countermine problem is difficult and improved countermine capabilities are required before the troops deploy, not after the fact.

(2) Measures have been taken to improve the countermine capabilities of U.S. forces deployed to Bosnia; however, there is

no single countermine system or technology solution to the problem posed by non-metallic anti-personnel landmines that will provide near 100 percent detection with a near zero false alarm rate.

(3) Historically, the U.S. tactical countermine program has focused on "breaching" of landmine barriers with little attention to technologies and capabilities for area mine clearance. Increased emphasis needs to be placed on the development of countermine technologies and procedures for area clearance.

(4) Area clearance is a problem common to tactical countermine operations and to humanitarian demining. The technologies and capabilities developed for one are generally applicable to the other.

(5) Countermine, unexploded ordnance and humanitarian demining programs within the Department of Defense are fragmented among several different agencies. There is no single agency representing the "user" that has joint authority over policy, doctrine, or operational requirements in these closely related areas; nor is there a single developmental activity with authority for oversight and coordination of the Department's countermine program.

The committee strongly believes that increased emphasis needs to be placed on the Department's countermine program. There is a high probability that U.S. forces will encounter the problem of uncleared landmines in most of the world's land areas where U.S. forces might be employed. New technologies are needed to detect and clear these weapons. The program must address the development of feasible near-term improvements in countermine capabilities and the longer term development of advanced technologies which would promise more comprehensive solutions to the countermine problem. Because evolving military requirements for wide-area clearance of landmines parallel the needs of many humanitarian demining operations, specific emphasis needs to be placed on development of countermine technologies that can be applied to both military wide-area mine clearance requirements and humanitarian demining needs. Developing solutions to the countermine problem will require the best efforts of the military services; the Department's countermine, unexploded ordnance clearance and explosive ordnance disposal research and development activities; industry; and academia. In particular, the committee encourages the Department to use the resources of the National Research Council of the National Academy of Sciences in attacking this difficult problem.

The committee reiterates the view expressed in the statement of managers accompanying the conference report on S. 2182 (H. Rept. 103-701) that the Department of Defense should develop a coordinated program for countermine warfare, and believes that an executive agent should be designated to coordinate all aspects of the countermine program. The committee believes that the actions taken by the Department with regard to integration and coordination of the chemical-biological defense program may provide an example of how the countermine efforts of the Department could be better coordinated and managed.

The committee recommends increases of \$10.0 million in PE 62712A, \$15.0 million in PE 63606A, and \$25.0 million in PE 63619A for the development, demonstration, and validation of near-term and far-term improvements in the countermine capabilities of U.S. forces for tactical countermine and demining operations. In order to facilitate the integration of the program, the committee directs the reassignment of humanitarian demining development from PE 63120D to PE 63606A. The committee directs the Department to put increased emphasis on developing technologies that can be applied to both military wide-area clearance requirements and demining needs, as well as on the other elements of countermine operations, and to consult with both the combatant commanders-in-chief and the interagency working group for humanitarian demining to ensure that technologies are developed and shared that meet their countermine, wide-area clearance, and demining needs.

The committee directs the Secretary of Defense to develop a plan for a countermine program which addresses the issues discussed above and report this plan to the Congressional defense committees by March 1, 1997.

#### *Cruise missile defense*

The committee recommends additional funding in fiscal year 1997 for various cruise missile defense activities. The committee's recommendation builds upon the actions taken in section 274 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) wherein the Congress launched the cruise missile defense initiative.

Specifically, to enhance the ability of the Airborne Warning and Control System (AWACS) aircraft to detect the launch of cruise missiles, the committee recommends an increase of \$5.0 million in PE 63226E and \$5.0 million in PE 27417F. The committee also recommends an additional \$5.0 million in PE 63226E and \$5.0 million in program element 64770F, in order to upgrade the Joint Surveillance Target Attack Radar System (JSTARS) and an additional \$20.0 million in PE 23801A for continued development of improved cruise missile defense capabilities of the Patriot Advanced Capability-2 (PAC-2) missile.

Finally, the committee notes with concern that the Department has yet to provide the report required by section 274(e) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106), and strongly urges the Department to complete and submit this report promptly.

#### *Department of Defense justification of estimates*

The committee continues to note the Department's lack of timeliness in and the accuracy of the annual budget materials submitted to the Congressional defense committees. Once again, the materials were found to be less than satisfactory. Program elements and budget activity placement continue to miscategorize and misrepresent the content of the programs requested. Funding data, particularly for fiscal year 1996, is either missing or inaccurate. The committee again emphasizes to the Department the need to provide ac-

curate and timely justification materials to the Congress if it expects full and favorable consideration of the Department's request.

*Department of Defense—Veterans' Administration (DOD-VA)*

The committee notes with approval the beneficial research conducted under the DOD-VA cooperative medical research program and the benefits this program has provided our service personnel and veterans. The committee expects the Department to continue to fund this joint cooperative medical research program in fiscal year 1997.

*Dual-use and commercial integration programs*

The budget request contained \$250.0 million in PE 63805E for dual-use, cost-shared programs managed by the Defense Advanced Research Projects Agency (DARPA). In addition, the budget request included \$6,970.6 million for Department of Defense science and technology programs, a significant portion of which has dual-use application.

The civilian leadership in the Department of Defense has continued to emphasize the importance of dual-use technologies. The committee commends the Defense Advanced Research Projects Agency for its leadership in this area. However, the committee believes that to achieve its goals and objectives for dual-use programs, the Department needs to make dual-use and dual-use, cost-shared programs an integral part of each of the military services' science and technology programs. This view is supported by a recently completed report, "Military and Industry Panel Dual-Use Research Project," commissioned by DARPA and conducted under the leadership of the Potomac Institute. This would provide the ability to leverage billions-of-dollars to the advantage of the Department's core development programs instead of an independent office within DARPA or the Office of the Secretary of Defense pursuing relatively small, stand-alone dual-use projects that have lesser service standing.

Various representatives of the Department have indicated that a separate program is required to demonstrate to the military services the advantage of dual-use technology. They have indicated, in part, that this is the case because the military services' "acquisition cultures" have been resistant to embrace dual-use technologies and the innovative acquisition authorities provided in title 10, United States Code.

The committee notes, however, that the Air Force has already recognized the potential of dual-use, cost-shared programs in leveraging its science and technology budget. Through its leadership, the Air Force initiated an extensive training and indoctrination program for its senior acquisition personnel at field locations. As a consequence, the Air Force has begun to change its acquisition culture, making relatively extensive use of cooperative agreements and other innovative acquisition procedures for science and technology programs.

During consideration of the fiscal year 1996 budget request, the committee, in its report on H.R. 1530 (H. Rept. 104-131), encouraged the Department to, among other steps, use authorities provided in sections 2371, 2501, and 2511 of title 10, United States

Code for specific science and technology programs to pursue dual-use projects, to leverage funding available for dual-use programs by making cost-sharing an element of solicitation criteria to be considered in making project selections, to incorporate dual-use solicitations into the normal technology project solicitation process, and to appoint an individual, reporting directly to the Under Secretary for Acquisition and Technology, to oversee all of the Department's dual-use programs, and to conduct outreach activities for communicating to the business community those technologies and processes associated with the Department's program.

Instead of following the committee's recommendation, the Department has chosen to again request additional funds over and above the nearly \$7.0 billion in its science and technology request for a stand alone dual-use applications program. Therefore, the committee recommends a provision (sec. 203) that would direct the Secretary of Defense to designate a senior official, reporting directly to the Undersecretary of Defense for Acquisition and Technology, whose sole responsibility would be to develop policy and ensure effective execution of dual-use programs and integration of commercial technologies into military systems. This official would serve as the approval authority for dual-use, cost-shared projects and would have the authority to reprogram funds among the military services' and defense agencies' budgets to achieve maximum leverage of existing funds.

In addition, for fiscal years 1997, 1998, 1999, and 2000, the provision would require that not less than five, seven, ten, and 15 percent, respectively, of each service's science and technology program be available only for dual-use, cost-shared programs. This would result in approximately \$350.0 million being available only for dual-use, cost-shared programs in fiscal year 1997 and would result in at least an equal amount being made available from non-federal sources to benefit the Department's science and technology programs.

The committee recommends no authorization for PE 63805E and recommends \$5.0 million for the Office of the Secretary of Defense Dual-Use Program Office.

*Federally funded research and development university affiliated research centers*

The committee has provided significant attention to the management of federally funded research and development centers and university affiliated research centers (UARCs). Although the committee supports the Department's need for FFRDCs, the committee believes the FFRDCs should be assigned work consistent with Federal Acquisition Regulation guidelines. The committee commends the Department for its effort to meet the requirements for competition for research work to facilitate the acquisition and modernization process. The committee insists on appropriate management of the centers, but agrees not to burden the Department nor the centers with nonproductive management ceilings and unneeded detailed reporting. The Department is urged to recommend in its fiscal year 1998 legislative proposal more streamlined reporting procedures that increase productivity, reduce management burdens, and provide an assurance that work loads at the centers are essen-

tial, defensible and definable. The committee believes that the definition of “core” work for FFRDCs and UARCs may be subject to change as work demands by the Department change. Therefore, the committee directs that an unambiguous definitive identification of “core” work for each FFRDC and UARC be included as part of the Department’s annual proposal. The committee directs that a UARC be defined as a university receiving more than \$5.0 million in sole source non-competitive contracts.

*Intelligence data support systems*

The budget request included the following amounts for intelligence data support systems:

All Source Analysis System— .....	PE 63745A .....	\$2.0 million
Joint Maritime Combat Information System— .....	PE 64231N .....	11.3 million
Intelligence Analysis System .....	PE 26313N— .....	1.2 million
Combat Information System .....	PE 27431F— .....	7.7 million

These individual military service efforts provide the specific combat users with similar, but uniquely tailored intelligence systems, and are logical acquisitions. However, the committee also believes there is a need to capitalize on specific system strengths and increase service cooperation to improve the collective capabilities of these individual systems. Such synergies of effort could lead to better interoperability, improved data fusion, reduced operator work loads and possibly reduced development costs.

Therefore, the committee directs the Army to lead a joint service intelligence system group to explore and initiate efforts to improve such interoperability and determine the applicability of, and where possible, implement existing capabilities. Specifically, the committee recommends the following increases for the Army’s All Source Analysis System; the Navy’s Joint Maritime Combat Information System; the Marine Corps’ Intelligence Analysis System; the Air Force’s Combat Information System; and the Special Operations Command’s Research, Analysis, and Threat Evaluation System to examine and integrate correlation/fusion algorithms such as the Integrated Battlespace Server and the Generic Monitoring System capabilities developed under the Defense Advanced Research Projects Agency Warbreaker program:

[In millions of dollars]

PE 63745A .....	\$2.0
PE 64231N .....	1.0
PE 26313M .....	1.0
PE 27431F .....	1.0
PE 1160405BB .....	1.0

*Joint advanced strike technology (JAST) program*

The budget request included \$246.8 million in PE 63800N, \$263.8 million in PE 63800F, and \$78.4 million in PE 63800E for a total of \$589.1 million for the Joint Advanced Strike Technology (JAST) program and initiation of the Joint Strike Fighter (JSF) program. An additional \$71.0 million is anticipated to be available for fiscal year 1997 from the United Kingdom.

The committee remains concerned that the Department is initiating a major acquisition program without adequate consideration of other alternatives, acquisition strategy, and roles and missions con-

siderations. Accordingly, the committee recommends a provision (sec. 220) that would provide the requested amounts only for advanced technology development, preclude the obligation of funds for the Advanced Short Takeoff and Vertical Landing variant of JAST, and require an analysis of force structure alternatives and associated costs.

#### ARMY RDT&E

##### Overview

The budget request for fiscal year 1997 included \$4,320.6 million for Army RDT&E. The committee recommends authorization of \$4,670.0 million, an increase of \$349.3 million, for fiscal year 1997.

The committee recommendations for the fiscal year 1997 Army RDT&E program are identified in the table below. Major changes to the Army request are discussed following the table.

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
ACCOUNT					
0601101A	0	RESEARCH DEVELOPMENT TEST & EVAL ARMY	14,701	0	14,701
0601102A	1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	141,882	3,000	144,882
0601104A	3	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	47,288	0	47,288
		TOTAL, BASIC RESEARCH	203,871	3,000	206,871
		RESEARCH AND DEVELOPMENT	203,871	3,000	206,871
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0
0602104A	4	TRACTOR ROSE	2,131	1,000	3,131
0602105A	5	MATERIALS TECHNOLOGY	10,841	4,000	14,841
0602120A	6	SENSORS AND ELECTRONIC SURVIVABILITY	23,608	1,000	24,608
0602122A	7	TRACTOR HIP	8,152	1,000	9,152
0602211A	8	AVIATION TECHNOLOGY	24,883	0	24,883
0602270A	9	EW TECHNOLOGY	15,845	0	15,845
0602303A	10	MISSILE TECHNOLOGY	20,295	0	20,295
0602308A	11	MODELING AND SIMULATION TECHNOLOGY	21,134	0	21,134
0602801A	12	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	34,834	0	34,834
0602618A	13	BALLISTICS TECHNOLOGY	31,166	0	31,166
0602622A	14	CHEMICAL SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	2,343	0	2,343
0602623A	15	JOINT SERVICE SMALL ARMS PROGRAM	4,593	0	4,593
0602705A	16	WEAPONS AND MUNITIONS TECHNOLOGY	25,811	0	25,811
0602709A	17	ELECTRONICS AND ELECTRONIC DEVICES	20,922	5,000	25,922
0602712A	18	NIGHT VISION TECHNOLOGY	16,994	0	16,994
0602716A	19	COUNTERMINE SYSTEMS	6,029	10,000	16,029
0602720A	20	HUMAN FACTORS ENGINEERING TECHNOLOGY	14,072	0	14,072
0602782A	21	ENVIRONMENTAL QUALITY TECHNOLOGY	19,457	5,000	24,457
0602783A	22	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	15,307	0	15,307
	23	COMPUTER AND SOFTWARE TECHNOLOGY	6,638	0	6,638



**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
0602784A	24	MILITARY ENGINEERING TECHNOLOGY	37,898	0	37,898
0602785A	25	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	9,528	0	9,528
0602786A	26	LOGISTICS TECHNOLOGY	17,808	1,000	18,808
0602787A	27	MEDICAL TECHNOLOGY	55,490	0	55,490
0602788A	28	TRACTOR FLOP	0	0	0
0602789A	29	ARMY ARTIFICIAL INTELLIGENCE TECHNOLOGY	2,228	0	2,228
		TOTAL, APPLIED RESEARCH	447,605	33,000	480,605
		RESEARCH AND DEVELOPMENT	447,605	33,000	480,605
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0
0603001A	30	LOGISTICS ADVANCED TECHNOLOGY	23,210	0	23,210
0603002A	31	MEDICAL ADVANCED TECHNOLOGY	11,601	5,500	17,101
0603003A	32	AVIATION ADVANCED TECHNOLOGY	41,478	4,000	45,478
0603004A	33	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	19,759	20,000	39,759
0603005A	34	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	31,552	13,500	45,052
0603006A	35	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	23,120	0	23,120
0603007A	36	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	4,500	0	4,500
0603009A	37	TRACTOR HIKE	17,176	5,000	22,176
0603012A	38	TRACTOR HOLE	0	0	0
0603013A	39	TRACTOR DIRT	3,335	0	3,335
0603017A	40	TRACTOR RED	5,125	3,500	8,625
0603020A	41	TRACTOR ROSE	5,078	1,700	6,778
0603105A	42	MILITARY HIV RESEARCH	2,919	0	2,919
0603122A	43	TRACTOR HIP	0	0	0
0603238A	44	GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISION STRIKE TECHNOLOGY	40,258	0	40,258
0603270A	45	EW TECHNOLOGY	6,794	0	6,794
0603313A	46	MISSILE AND ROCKET ADVANCED TECHNOLOGY	90,037	12,000	102,037
0603322A	47	TRACTOR CAGE	8,851	0	8,851
0603806A	48	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	15,196	15,000	30,196

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997		FY 1997	
			AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	COMMITTEE RECOMMENDATION	COMMITTEE RECOMMENDATION
0603607A	49	JOINT SERVICE SMALL ARMS PROGRAM	5,243	5,000	10,243	10,243
0603654A	50	LINE-OF-SIGHT TECHNOLOGY DEMONSTRATION	18,173	(18,173)	0	0
0603710A	51	NIGHT VISION ADVANCED TECHNOLOGY	32,597	0	32,597	32,597
0603734A	52	MILITARY ENGINEERING ADVANCED TECHNOLOGY	20,664	4,500	25,164	25,164
0603759A	53	CHEMICAL BIOLOGICAL DEFENSE AND SMOKE ADVANCED TECHNOLOGY	0	0	0	0
0603771A	54	INDUSTRIAL PREPAREDNESS MANUFACTURING TECHNOLOGY	0	0	0	0
0603772A	55	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY	22,099	0	22,099	22,099
		TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	448,765	71,527	520,292	520,292
		RESEARCH AND DEVELOPMENT	448,765	71,527	520,292	520,292
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0	0
0603018A	56	TRACTOR TREAD	2,409	0	2,409	2,409
0603019A	57	TRACTOR DUMP	0	0	0	0
0603308A	58	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (DEMVAL)	2,884	0	2,884	2,884
0603619A	59	LANDMINE WARFARE AND BARRIER - ADV DEV	16,464	25,000	41,464	41,464
0603627A	60	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV	6,380	0	6,380	6,380
0603639A	61	ARMAMENT ENHANCEMENT INITIATIVE	48,221	16,500	64,721	64,721
0603640A	62	ARTILLERY PROPELLANT DEVELOPMENT	18,450	0	18,450	18,450
0603645A	63	ARMORED SYSTEM MODERNIZATION - ADV DEV	0	0	0	0
0603647A	64	TRACTOR DIRT	0	0	0	0
0603649A	65	ENGINEER MOBILITY EQUIPMENT, ADVANCED DEVELOPMENT	0	0	0	0
0603653A	66	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	9,639	0	9,639	9,639
0603713A	67	ARMY DATA DISTRIBUTION SYSTEM	23,822	0	23,822	23,822
0603730A	68	TACTICAL SURVEILLANCE SYSTEM - ADV DEV	0	0	0	0
0603745A	69	TACTICAL ELECTRONIC SUPPORT SYSTEMS - ADV DEV	2,025	2,000	4,025	4,025
0603747A	70	SOLDIER SUPPORT AND SURVIVABILITY	6,680	0	6,680	6,680
0603760A	71	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS) - ADVANCED DEVELOPMENT	0	0	0	0
0603766A	72	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM - ADV DEV	26,060	0	26,060	26,060
0603774A	73	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	2,829	0	2,829	2,829

TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION  
(Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1987 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1987 COMMITTEE RECOMMENDATION
0603780A	74	NATO RESEARCH AND DEVELOPMENT	9,963	(9,963)	0
0603801A	75	AVIATION - ADV DEV	8,385	0	8,385
0603802A	76	WEAPONS AND MUNITIONS - ADV DEV	0	0	0
0603804A	77	LOGISTICS AND ENGINEER EQUIPMENT - ADV DEV	7,592	0	7,592
0603805A	78	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND AN	13,140	0	13,140
0603806A	79	NBC DEFENSE SYSTEM-ADV DEV	0	0	0
0603807A	80	MEDICAL SYSTEMS - ADV DEV	10,211	0	10,211
0603851A	81	TRACTOR CAGE (DEMVAL)	3,124	0	3,124
0603854A	82	ARTILLERY SYSTEMS - DEMVAL	258,771	(50,000)	208,771
0603856A	83	SCAMP BLOCK II DEMVAL	8,080	0	8,080
0603888A	84	COUNTERDRUG RDT&E PROJECTS	0	0	0
0603XXXXA	84A	FORCE XXI	0	0	0
		DEMONSTRATION AND VALIDATION	485,129	(16,463)	468,666
		RESEARCH AND DEVELOPMENT	485,129	(16,463)	468,666
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0
0604201A	85	AIRCRAFT AVIONICS	15,008	0	15,008
0604220A	86	ARMED, DEPLOYABLE OH-58D	1,154	0	1,154
0604223A	87	COMANCHE	288,644	50,000	338,644
0604270A	88	EW DEVELOPMENT	69,474	0	69,474
0604315A	89	TRI-SERVICE STANDOFF ATTACK MISSILE	0	0	0
0604321A	90	ALL SOURCE ANALYSIS SYSTEM	36,200	0	36,200
0604325A	91	FOLLOW-ON TO TOW	5,596	0	5,596
0604328A	92	TRACTOR CAGE	1,561	0	1,561
0604604A	93	MEDIUM TACTICAL VEHICLES	0	0	0
0604609A	94	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ENG DEV	0	0	0
0604611A	95	JAVELIN	1,643	0	1,643
0604619A	96	LANDMINE WARFARE	17,809	0	17,809
0604622A	97	FAMILY OF HEAVY TACTICAL VEHICLES	0	0	0

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
0604633A	98	AIR TRAFFIC CONTROL	5,549	0	5,549
0604640A	99	ADVANCED COMMAND AND CONTROL VEHICLE (AC2V)	6,649	0	6,649
0604641A	100	TACTICAL UNMANNED GROUND VEHICLE (TUGV)	2,884	0	2,884
0604642A	101	LIGHT TACTICAL WHEELED VEHICLES	0	0	0
0604645A	102	ARMORED SYSTEMS MODERNIZATION (ASM)-ENG. DEV.	6,726	0	6,726
0604649A	103	ENGINEER MOBILITY EQUIPMENT DEVELOPMENT	35,410	12,300	47,710
0604710A	104	NIGHT VISION SYSTEMS - ENG DEV	33,637	0	33,637
0604713A	105	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	78,063	0	78,063
0604715A	106	NON-SYSTEM TRAINING DEVICES - ENG DEV	42,865	0	42,865
0604716A	107	TERRAIN INFORMATION - ENG DEV	7,369	0	7,369
0604739A	108	INTEGRATED BROADCAST SERVICE	4,867	0	4,867
0604740A	109	TACTICAL SURVEILLANCE SYSTEM - ENG DEV	0	0	0
0604741A	110	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE - ENG DEV	20,516	0	20,516
0604746A	111	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	2,793	0	2,793
0604760A	112	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS) - ENGINEERING DEVE	15,966	0	15,966
0604766A	113	TACTICAL EXPLOITATION OF NATIONAL CAPABILITIES - EMD (TIARA)	15,758	0	15,758
0604768A	114	BRILLIANT ANTI-ARMOR SUBMUNITION (BAT)	180,407	0	180,407
0604770A	115	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM	9,857	0	9,857
0604778A	116	POSITIONING SYSTEMS DEVELOPMENT (SPACE)	437	0	437
0604780A	117	COMBINED ARMS TACTICAL TRAINER (CATT)	26,713	0	26,713
0604801A	118	AVIATION - ENG DEV	5,518	0	5,518
0604802A	119	WEAPONS AND MUNITIONS - ENG DEV	20,468	1,600	22,068
0604804A	120	LOGISTICS AND ENGINEER EQUIPMENT - ENG DEV	20,330	0	20,330
0604805A	121	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS - ENG DEV	9,796	0	9,796
0604806A	122	NBC DEFENSE SYSTEM-ENG DEV	0	0	0
0604807A	123	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT - EN	4,784	0	4,784
0604808A	124	LANDMINE WARFARE/BARRIER - ENG DEV	19,731	2,500	22,231
0604814A	125	SENSE AND DESTROY ARMAMENT MISSILE - ENG DEV	10,149	0	10,149
0604816A	126	LONGBOW - ENG DEV	5,872	0	5,872

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
0604817A	127	COMBAT IDENTIFICATION	16,783	0	16,783
0604818A	128	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	16,429	0	16,429
0604820A	129	RADAR DEVELOPMENT	0	0	0
0604823A	130	FIREFINDER	551	0	551
0604XXA	130A	FORCE XXI INITIATIVES	0	100,000	100,000
		TOTAL, ENGINEERING AND MANUFACTURING DEVELOPMENT RESEARCH AND DEVELOPMENT	1,063,776	166,400	1,230,176
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0
		ENGINEERING AND MANUFACTURING DEVELOPMENT	1,063,776	166,400	1,230,176
0604256A	131	THREAT SIMULATOR DEVELOPMENT	11,627	0	11,627
0604258A	132	TARGET SYSTEMS DEVELOPMENT	10,129	0	10,129
0604759A	133	MAJOR T&E INVESTMENT	41,725	0	41,725
0605103A	134	RAND ARROYO CENTER	21,763	1,000	22,763
0605104A	135	LOS ALAMOS MESON PHYSICS FACILITY	0	0	0
0605301A	136	ARMY KWAJALEIN ATOLL	136,864	0	136,864
0605502A	137	SMALL BUSINESS INNOVATIVE RESEARCH	0	0	0
0605601A	138	ARMY TEST RANGES AND FACILITIES	133,012	0	133,012
0605602A	139	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	22,413	0	22,413
0605604A	140	SURVIVABILITY/LETHALITY ANALYSIS	31,343	0	31,343
0605605A	141	DOD HIGH ENERGY LASER TEST FACILITY	2,967	0	2,967
0605606A	142	AIRCRAFT CERTIFICATION	2,905	0	2,905
0605702A	143	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	14,428	0	14,428
0605706A	144	MATERIEL SYSTEMS ANALYSIS	7,347	0	7,347
0605709A	145	EXPLOITATION OF FOREIGN ITEMS	0	0	0
0605710A	146	JOINT NUCLEAR BIOLOGICAL CHEMICAL TEST, ASSESSMENT AND SUR	50,906	0	50,906
0605712A	147	SUPPORT OF OPERATIONAL TESTING	61,092	0	61,092
0605801A	148	PROGRAMWIDE ACTIVITIES	1,566	0	1,566
0605802A	149	INTERNATIONAL COOPERATIVE RESEARCH AND DEVELOPMENT	0	0	0
0605803A	150	TECHNICAL INFORMATION ACTIVITIES	16,921	0	16,921

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
0605805A	151	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	2,282	0	2,282
0605810A	152	RD&E SUPPORT FOR NONDEVELOPMENTAL ITEMS	0	0	0
0605853A	153	ENVIRONMENTAL CONSERVATION	1,759	0	1,759
0605854A	154	POLLUTION PREVENTION	13,884	0	13,884
0605856A	155	ENVIRONMENTAL COMPLIANCE	53,911	0	53,911
0605876A	156	MINOR CONSTRUCTION (RPM) - RD&E	4,319	0	4,319
0605878A	157	MAINTENANCE AND REPAIR (RPM) - RD&E	66,047	0	66,047
0605879A	158	REAL PROPERTY SERVICES (RPS) - RD&E	92,390	0	92,390
0605896A	159	BASE OPERATIONS - RD&E	216,649	0	216,649
0605898A	160	MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	4,801	0	4,801
0909999A	161	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS	0	0	0
		TOTAL, RD&E MANAGEMENT SUPPORT	1,029,544	1,000	1,030,544
		RESEARCH AND DEVELOPMENT	1,029,544	1,000	1,030,544
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0
0603778A	162	MLRS PRODUCT IMPROVEMENT PROGRAM	64,271	0	64,271
0102419A	163	AEROSTAT JOINT PROJECT OFFICE	38,940	0	38,940
0203726A	164	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	39,497	1,000	40,497
0203735A	165	COMBAT VEHICLE IMPROVEMENT PROGRAMS	197,796	17,875	215,671
0203740A	166	MANEUVER CONTROL SYSTEM	29,082	0	29,082
0203744A	167	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	194	22,700	22,894
0203752A	168	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	2,947	0	2,947
0203801A	169	DIGITIZATION	110,180	0	110,180
0203802A	170	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	30,959	20,000	50,959
0203806A	171	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	6,199	15,000	21,199
0203808A	172	TRACTOR RUT	3,179	0	3,179
0208010A	173	TRACTOR CARD	6,933	0	6,933
0208053A	174	JOINT TACTICAL COMMUNICATIONS PROGRAM (TRI-TAC)	18,693	0	18,693
	175	JOINT TACTICAL GROUND SYSTEM	2,124	0	2,124

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
 (Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
0301359A	176	SPECIAL ARMY PROGRAM	10,185	3,300	13,485
0303140A	177	INFORMATION SYSTEMS SECURITY PROGRAM	3,161	0	3,161
0303142A	178	SATCOM GROUND ENVIRONMENT (SPACE)	40,677	0	40,677
0303150A	179	WMCCSGLOBAL COMMAND AND CONTROL SYSTEM	19,804	0	19,804
0305128A	180	SECURITY AND INVESTIGATIVE ACTIVITIES	487	0	487
0706045A	181	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	16,842	11,000	27,842
		TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	842,150	90,875	733,025
		RESEARCH AND DEVELOPMENT	842,150	90,875	733,025
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0
		TOTAL, RESEARCH DEVELOPMENT TEST & EVAL ARMY	4,320,640	349,339	4,669,979
		RESEARCH AND DEVELOPMENT	3,256,864	182,939	3,439,803
		ENGINEERING AND MANUFACTURING DEVELOPMENT	1,063,776	166,400	1,230,176

## Items of Special Interest

*122mm rocket/mortar threat*

The committee has been apprised that the Army has a number of opportunities to counter 122mm rocket and mortar threats for which it now has no countermeasure. Several systems in development could possibly be refined to meet this threat if further development work were conducted. Among those competing systems are the Tactical High Energy Laser (THEL), the Nautilus laser and the Depressed Altitude Guided Gun Round (DAGGR) program.

The committee believes that the potential performance of these and other countermeasure system options should be explored through a detailed systems analysis and a recommendation made to the Secretary of the Army prior to any actual evaluation.

The committee recommends an additional \$1.0 million in PE 65103A to be available for this study by the Army's Rand Arroyo Center.

*155mm XM982 projectile*

As a result of the lessons learned from Operation Desert Storm, the Congress accelerated the development of a 155mm extended range artillery projectile, the XM982, to provide accurate, cost effective delivery of submunitions to 40 kilometers. Since the Crusader program is likely to be delayed due to a significant program alteration, XM982 development is the only way to achieve the extended range requirement of 40 kilometers. The committee recommends an additional \$12.0 million in PE 63004A for accelerated development and cautions the Department that its continued delay in releasing funds authorized and appropriated for this program from prior years is wasteful and causing unnecessary delays in achieving program goals.

*Advanced field artillery tactical data system*

The advanced field artillery tactical data system (AFATDS) is a multi-service program which will provide the fire support command and control system for the Army and Marine Corps. The committee is aware that the Army has a shortfall of \$1.0 million to complete the common hardware porting effort which was delayed due to fiscal year 1996 funding decreases. The committee recommends an additional \$1.0 million in PE 23726A for this purpose.

*Advanced individual weapon anti-armor system (ALAWS)*

The committee strongly supports the development of the advanced individual weapon system for the 21st Century as outlined in the Joint Service Small Arms Master plan. The committee recommends that the Secretary of the Army reprogram sufficient funds to permit the demonstration and evaluation of advanced warhead technologies that would significantly increase the individual soldier capability for attack of light armored vehicles. The committee notes that these technologies have been proposed in the ALAWS concept. The committee believes that these warhead technologies are appropriate for inclusion in the objective individual combat weapon (OICW) program, or in a stand alone or crew served system.



*Assault breach marking system*

Operation Desert Storm revealed a significant deficiency in the current minefield breach marking capability that has yet to be resolved. The committee recommends an additional \$1.0 million in PE 64808A for rapid acquisition and fielding of an assault breach marking system to mark safe paths through minefields for the following forces.

*Atmospheric and hydrologic research*

The committee is aware of the Army Research Laboratory's effort in atmospheric and hydrologic research to satellite detect, decipher and model soil and weather conditions that influence effective performance on the battlefield. The committee understands that Army progress in these efforts has been successful in considering rainfall and temperature profiles only. The committee recommends an additional \$3.0 million in PE 61102A for the Army Research Laboratory to expand the measurement and predictive work to include more complex atmospheric conditions such as fog and haze as well as other remote sensing devices.

*Battlefield combat identification system (BCIS)*

The committee continues to follow with interest the Army's plan to field a battlefield combat identification system (BCIS) as a means of preventing friendly fire casualties through electronic interrogation and identification of potential targets as "friend or foe". The committee notes the successful performance reported by Army field personnel who are using the BCIS system, but find it difficult to understand the Army's delay in initiating procurement beyond those units identified for the Force XXI advanced warfighting experiments (AWE). The Army has testified that situational awareness is valuable in tactical situations so that operational decisions can be enhanced, noting that knowledge of the location of friendly forces can "change the way we fight ground combat," further citing a desire to accelerate and field a combat identification system "as soon as possible." The Army, however, believes that the current cost estimates for BCIS are prohibitive and plans to wait until after the AWE with BCIS are complete in late 1997 to make a procurement decision.

The committee reminds the Army leadership that further postponement of a procurement decision will keep a friendly fire capability out of the Army inventory in any significant number until calendar year 2000. The committee urges the Secretary of the Army to raise the priority of procurement and fielding of the BCIS system so that early fielding can begin in fiscal year 1998.

*CH-47 system upgrade*

The Chinook helicopter is the Army's only heavy lift cargo helicopter. The original CH-47D programs to extend the life of the CH-47 A, B and C models for another 20 years has reached the point where the original air frames will be nearly forty years old at the turn of the century.

The committee is concerned that, beyond overhauls, the Army continues to consider a modernization program unaffordable. The committee understands that the Army is seeking a replacement for

the Chinook as part of a joint service transport rotocraft program to field a new cargo helicopter beginning in 2015. These plans, however, are currently unfunded.

The committee is further concerned that future budget pressures may force postponement of any new start development program. Therefore, the committee believes that the CH-47 must be sustained through the year 2025 to ensure readiness. The committee recommends an additional \$22.7 million in PE 23744A to conduct the improved cargo helicopter program concept formulation and technology demonstrations that includes system health monitoring and vibration reduction technologies.

#### *Comanche*

The committee understands that the Army leadership is satisfied with the current acquisition profile of the Comanche in spite of attempts on the part of the Congress to accelerate development. The current program will yield full system development with initial operational capability (IOC) by the year 2006, and with the field deployment of six experimental operational capability (EOC) aircraft during fiscal years 2002–2003.

The committee continues to believe there is an opportunity to make an early determination of the value of an accelerated Comanche program and recommends an additional \$50.0 million in PE 64223A for early flight performance demonstrations of one or more of the EOC aircraft. Therefore, the Secretary of the Army is directed to provide the Congressional defense committees a report on early performance demonstration alternatives prior to the obligation of the additional funding.

#### *Combat vehicle laser warning equipment*

The committee recommends an additional \$4.9 million in PE 23735A for the continued remanufacture of combat vehicle laser warning equipment as a part of the suite of survivability enhancement systems.

#### *Countermine system improvement*

The Army countermine program is designed to maintain combat maneuver unit mobility by detecting minefields and provide a means to breach or mark the minefields. The committee recommends an additional \$1.5 million in PE 64808A for battalion countermine set improvements.

#### *Crusader program*

The budget request for the Crusader program was \$258.8 million. The committee has been informed of the decision by the Army to change from liquid propellant for the cannon projectiles to an advanced solid propellant. Although the Army made an informed decision to change the development plan for the projectile propellant, the committee believes that cost savings can be realized in the program by utilization of the lower risk propellant alternative.

The committee believes that the program should be restructured and approved by the Congressional defense committees before proceeding further into the demonstration/validation (dem/val) phase. The importance of fielding a superior field artillery system for the

twenty-first century cannot be overstated. The committee recommends a reduction of \$50.0 million in PE 63854A to take advantage of the cessation of high cost liquid propellant development and directs the Secretary of the Army to restructure the development program and report to the Senate Committee on Armed Services and the House Committee on National Security by March 1, 1997 the results of the program restructure.

*Diesel engine advanced development*

The committee recommends an additional \$10.0 million in PE 63005A to continue the industry cooperative agreement for the advanced development of a four-stroke, direct injected, diesel engine and modification of the standard 6.2 liter diesel engine by the Army's National Automotive Center.

*Diesel/gas turbine project*

The committee recommends an additional \$3.5 million in PE 63005A for continued development and Army testing of the combined-cycle diesel/gas turbine engine program.

*Force XXI initiatives*

In testimony provided to the Military Procurement and Military Research and Development Subcommittees, the Army presented its program to rapidly move new technology demonstrated in the Army's Force XXI initiative by, in effect, streamlining the acquisition process by being able to fund proven compelling technologies needed by the Army that result from the program. The current time delay caused by the lead time required in the development of the Department's Program Objective Memorandum (POM) invites a missed opportunity in many cases to rapidly field critical new capability to the forces. The committee understands that the Army Systems Acquisition Review Council (ASARC) will identify and approve for rapid acquisition, those technologies that have warfighting impact.

The committee approves the request of the Army leadership and recommends an additional \$100.0 million in a new program element for this purpose. The committee understands that the Army will provide a similar funding line in its fiscal year 1998 and beyond requests. The committee directs that a report of the fiscal year 1997 activity be provided to accompany subsequent annual requests.

*Hardened materials*

The committee recognizes the work in advanced composite materials conducted by the Army Research Laboratory that will yield performance advantages in future Army systems. The committee is concerned that adequate funding is not being applied for the range of planned uses for hardened materials in the Army's modernization plan. The committee recommends an additional \$4.0 million in PE 62105A for the hardened materials development program and urges Army program managers to seek opportunities for materials insertion into existing Army systems to accelerate technical maturity and acceptance.

*Heavy assault bridge*

The current configuration of the Wolverine heavy assault bridge is based on the M1A1 chassis configuration which will be out of production for eight years before the first Wolverine comes off the production line at the Lima Army Tank Plant. However, the primary system that will be on that production line at that point will be the M1A2 Abrams tank. In addition, the primary tank system the Wolverine will support and be fielded within the M1A2 program.

The committee understands that by aligning the configuration of these vehicles, program efficiencies and cost reduction can be realized.

The committee recommends an additional \$12.3 million in PE 64649A to design Wolverine unique line replaceable units and to integrate software for the new configuration.

*High modulus polyacrylonitrile (PAN) carbon fiber*

High modulus polyacrylonitrile (PAN) carbon fiber is a critical component of the Theater High Altitude Air Defense (THAAD) system's kill vehicle. In addition, it is a critical material in the Atmospheric Interceptor Technology (AIT) kill vehicle which is designed to advance lightweight technologies necessary for future hypersonic hit-to-kill vehicles. In fiscal year 1996, \$4.0 million was added to the Army's manufacturing technology program in order to fund the first year of a multi-year program designed to support the development of a domestic source for this material. The committee recommends an additional \$8.0 million in PE 78045A to complete the funding requirements for this program.

*Hydra-70 product improvement program*

The Department of the Army continues to place insufficient management attention on correcting Hydra-70 rocket problems. Non-development composite rocket motors are available for competitive evaluation, yet the Army has failed to act. Accordingly, the committee recommends an additional \$15.0 million in PE 23802A for testing and integration of at least one composite motor type required to achieve an operational capability on the Apache helicopter. The committee directs that the Secretary of the Army provide a detailed progress report to the committee by March 31, 1997, on its progress and to submit additional funding requirements in the fiscal year 1998 request.

*Instrument factory for gears*

The committee is aware of the weapon systems being supported by the industrial manufacturers participating in the Army Manufacturing Technology programs through the Instrumented Factory for Gears (INFAC) Technology Center of Excellence. The committee is concerned that congressional support for the INFAC and a number of other manufacturing technology programs has been essentially ignored by the Department. The committee believes that programs like INFAC provide a focal point for industrial participation and a concentrated effort to solve difficult manufacturing problems that when solved, contribute to the control of acquisition cost of

military systems. The committee recommends an additional \$3.0 million in PE 78045A for the INFAC program.

*Line-of-sight, anti-tank (LOSAT)*

The committee believes continuation of the line-of-sight, anti-tank (LOSAT) program is unaffordable in view of other Army priorities. The committee recommends a reduction of \$18.0 million in 63654A.

*Liquid propellant*

The committee has been informed that the Army leadership chose to discontinue development of projectile liquid propellant (LP) for the Crusader advanced field artillery system. Although the committee concurs with this decision, it believes that there should be an orderly conclusion to the LP program, especially while technical teams and test equipment are in place.

The committee recommends an additional \$5.0 million in PE 62618A to conclude those experiments that are required to enhance the program's orderly conclusion and documentation.

*M1A2 tank compact autoloader program*

The committee is aware of new technology to implement a compact autoloader for the M1A2 Abrams tank. The committee recommends an additional \$3.0 million in PE 23735A for insertion of a compact autoloader and the conduct of firing demonstrations.

*Manufacturing technology (MANTECH)*

The committee is concerned that the Army is not focusing sufficient MANTECH resources on key manufacturing cost drivers in the organic maintenance of weapon systems. The committee believes that the potential exists to address manufacturing applications that could have a significant modernization and cost reduction impact on the maintenance of mission essential equipment and systems in the Department's depots. The committee urges the Secretary of the Army to continue the industrial-academic partnerships for repair technology development and insertion for maintenance of rotary winged aircraft that was identified in the statement of managers accompanying the conference report on S. 1124 (H. Rept. 104-450).

*MK-19 modifications*

The committee recommends an additional \$1.6 million in PE 64802A to develop a change barrel to adapt a 50 caliber machine gun, and to develop an adaptor for a MK-19 installation in an up-armored high mobility multi-purpose wheeled vehicle (HMMWV).

*MLRS extended range enhancement*

The committee supports the Army's need to accelerate the multiple launch rocket system, extended range (MLRS-ER) enhancement. The committee recommends an additional \$12.0 million in PE 63313A to support test flights and other risk reduction efforts leading to engineering and manufacturing development in fiscal year 1998.

*Objective individual combat weapon (OICW)*

The committee supports the development of the OICW as a key element in the Joint Service Small Arms Program which is designed to give the 21st Century land warrior a small arms overmatch capability well into the next century. The committee directs the Secretary of the Army to continue development of current competing technologies through phase III of the program and to down select to a final contractor at that point. The committee recommends an additional \$5.0 million in PE 63607A to support this acquisition strategy.

*Optical correlators*

The committee is aware of the potential of optical correlators for signal processing and anomaly detection in military systems. The committee believes optical correlators also have similar potential in medical research such as for the detection of tumors. The Secretary of the Army is to provide a report to the House Committee on National Security on potential benefits of optical correlators in medical research. The report shall be provided by March 1, 1997.

*Precision guided mortar*

The precision guided mortar is an Advanced Technology Demonstration (ATD) within the Department of Defense's Rapid Force Projection Initiative (RFPI). The basic purpose of the program is to develop and demonstrate a 120mm mortar projectile that bridges the range gap between existing mortars and field artillery systems, and is capable of attacking with precision important point targets in areas of high collateral damage sensitivity.

The committee understands that the current development schedule has been extended due to funding limitations within the Army. The committee believes that the program can be accelerated and recommends an additional \$6.0 million in PE 63004A to provide precision munitions for testing in the RFPI program.

*Projectile detection and cueing (PDCue) acoustic fire finder system*

The committee supports ongoing evaluations at the Army Research Laboratory (ARL) to detect and localize sniper gunfire. The committee recommends an additional \$1.0 million in PE 62120A for the procurement and testing of additional projectile detection cueing systems.

*Rapid battlefield visualization program*

The budget request included \$9.6 million in PE 63734A, project DT 12, for the Joint Precision Strike Demonstration's Rapid Battlefield Visualization program. The committee recommends an increase of \$4.5 million to continue the development and evaluation of advanced large screen, automated graphical displays; high performance computers and networks; and terrain databases to provide enhanced situation awareness for tactical commanders.

*Starstreak missile evaluation*

The budget request contained no funding for the continuation of the air-to-air Starstreak missile evaluation on the Apache attack helicopter. The committee is aware that the Department is with-

holding \$8.0 million of fiscal year 1995 funding and \$4.0 million of fiscal year 1996 funding that is planned for this evaluation. The phase one feasibility study of the air-to-air assessment is due to be completed in May, 1996. The committee anticipates the study results to be positive and recommends proceeding immediately with the subsequent phase two hardware evaluations. The committee directs the Department of Defense to release the prior year funding to the Army for this evaluation and recommends an additional \$3.0 million in PE 63003A to conduct the phase two testing.

*Solid state dye lasers*

The committee recommends an additional \$5.0 million in PE 62705A for continued research into advanced solid state dye lasers.

*Trajectory correctable munitions*

The Army has been pursuing trajectory correctable munitions (TCMs) as well as low cost competent munitions (LCMs) as potential means of guiding artillery projectiles in flight. The committee recommends an additional \$2.0 million in PE 63004A for continued development.

*Trichloromelamine (TCM) testing*

The Secretary of the Army is directed to conduct toxicity studies of trichloromelamine (TCM) disinfectant that include a 90 day feeding study in a non-rodent species. The purpose of this testing is to provide appropriate Environmental Protection Agency registration for Army future procurement from TCM suppliers, thus ensuring competition. The committee recommends an additional \$500,000 in PE 63003A for this purpose.

*Under armor auxiliary power unit*

The committee understands that the Army has encountered higher than expected development cost for the under armor auxiliary power unit for the SEP/GEN II FLIR for the Abrams tank. The committee recommends an additional \$10.0 million in PE 23735A to meet this shortfall.

*Unexploded ordnance remediation*

The committee recommends an additional \$5.0 million in PE 62720A for continuation of research, testing and analysis work at the Army Environmental Center for unexploded ordnance remediation programs.

*X-ROD*

The X-ROD is a millimeter wave guided, fire and forget, rocket boosted, kinetic energy tank round. The committee notes that significant progress has been made in seeker hardware, acquisition and track, and kill round terminal velocity.

The committee believes the X-ROD can fulfill the emerging requirement for a long range, highly accurate tank kill round envisioned for the Tank Extended Range Munition-Kinetic Energy (TERM-KE) advanced tank round and recommends an additional \$16.5 million in PE 63639A for continued development.

## NAVY RDT&amp;E

## Overview

The budget request for fiscal year 1997 contained \$7,334.7 million for Navy RDT&E. The committee recommends authorization of \$8,190.0 million, an increase of \$855.2 million, for fiscal year 1997.

The committee recommendations for the fiscal year 1997 Navy RDT&E program are identified in the table below. Major changes to the Navy request are discussed following the table.



**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
ACCOUNT	0	RESEARCH DEVELOPMENT TEST & EVAL NAVY	15,309	0	15,309
0601152N	1	IN-HOUSE INDEPENDENT LABORATORY RESEARCH	371,904	25,000	396,904
0601153N	2	DEFENSE RESEARCH SCIENCES	387,213	25,000	412,213
		TOTAL, BASIC RESEARCH	387,213	25,000	412,213
		RESEARCH AND DEVELOPMENT	0	0	0
		ENGINEERING AND MANUFACTURING DEVELOPMENT			
0602111N	3	SURFACE/AEROSPACE SURVEILLANCE AND WEAPONS TECHNOLOGY	26,312	14,800	41,112
0602121N	4	SURFACE SHIP TECHNOLOGY	35,591	9,500	45,091
0602122N	5	AIRCRAFT TECHNOLOGY	20,578	0	20,578
0602131M	6	MARINE CORPS LANDING FORCE TECHNOLOGY	17,093	0	17,093
0602232N	7	COMMAND, CONTROL, AND COMMUNICATIONS TECHNOLOGY	56,159	2,000	58,159
0602233N	8	READINESS, TRAINING, AND ENVIRONMENTAL QUALITY TECHNOLOGY	40,828	2,500	43,328
0602234N	9	MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY	75,886	11,000	86,886
0602270N	10	ELECTRONIC WARFARE TECHNOLOGY	22,454	0	22,454
0602314N	11	UNDERSEA SURVEILLANCE WEAPON TECHNOLOGY	49,580	21,000	70,580
0602315N	12	MINE COUNTERMEASURES, MINING AND SPECIAL WARFARE	40,534	0	40,534
0602435N	13	OCEANOGRAPHIC AND ATMOSPHERIC TECHNOLOGY	44,559	25,000	69,559
0602833N	14	UNDERSEA WARFARE WEAPONRY TECHNOLOGY	33,891	6,000	39,891
		TOTAL, APPLIED RESEARCH	463,465	91,800	555,265
		RESEARCH AND DEVELOPMENT	463,465	91,800	555,265
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0
0603217N	15	AIR SYSTEMS AND WEAPONS ADVANCED TECHNOLOGY	29,315	12,000	41,315
0603238N	16	PRECISION STRIKE AND AIR DEFENSE	55,560	(9,249)	46,311
0603270N	17	ADVANCED ELECTRONIC WARFARE TECHNOLOGY	15,085	0	15,085
0603508N	18	SHIP PROPULSION SYSTEM	28,557	18,000	46,557
0603840M	19	MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	24,212	6,750	30,962
0603706N	20	MEDICAL DEVELOPMENT	37,342	4,000	41,342

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
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PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
0603707N	21	MANPOWER, PERSONNEL AND TRAINING ADV TECH DEV	19,273	0	19,273
0603712N	22	ENVIRONMENTAL QUALITY AND LOGISTICS ADVANCED TECHNOLOGY	19,970	0	19,970
0603747N	23	UNDERSEA WARFARE ADVANCED TECHNOLOGY	43,583	15,000	58,583
0603771N	24	INDUSTRIAL PREPAREDNESS MANUFACTURING TECHNOLOGY	0	0	0
0603782N	25	SHALLOW WATER MCM DEMOS	42,753	5,000	47,753
0603782N	26	ADVANCED TECHNOLOGY TRANSITION	104,424	(20,000)	84,424
0603794N	27	C3 ADVANCED TECHNOLOGY	29,268	0	29,268
		TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	449,342	31,501	480,843
		RESEARCH AND DEVELOPMENT	449,342	31,501	480,843
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0
0603207N	28	AIR/OCEAN TACTICAL APPLICATIONS	16,519	0	16,519
0603208N	29	TRAINING SYSTEM AIRCRAFT	2,405	0	2,405
0603216N	30	AVIATION SURVIVABILITY	6,313	0	6,313
0603254N	31	ASW SYSTEMS DEVELOPMENT	19,473	2,500	21,973
0603261N	32	TACTICAL AIRBORNE RECONNAISSANCE	24,085	0	24,085
0603382N	33	ADVANCED COMBAT SYSTEMS TECHNOLOGY	3,858	0	3,858
0603451N	34	TACTICAL SPACE OPERATIONS	0	0	0
0603502N	35	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	86,995	12,000	98,995
0603504N	36	ADVANCED SUBMARINE COMBAT SYSTEMS DEVELOPMENT	19,149	39,000	58,149
0603506N	37	SURFACE SHIP TORPEDO DEFENSE	5,772	0	5,772
0603512N	38	CARRIER SYSTEMS DEVELOPMENT	12,745	23,000	35,745
0603513N	39	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	9,948	0	9,948
0603514N	40	SHIP COMBAT SURVIVABILITY	5,749	0	5,749
0603525N	41	PILOT FISH	93,910	0	93,910
0603528N	42	NON-ACOUSTIC ANTI-SUBMARINE WARFARE (ASW)	0	0	0
0603536N	43	RETRACT JUNIPER	10,398	0	10,398
0603542N	44	RADIOLOGICAL CONTROL	2,886	0	2,886
0603553N	45	SURFACE ASW	3,964	0	3,964

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
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PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997		FY 1997	
			AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	COMMITTEE RECOMMENDATION	COMMITTEE RECOMMENDATION
0603561N	46	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	26,400	59,000	85,400	
0603562N	47	SUBMARINE TACTICAL WARFARE SYSTEMS	4,578	0	-4,578	
0603563N	48	SHIP CONCEPT ADVANCED DESIGN	13,807	75,000	88,807	
0603564N	49	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	12,942	0	12,942	
0603570N	50	ADVANCED NUCLEAR POWER SYSTEMS	131,965	0	131,965	
0603573N	51	ADVANCED SURFACE MACHINERY SYSTEMS	59,773	16,500	76,273	
0603576N	52	CHALK EAGLE	149,679	0	149,679	
0603582N	53	COMBAT SYSTEM INTEGRATION	3,879	0	3,879	
0603609N	54	CONVENTIONAL MUNITIONS	26,490	3,000	29,490	
0603610N	55	ADVANCED WARHEAD DEVELOPMENT (MK-50)	1,329	0	1,329	
0603611M	56	MARINE CORPS ASSAULT VEHICLES	40,106	20,000	60,106	
0603612M	57	MARINE CORPS MINE/COUNTERMEASURES SYSTEMS - ADV DEV	582	0	582	
0603635M	58	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	44,891	0	44,891	
0603654N	59	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	4,639	0	4,639	
0603709N	60	ADVANCED MARINE BIOLOGICAL SYSTEM	0	0	0	
0603711N	61	FLEET TACTICAL DEVELOPMENT	3,398	0	3,398	
0603713N	62	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	8,606	0	8,606	
0603721N	63	ENVIRONMENTAL PROTECTION	48,401	0	48,401	
0603724N	64	NAVY ENERGY PROGRAM	3,080	0	3,080	
0603725N	65	FACILITIES IMPROVEMENT	2,239	0	2,239	
0603734N	66	CHALK CORAL	77,675	0	77,675	
0603746N	67	RETRACT MAPLE	83,809	5,000	88,809	
0603748N	68	LINK PLUMERIA	26,433	0	26,433	
0603751N	69	RETRACT ELM	24,993	0	24,993	
0603755N	70	SHIP SELF DEFENSE	216,486	27,000	243,486	
0603763N	71	WARFARE SYSTEMS ARCHITECTURE AND ENGINEERING	0	0	0	
0603785N	72	COMBAT SYSTEMS OCEANOGRAPHIC PERFORMANCE ASSESSMENT	13,650	0	13,650	
0603787N	73	SPECIAL PROCESSES	82,764	0	82,764	
0603790N	74	NATO RESEARCH AND DEVELOPMENT	9,933	(9,933)	0	

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
0603795N	75	GUN WEAPON SYSTEM TECHNOLOGY	42,204	5,000	47,204
0603800N	76	JOINT ADVANCED STRIKE TECHNOLOGY - DEMVAL	246,833	0	246,833
0604707N	77	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEER	5,212	0	5,212
		TOTAL, DEMONSTRATION AND VALIDATION	1,740,955	277,067	2,018,022
		RESEARCH AND DEVELOPMENT	1,740,955	277,067	2,018,022
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0
0603286N	78	AH-1T COMPOSITE ROTOR BLADE (H)	73,080	0	73,080
0604212N	79	OTHER HELO DEVELOPMENT	40,132	0	40,132
0604214N	80	AV-8B AIRCRAFT - ENG DEV	16,874	0	16,874
0604215N	81	STANDARDS DEVELOPMENT	24,698	2,400	27,098
0604217N	82	S-3 WEAPON SYSTEM IMPROVEMENT	4,979	0	4,979
0604218N	83	AIR/OCEAN EQUIPMENT ENGINEERING	5,631	0	5,631
0604221N	84	P-3 MODERNIZATION PROGRAM	2,074	0	2,074
0604231N	85	TACTICAL COMMAND SYSTEM	26,989	4,500	31,489
0604261N	86	ACOUSTIC SEARCH SENSORS	12,141	0	12,141
0604262N	87	V-22A	576,792	37,000	613,792
0604264N	88	AIR CREW SYSTEMS DEVELOPMENT	11,089	5,000	16,089
0604265N	89	AIR LAUNCHED SATURATION SYSTEM (ALSS)	0	0	0
0604270N	90	EW DEVELOPMENT	78,748	3,500	82,248
0604301N	91	MK 92 FIRE CONTROL SYSTEM UPGRADE	0	0	0
0604307N	92	EGIS COMBAT SYSTEM ENGINEERING	89,279	0	89,279
0604310N	93	ARSENAL SHIP	25,000	(25,000)	0
0604311N	94	LPD-17 CLASS SYSTEMS INTEGRATION	4,272	0	4,272
0604312N	95	TRI-SERVICE STANDOFF ATTACK MISSILE	0	0	0
0604366N	96	STANDARD MISSILE IMPROVEMENTS	1,637	8,000	9,637
0604372N	97	NEW THREAT UPGRADE	0	0	0
0604373N	98	AIRBORNE MCM	14,522	6,000	20,522
0604503N	99	SSN-688 AND TRIDENT MODERNIZATION	61,395	19,000	80,395

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
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PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
0604504N	100	AIR CONTROL	10,750	0	10,750
0604507N	101	ENHANCED MODULAR SIGNAL PROCESSOR	3,718	0	3,718
0604512N	102	SHIPBOARD AVIATION SYSTEMS	6,571	0	6,571
0604516N	103	SHIP SURVIVABILITY	6,832	0	6,832
0604518N	104	COMBAT INFORMATION CENTER CONVERSION	10,280	0	10,280
0604524N	105	SUBMARINE COMBAT SYSTEM	18,952	0	18,952
0604558N	106	NEW DESIGN SSN	394,000	40,000	434,000
0604561N	107	SSN-21 DEVELOPMENTS	91,931	0	91,931
0604562N	108	SUBMARINE TACTICAL WARFARE SYSTEM	22,899	1,000	23,899
0604567N	109	SHIP CONTRACT DESIGN/LIVE FIRE T&E	7,221	0	7,221
0604574N	110	NAVY TACTICAL COMPUTER RESOURCES	5,237	0	5,237
0604601N	111	MINE DEVELOPMENT	2,505	0	2,505
0604603N	112	UNGUIDED CONVENTIONAL AIR-LAUNCHED WEAPONS	22,322	0	22,322
0604610N	113	LIGHTWEIGHT TORPEDO DEVELOPMENT	15,019	0	15,019
0604612M	114	MARINE CORPS MINE COUNTERMEASURES SYSTEMS - ENG DEV	5,742	0	5,742
0604618N	115	JOINT DIRECT ATTACK MUNITION	35,130	0	35,130
0604654N	116	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	7,346	1,100	8,446
0604703N	117	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	1,013	0	1,013
0604710N	118	NAVY ENERGY PROGRAM	1,983	0	1,983
0604719M	119	MARINE CORPS COMMAND/CONTROL/COMMUNICATIONS SYSTEMS	0	0	0
0604721N	120	BATTLE GROUP PASSIVE HORIZON EXTENSION SYSTEM	3,704	1,000	4,704
0604727N	121	JOINT STANDOFF WEAPON SYSTEMS	86,266	0	86,266
0604755N	122	SHIP SELF DEFENSE	134,677	0	134,677
0604761N	123	INTELLIGENCE ENGINEERING	0	0	0
0604770N	123A	JSTARS NAVY	0	10,000	10,000
0604771N	124	MEDICAL DEVELOPMENT	3,148	0	3,148

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
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PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
0604777N	125	NAVIGATION/ID SYSTEM	46,885	0	46,885
0604784N	126	DISTRIBUTED SURVEILLANCE SYSTEM	35,194	35,000	70,194
		TOTAL, ENGINEERING AND MANUFACTURING DEVELOPMENT RESEARCH AND DEVELOPMENT	2,048,657	148,500	2,197,157
		ENGINEERING AND MANUFACTURING DEVELOPMENT	2,048,657	148,500	2,197,157
0604256N	127	THREAT SIMULATOR DEVELOPMENT	23,536	0	23,536
0604258N	128	TARGET SYSTEMS DEVELOPMENT	31,120	0	31,120
0604759N	129	MAJOR T&E INVESTMENT	40,612	0	40,612
0605152N	130	STUDIES AND ANALYSIS SUPPORT - NAVY	7,174	0	7,174
0605154N	131	CENTER FOR NAVAL ANALYSES	42,251	0	42,251
0605155N	132	FLEET TACTICAL DEVELOPMENT	2,988	0	2,988
0605502N	133	SMALL BUSINESS INNOVATIVE RESEARCH	0	0	0
0605804N	134	TECHNICAL INFORMATION SERVICES	1,725	0	1,725
0605853N	135	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	20,905	0	20,905
0605856N	136	STRATEGIC TECHNICAL SUPPORT	2,059	0	2,059
0605861N	137	RD&E SCIENCE AND TECHNOLOGY MANAGEMENT	58,348	0	58,348
0605862N	138	RD&E INSTRUMENTATION MODERNIZATION	6,196	0	6,196
0605863N	139	RD&E SHIP AND AIRCRAFT SUPPORT	50,348	0	50,348
0605864N	140	TEST AND EVALUATION SUPPORT	242,891	2,000	244,891
0605865N	141	OPERATIONAL TEST AND EVALUATION CAPABILITY	5,989	0	5,989
0605866N	142	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	2,868	0	2,868
0605867N	143	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	11,988	0	11,988
0605871M	144	MARINE CORPS TACTICAL EXPLOITATION OF NATIONAL CAPABILITIES	0	0	0
0605873M	145	MARINE CORPS PROGRAM WIDE SUPPORT	7,424	0	7,424
0909999N	146	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS	0	0	0
		TOTAL, RD&E MANAGEMENT SUPPORT	558,440	2,000	560,440
		RESEARCH AND DEVELOPMENT	558,440	2,000	560,440
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
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PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997		FY 1997	
			AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	COMMITTEE RECOMMENDATION	COMMITTEE RECOMMENDATION
0101221N	147	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	41,790	0	41,790	0
0101224N	148	SSBN SECURITY TECHNOLOGY PROGRAM	21,340	8,000	29,340	28,340
0101226N	149	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	7,917	0	7,917	7,917
0101402N	150	NAVY STRATEGIC COMMUNICATIONS	0	0	0	0
0204136N	151	F/A-18 SQUADRONS	423,333	(2,200)	423,133	423,133
0204152N	152	E-2 SQUADRONS	65,025	0	65,025	65,025
0204163N	153	FLEET TELECOMMUNICATIONS (TACTICAL)	20,013	0	20,013	20,013
0204229N	154	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	136,364	8,000	144,364	144,364
0204311N	155	INTEGRATED SURVEILLANCE SYSTEM	14,033	22,100	36,133	36,133
0204413N	156	AMPHIBIOUS TACTICAL SUPPORT UNITS	1,548	0	1,548	1,548
0204571N	157	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	34,906	3,000	37,906	37,906
0204575N	158	ELECTRONIC WARFARE (EW) READINESS SUPPORT	1,651	0	1,651	1,651
0205601N	159	HARM IMPROVEMENT	3,348	55,000	58,348	58,348
0205604N	160	TACTICAL DATA LINKS	37,302	11,600	48,902	48,902
0205620N	161	SURFACE ASW COMBAT SYSTEM INTEGRATION	4,901	4,000	8,901	8,901
0205632N	162	MK-48 ADCAP	12,772	0	12,772	12,772
0205633N	163	AVIATION IMPROVEMENTS	53,512	0	53,512	53,512
0205658N	164	NAVY SCIENCE ASSISTANCE PROGRAM	5,067	0	5,067	5,067
0205667N	165	F-14 UPGRADE	9,879	0	9,879	9,879
0206313M	166	OPERATIONAL NUCLEAR POWER SYSTEMS	55,876	0	55,876	55,876
0206623M	167	MARINE CORPS COMMUNICATIONS SYSTEMS	56,687	1,855	58,542	58,542
0206624M	168	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	7,280	0	7,280	7,280
0206625M	169	MARINE CORPS COMBAT SERVICES SUPPORT	5,211	0	5,211	5,211
0206628M	170	MARINE CORPS INTELLIGENCE/ELECTRONICS WARFARE SYSTEMS	0	0	0	0
0207161N	171	MARINE CORPS COMMAND/CONTROL/COMMUNICATIONS SYSTEMS	0	0	0	0
0207161N	172	TACTICAL AIM MISSILES	58,415	0	58,415	58,415
0207163N	173	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	2,274	0	2,274	2,274
0301303N	174	MARITIME INTELLIGENCE	[-]	0	[-]	0

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
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PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
0301327N	175	TECHNICAL RECONNAISSANCE AND SURVEILLANCE	[-]	0	[-]
0303109N	176	SATELLITE COMMUNICATIONS (SPACE)	38,257	0	38,257
0303140N	177	INFORMATION SYSTEMS SECURITY PROGRAM	26,936	0	26,936
0304111N	178	SPECIAL ACTIVITIES	[-]	0	[+180,000]
0305154N	179	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM	[-]	0	[+9,000]
0305160N	180	DEFENSE METEOROLOGICAL SATELLITE PROGRAM (SPACE)	1,195	0	1,195
0305927N	181	NAVAL SPACE SURVEILLANCE	706	0	706
0708011N	182	INDUSTRIAL PREPAREDNESS	35,526	0	35,526
XXXXXXXX	999	Classified Programs	501,598	168,000	669,598
		TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	1,686,662	279,355	1,966,017
		RESEARCH AND DEVELOPMENT	1,686,662	279,355	1,966,017
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0
		TOTAL, RESEARCH DEVELOPMENT TEST & EVAL NAVY	7,334,734	855,223	8,189,957
		RESEARCH AND DEVELOPMENT	5,286,077	706,723	5,992,800
		ENGINEERING AND MANUFACTURING DEVELOPMENT	2,048,657	148,500	2,197,157



## Items of Special Interest

*Advanced amphibious assault vehicle (AAAV)*

The budget request included \$40.1 million in PE 63611M to continue development of the advanced amphibious assault vehicle (AAAV) for the Marine Corps. The committee recommends an increase of \$20.0 million to the authorization to accelerate the schedule for engineering and manufacturing development, and accelerate fielding of the AAAV. The committee directs the Secretary of the Navy to identify the additional funding required to continue acceleration of the AAAV development and insure its fielding at the earliest feasible date. The committee directs that the program plan and funding required for such an accelerated schedule be reported to the Congressional defense committees with the submission of the fiscal year 1998 defense budget request.

*Advanced gun systems technology program*

The budget request included \$4.8 million in PE 62111N for applied research in advanced gun and projectile technologies in support of the naval surface fire support (NSFS) program. The committee recommends an increase of \$2.8 million to accelerate development of advanced miniaturized, gun-hardened global positioning system/inertial navigation (GPS/INS) guidance and control technology and development of advanced technologies for next-generation gun systems.

*Advanced lightweight influence sweep system (ALISS)*

The budget request included \$42.8 million in PE 63782N for development and demonstration of mine countermeasures advanced technology, including \$6.4 million for continued development of the advanced lightweight influence sweep system (ALISS). The committee understands that the Navy's shallow water system threat assessment identifies an influence-fused sea mine threat which cannot effectively be swept without a new sweep system, and that the ongoing ALISS program has shown that superconducting magnet technology can emulate ships' magnetic signatures and is an essential part of an advanced mine sweep system. However, funding shortfalls have seriously impacted the ALISS development program. The committee recommends authorization of an additional \$5.0 million in PE 63782N to complete development, fabrication and testing of a full-scale superconducting magnet that is one of the two major subsystems of the ALISS and recommends that the Navy provide funding in future budget requests to complete advanced technology development and demonstration of the ALISS. The committee understands that with higher priority, an influence sweep system based on conductively-cooled superconducting magnetic technology could be available to the fleet in the near-term.

*Advanced submarine technology and new submarines*

In the statement of managers accompanying the conference report on S. 1124 (H.Rept. 104-450), the conferees directed the Secretary of Defense to develop a plan for a long-term submarine research and development program aimed at ensuring U.S. technological superiority. On March 15, 1996, the Submarine Technology

Assessment Panel (also referred to as the Baciocco panel, after its chairman Vice Admiral Albert J. Baciocco, Jr., U.S. Navy (retired)) submitted to the Assistant Secretary of the Navy for Research, Development, and Acquisition an independent evaluation of available and future submarine technologies and an assessment of their feasibility, cost and potential benefits or drawback with respect to their incorporation into the new submarine, and recommended a technology insertion plan for submarines. On March 26, 1996, the Secretary submitted a report to the Congress, entitled "Report on Nuclear Attack Submarine Procurement and Submarine Technology," which identified specific emerging technologies that could be pursued, the priority assigned to each technology, and the estimated risk involved in accelerating the technology. Recommended technology areas included hydrodynamics, alternative sail designs, advanced arrays, electric drives, external weapons, and active controls and mounts.

The committee recommends an increase of \$18.0 million in PE 63508N for applied research and exploratory development in advanced submarine concepts, including Baciocco committee recommendations, and transition of advanced ship and submarine technologies developed under the Defense Advanced Research Projects Agency (DARPA). Of the additional amount provided in PE 63508N, \$8.0 million is to complete the transfer to the Navy of the technology for actively controlled machinery platforms demonstrated in DARPA Project "M".

The committee recommends an increase of \$60.0 million to the budget request for demonstration and validation of core technologies identified in the Secretary of Defense's report including improved acoustic sensors and processing, hydrodynamics, structural acoustics (including active controls and mount), and propulsors (including integrated stern and electric drive). The recommended increase shall be distributed as follows:

[In millions of dollars]

PE 63504N, Advanced submarine combat systems development:	
Advanced Acoustic Sensors- .....	10.0
Advanced Acoustic Signal Processing- .....	10.0
PE 63561N, Advanced submarine systems development:	
Hydrodynamics .....	5.0
Structural Acoustics .....	15.0
Propulsors .....	20.0

Of the recommended \$60.0 million increase, a total of \$20.0 million shall be equally divided between the two submarine construction shipyards, Electric Boat Division and Newport News Shipbuilding, for the purpose of ensuring that the shipyards are principal participants in the process of addressing the inclusion of considering the technologies in the design and construction of the submarines at their respective shipyards. The Secretary of the Navy shall ensure that those shipyards have access for such purpose to the Navy laboratories and the Office of Naval Intelligence.

The committee recommends a further increase of \$38.0 million to the budget request for demonstration and validation of the Category I and Category II technologies described in the Secretary's report. The recommended increase shall be distributed as follows:

PE 63504N: \$19.0 million for demonstration and validation of passive ranging/target motion analysis, large aperture proc-

essing, matched environmental processing, total ship monitoring system improvements, near-term multi-line towed array, high gain multi-line towed array, lightweight wide aperture array fiber optics, and high gain hull array.

PE 63561N: \$19.0 million for demonstration and validation of electro-mechanical/electro-hydraulic actuators, advanced welding processes, power electronic building blocks, advanced propulsor fabrication, advanced hybrid propulsors, advanced coatings, rim driven motors, and elastomeric ejection system.

The committee also recommends an increase of \$50.0 million in PE 63563N, Ship Concept Advanced Design, to initiate the design of new, next-generation nuclear attack submarines. The design should represent a “new start” and is not intended to be constrained by or to be an outgrowth of the designs for the fiscal year 1998 submarine built by Electric Boat Division and the fiscal year 1999 submarine built by Newport News Shipbuilding, and previously designated by the Navy as the New Attack Submarine. The \$50.0 million in increased funding shall be equally divided between the two shipyards for this purpose.

An increase of \$40.0 million is recommended in PE 64558N, New Design SSN, to support the development of improvements in submarine design. Each of the two shipyards involved in the design and construction of the four submarines described in section 131, of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106), shall be allowed to propose to the Secretary of the Navy any design improvement that the shipyard considers appropriate for the submarines being built at that shipyard as part of those four submarines. The \$40.0 million in increased funding shall be equally divided between the two shipyards for this purpose.—

An increase of \$2.0 million is also recommended in PE 11224N, SSBN Security and Survivability Program, for further development and evaluation of wake trail sensors.

*Advanced surface machinery program—intercooled recuperated engine*

The budget request included \$59.8 million in PE 63573N for the advanced surface machinery program, including \$34.1 million to continue advanced development of the intercooled recuperated (ICR) gas turbine engine. The ICR is the next generation marine gas turbine for the DDG–51 destroyer and the SC–21 next generation surface combatant. Current plans call for introduction of the ICR into the fleet as the propulsion system for the future DDG–51 class ships. The ICR promises 30 percent propulsion fuel savings compared to the current Navy gas turbine, increased range, and environmental emissions compliance. The engine is also being considered as the propulsion system for the multi-national European “Horizon” frigate. The program is a collaborative effort among United States, British, and French navies.

The ICR has been in advanced development since December 1991, and is now undergoing development full scale system testing at Pyestock, England. Tests to date confirm engine design prediction and the 30 percent fuel savings benefits of recuperation have been demonstrated. During the engine tests in early 1995, the

recuperator developed air leaks which required its removal and return to the manufacturer. Intensive investigation revealed both design flaws and manufacturing process problems. A recuperator recovery plan was instituted by the management team and full scale engine tests resumed in January 1996 using a redesigned recuperator. A second test site is to be established at the Navy's Ship Systems Land Based Engineering Site (LBES) to support ICR engine endurance and qualification testing in the United States, integration of the ICR engine into the DDG-51, and integrated power system development and integration for the SC-21.

The committee recommends an increase of \$12.5 million to the budget request to complete preparations for supporting ICR engine endurance and qualification test at the LBES. The committee is concerned that the Navy's decision to proceed with the 500 hour endurance test and the final 1000 hour qualification test at the LBES has not been funded adequately, and directs the Secretary of the Navy to ensure that these funds are included in the fiscal year 1998 budget request.

Success in the ICR program is dependent upon the successful resolution of the recuperator design and manufacturing problems. The committee notes the progress to date in the recovery program. However, successful completion of the next series of performance milestones will be key to the future of the program. Accordingly, the committee directs that not more than 25 percent of the fiscal year 1997 funds authorized for the ICR program may be obligated until the Secretary of the Navy reviews the results of the developmental testing and progress in resolving the recuperator problem and reports the results of this review to the Congressional defense committees. The committee requests the Secretary's report no later than December 31, 1996.

#### *Advanced technology transition*

The budget request included \$104.4 million in PE 63792N for the Navy's Advanced Technology Transition program, and reflects a growth of approximately \$33.0 million from the fiscal year 1995 program and \$29.0 million from the fiscal year 1996 program. The purpose of the program is to demonstrate high-risk/high payoff technologies that could significantly improve the warfighting capabilities of the fleet and joint forces and provides the opportunity to identify and move emerging technologies quickly and efficiently from the laboratory to the fleet. Demonstration projects are selected by a combined user-laboratory team and are generally three years in duration and cost approximately \$15.0 million each. The fiscal year 1996 program includes 20 projects and 23 are proposed for fiscal year 1997. The committee commends the leadership of the Navy's science and technology community for this initiative and the potential that it presents for accelerating the application of technology base solutions to fleet and joint warfighting requirements. The committee believes, however, that the program should continue to be highly selective and sharply focused on a relatively limited number of projects that are aimed at solutions to some of the Navy's most critical problems. The committee believes, therefore, that the growth in the program should be capped, and recommends a reduction of \$20.0 million to the budget request.

*Air deployed low frequency projector*

The budget request included \$5.2 million in PE 63254N for development and demonstration of advanced anti-submarine warfare sensors and processors, including \$2.5 million for the Advanced Deployable Low Frequency Projector (ADLFP). ADLFP is a candidate for the active project source of the Advanced Explosive Echo Ranging Sonobuoy. The committee recommends an increase of \$2.5 million in PE 63254N for the development and demonstration of risk reduction technologies for the ADLFP to insure that shallow water performance requirements are met and system cost is minimized.

*Air systems advanced technology development*

The committee believes that the Advanced Anti-Radiation Guided Missile (AARGM) that evolved from a Small Business Innovative Research program provides the potential for a critical capability to meet the military services suppression of enemy air defense requirements.

The committee directs the Secretary of the Navy to proceed with this development program and recommends \$50.0 million for fiscal year 1997 in PE 25601N to continue seeker development, analyses, demonstrations and test support. The committee directs that use of these funds by the Navy be limited to design reviews and support for test and evaluation. The committee also encourages the Secretaries of the Navy and Air Force to fund the fiscal year 1998 requirement for this program.

*AN/AQS-20 airborne mine countermeasures system*

The budget request included \$14.5 million in PE 64373N for development of airborne mine countermeasures systems required to counter known and projected mine threats in shallow and deep water, including \$13.2 million to continue development of the AN/AQS-20 Sonar Mine Detecting Set for shallow and deep water minehunting and reconnaissance for both bottom and moored mines. The committee recommends an increase to the budget request of \$6.0 million to support completion of developmental testing and technical evaluations.

*Anti-submarine warfare technology initiative*

The budget request included \$49.6 million in PE 62314N for exploratory development of advanced undersea warfare surveillance technologies. The committee recommends an increase of \$21.0 million to the budget request to accelerate the development of advanced anti-submarine warfare technologies, including those leading to the development of more effective and affordable towed arrays, long-endurance, off-board active sources; environmentally adaptive active and passive sonars; bi-static/multi-static active sonar systems; and anti-submarine warfare (ASW) signal processors and algorithms for detection and classification of submarines in high cluttered shallow water environments. Of the amount authorized, the committee recommends \$10.0 million to accelerate the development of bistatic/multistatic active sonar systems; \$5.0 million for the development of environmentally adaptive passive and active sonar technology; \$5.0 million for ASW data fusion and inte-

gration; and \$1.0 million for competitive research and development of advanced low and low-low frequency active sources. Elsewhere in this report, the committee recommends several measures to improve U.S. ASW capabilities and to place higher priority on the development and demonstration of advanced anti-submarine warfare capabilities for the Navy.

The committee notes that the concerns it expressed in the classified annex to the report on H.R. 1530 (H. Rept. 104–131) regarding the apparent decline in priority of the Navy's ASW program have been echoed by the Chief of Naval Operations and by the Chairman of the Joint Chiefs of Staff. In the statement of managers accompanying the conference report on S. 1124 (H. Rept. 104–450), the conferees directed the Secretary of Defense to conduct and report to the Congressional defense committees an assessment of the current and project United States ASW capability in light of the continuing development of quieter nuclear submarines, the proliferation of very capable diesel submarines, the sale of sophisticated submarine launched weapons, and the declining trend in budget resources associated with ASW programs. The committee understands that the Chief of Naval Operations has assigned responsibility for such an assessment to the Inspector General of the Navy. The committee further understands that the assessment, which should be completed by July 1, 1996, may recommend changes in the staff of the Department of the Navy and potential realignment of ASW program priorities. The committee intends to address the results of the assessment during the conference between the defense authorizing committees on H.R. 3230.

#### *Arsenal ship*

The budget request included \$25.0 million in PE 64310N for the Department of the Navy to initiate a "new start" development for the Arsenal Ship. The budget request for the Defense Advanced Research Projects Agency (DARPA) also included \$16.4 million in PE 63226E for development of technologies for application to future surface warfare and fast sealift ships, including the Arsenal Ship.

Arsenal Ship development is a joint DARPA-Navy program to develop a "proof-of-principle" prototype for operational demonstration and exercise with the fleet. In concept forward deployed Arsenal Ships would combine the massive firepower and virtually unsinkable characteristic of the battleship with the relatively low cost and very small crew of modern commercial tankers and cargo ships. The Arsenal Ship would contain 500 vertical launch system cells, accommodating weapons for strike, anti-air warfare, and naval surface fire support. The capability of the prototype would be limited to a small number of vertical launch system (VLS) cells. At-sea test and trials of the prototype would begin in fiscal year 2000. A successful operational demonstration would be followed by refitting of the prototype and installation of the remaining VLS cells and by construction and deployment of up to five additional Arsenal Ships to the fleet beginning as early as fiscal year 2001. The estimated cost of the program for development of the prototype Arsenal Ship is \$500.0 million.

The committee commends the Navy's leadership and development community and participating activities of the Department of

Defense for the innovative way in which the concept for the Arsenal Ship has been developed. Maximum use of available weapons systems, newly demonstrated command and control capabilities, automation, best commercial practices, advanced design and simulation tools, and the best features of acquisition reform could lead to the development of a significant operational capability for support of the regional joint combatant commanders-in-chief.

The committee has a number of concerns about the concept, however, which lead it to recommend that the budget request for \$25.0 million to begin development of the Arsenal Ship be included in PE 63563N, Ship Concept Advanced Design, rather than PE 64310N. The committee does not believe the Arsenal Ship concept is ready for engineering and manufacturing development. Although committee reviews of the fiscal year 1997 budget request for the program indicate overall agreement of the combat capability being sought for the Arsenal Ship, there appears to be a lack of general agreement on how to get there. Estimates that have been made of the cost of the Arsenal Ship (in excess of \$1.0 billion per ship, including weapons load) indicate that the Arsenal Ship will be a major defense acquisition program. The committee believes that there are a number of issues that must be answered before a decision is made to proceed into engineering and manufacturing development, including analysis of the operational requirement, tradeoffs against existing operational capabilities, force structure, realism of the development schedule, system cost, affordability, and others.

The committee strongly supports the concept of the advanced concept technology demonstration and the desirability of early user involvement in the development and evaluation of emerging technologies. The committee also supports the need to break out of bureaucratic practices, and make maximum use of best commercial practices, streamlined acquisition procedures, and modern design and analytical tools to develop new defense acquisition paradigms. This, however, does not relieve the DOD and the DON of the need to answer the issues outlined above. Their challenge is to establish new paradigms for operational, technical, and fiscal analysis which will provide the answers to the continuing questions of "what is the operational requirement and what is the most cost-effective way of fulfilling that operational requirement?" The committee expects the Secretary of Defense and the Secretary of the Navy to review these and other core acquisition management issues identified in DOD Directive 5000.1 and DOD Regulation 5000.2 during the conduct of the Arsenal Ship program. The committee directs the Secretary of the Navy to submit the initial results of this review with the fiscal year 1998 budget request.

*Battle group passive horizon extension system—surface terminal*

The budget request included \$1.9 million in PE 64721N for continued research and development of the Battle Group Passive Horizon Extension System—Surface Terminal (BGPHEs-ST) capabilities.

The committee is convinced of the utility of the BGPHEs-ST and is gratified that the Navy has elected to procure ground station capabilities already developed by the Air Force to keep costs down. However, the committee is concerned that the Navy has not yet

provided a capability to fully exploit the ability of airborne systems to collect the class of threats known as "PROFORMA." Therefore, the committee recommends an additional \$1.0 million be provided for the Navy to procure existing USAF processing capabilities and algorithms. Specifically, this funding will be used to integrate EPR-157 or EPR-208 functional capabilities in existing BGPHE-S-T hardware.

*Blood storage research*

The committee is aware that the Navy has supported development of a process which would freeze-dry blood platelets for the purpose of extending shelf life, destroying potential contaminating viruses and reducing space required for storage of blood stocks. The committee recognizes the potential of this technology in treating combat casualties and encourages continued funding of this research.

*Commandant's warfighting laboratory*

The budget request included \$24.2 million in PE 63640M, including \$3.5 million for the Commandant of the Marine Corps Warfighting Laboratory. The committee recommends an increased authorization of \$5.0 million for this initiative.

*Communications technology*

The budget request included \$56.2 million in PE 62232N to continue development of key communications technologies for air, ship and submarine platforms. The committee recommends an increase of \$2.0 million for support of wireless and satellite communications research in the areas of integrated antenna systems, communications hardware design, communication algorithm development and high-frequency device modeling and measurements.

*Composite engineered materials*

The committee supports research and development of new long life, low maintenance materials to address the future needs of naval shore facility maintenance and repair. The committee recommends an additional \$1.0 million in PE 62234N to be matched with an equal or greater level of private sector in a dual-use partnership for material research that includes coal and/or pitch derived carbon fiber-reinforced thermoplastic engineered lumber.

*Cooperative engagement capability*

The budget request included \$164.5 million in PE 63755N to continue development of the cooperative engagement capability (CEC), focusing on the development of shipboard and airborne cooperative engagement systems (CES), initial operational test and evaluation of shipboard CES, and development of organic integrated logistic support for the CES. The committee recognizes the CEC as a top priority program for the Navy and for the Department of Defense. The committee notes the superb results of the Mountain Top experiment and demonstration of the ability of CEC to provide a common tactical engagement picture to ground, sea, and air systems. The committee urges the continued acceleration and expansion of joint service integration efforts, including application to the Air-



borne Warning and Control Systems (AWACS) aircraft; Patriot and Theater High Altitude Air Defense (THAAD) missile systems; Marine Corps TPS-59 radar and HAWK missile system; and among other efforts planned by the Navy. The committee recommends an increase of \$27.0 million for the CEC program.

*CV-22 special operations tiltrotor aircraft*

The budget request included \$576.8 million in PE 64262N for development of the V-22 tiltrotor aircraft to meet the medium lift amphibious/vertical needs of the Marine Corps and the special operations needs of the Special Operations Command (SOCOM). The committee understands that the Navy and the SOCOM have reached agreement on a program that will develop an aircraft capable of meeting the SOCOM's needs for the CV-22. The committee also understands that this program provides for remanufacture of a MV-22 test aircraft to CV-22 standards for test and evaluation, rather than providing a new aircraft off the production line. This represents a significant challenge for the program office to complete the CV-22 program with the agreed on capabilities by the date of the required special operations initial operational capability. Notwithstanding the agreement between the Department of the Navy and SOCOM Acquisition Executives, the committee considers this to be an unacceptable risk to CV-22 program, and recommends an increase to the authorization of \$37.0 million for development of the special operations variant of the V-22. The committee expects the Secretary of the Navy to include the total of \$47.0 million required to complete the CV-22 test and evaluation aircraft in the Navy's budget requests for fiscal years 1998 and 1999.

*CVX-78 technology development and demonstration*

The budget request included \$12.7 million in PE 63512N for carrier systems development, including \$8.3 million for development and demonstration of technologies that may be used in the future aircraft carrier (CVX-78), now planned to begin construction contract award in fiscal year 2006. To accelerate development and demonstration of technologies for the CVX-78 and to establish a more reasonable ramp to ship design, component development, and the production decision for the CVX-78, the committee recommends an increase of \$23.0 million to the budget request. Based on information provided by the Department of the Navy, the committee expects that the increased authorization would be used for development of technologies for advanced aircraft launch systems, and advanced armor concepts, integrated topside design, initial computing plant systems architecture analysis, and development of advanced modeling and simulation tools for analysis of ship alternatives.

*Doppler sonar velocity log*

The committee recommends an additional authorization of \$1.0 million in PE 64562N for evaluation of a commercially available, non-developmental doppler sonar velocity log as a potential replacement for standard Navy electromagnetic logs on next generation submarines and surface ships.

*Dredge spoil disposal*

One of the elements of the Department's mobilization plan is the assurance of the continuous availability and expeditious use of port facilities. The Navy cites 15 port locations that will require dredging in the next 15 years which will result in the generation of an estimated 44 million cubic yards of dredge material from both construction and maintenance dredging. Of this amount, approximately eight million cubic yards are estimated to be contaminated and require specialized disposal or reclamation, both of which are extremely costly.

The committee recommends an additional \$2.5 million in PE 62233N to investigate potential low cost alternatives to the current methods of disposal or reclamation of dredge spoils. The investigation should consider a continuing program of investigation with the Army Corps of Engineers and other relevant agencies.

*Explosive ordnance disposal*

The budget request included \$7.3 million in PE 64654N for the joint services Explosives Ordnance Disposal (EOD) development program. The program provides for the technical development and validation of EOD render-safe procedures for all known domestic and foreign conventional and nuclear ordnance. The committee recommends an increase to the authorization of \$1.1 million for the accelerated development of EOD procedures for countering high threat unexploded ordnance found in the field.

*Fixed distributed system*

The budget request included \$35.2 million in PE 64784N for continued development of the Distributed Surveillance System. The committee recommends an increase of \$35.0 million to the budget request for a Fixed Distributed System commercial-off-the-shelf/non-development initiative fiber optics upgrade.

*Free electron laser*

The budget for fiscal year 1996 included \$8.5 million in PE 62111N to continue design, fabrication, and activation of a one kilowatt average power free electron laser operating in the infrared spectrum for evaluation for ship defense. The committee recommends \$9.0 million for fiscal year 1997 to continue this effort.

*Helicopter ground proximity warning systems*

The budget request included \$24.7 million in PE 64215N for engineering and manufacturing systems development of joint service and Navy standard avionics components and subsystems. The committee is aware that helicopter ground proximity warning system (GPWS) technology is maturing into a useable end product which has fared well in both developmental and operational tests. Flight tests of GPWS have demonstrated a real potential for GPWS to warn pilots of an impending impact with the ground during controlled flight, thus saving lives and aircraft. The committee recommends an increase of \$2.4 million in PE 64215N to continue development of the GPWS in anticipation of its fielding on Navy and Marine heavy and medium lift helicopters.

*High speed anti-radiation missile*

The committee is aware of shortfalls that exist in the funding for the High Speed Anti-Radiation Missile program and recommends an additional \$5.0 million in PE 25601N and an additional \$3.5 million in PE 27161F to accomplish risk reduction efforts to be accomplished for the block VI program and ensure successful fielding of the block V software.

*High temperature superconductivity propulsion*

The committee recommends an additional \$3.5 million in PE 62121N, \$2.0 million to investigate large-scale superconducting applications for shipboard propulsion and auxiliary systems and \$1.5 million for the fabrication of proof-of-principle cryogenic power devices.

*Insensitive munitions*

The budget request included \$7.3 million in PE 63609N for insensitive munitions advanced development. The committee is concerned that this level of funding is insufficient to ultimately provide adequate levels of safety aboard ships and recommends an additional \$3.0 million for fiscal year 1997.

*Integrated surveillance system improvements*

The budget request included \$14.0 million in PE 24311N for research and development support of the Integrated Undersea Surveillance System (IUSS,) including \$3.3 million for research and development support of the Surveillance Towed Array Sensor System (SURTASS) and \$10.7 million for the (IUSS) detection/classification system. The committee recommends an increase of \$22.1 million to the budget request to continue development and integration of SURTASS twin line arrays, reduction in the size of transmit arrays, fiber optic array development; expanding the frequency processing capability, and sea test of these developments, for the low frequency array program and development of more reliable low frequency active transmitters; and for adoption of SURTASS software algorithms for submarine sonar systems.

*Joint target support system testbed*

In the statement of managers accompanying the conference report on S. 1124 (H. Rept. 104-450), the conferees agreed to an additional authorization of \$4.0 million in PE 24229N to initiate development of a joint targeting support system testbed (JTSST) for demonstration of potential joint targeting operations. The conferees expected that the results of the initial JTSST study and follow-on demonstrations would contribute to the definition of long-term objectives, guidelines, and schedule milestones for convergence of the Navy/Marine Corps tactical aircraft mission planning systems and the Air Force mission support system, and lead to the development of a joint mission planning system architecture for the military services. The conferees directed the Secretary of Defense to report to the Congressional defense committees, as soon as possible (but no later than the submission of the fiscal year 1998 budget request), the Department's plan for implementing the recommendations that resulted from the study. The committee has not yet re-

ceived the Secretary's report, and in the absence of that report recommends an increase of \$8.0 million to the fiscal year 1997 budget request to continue development and demonstration of the JTSST.

*Link 16 integration*

The budget request included \$6.7 million in PE 64231N to continue development of the Navy Tactical Command System-Afloat (NTCS-A). The committee recommends an increase of \$1.5 million for development of an integrated two-way Link 16 processing capability in the Joint Maritime Command Information System (JMCIS) software. Integration of two-way Link 16 with all-source intelligence fusion will provide a common tactical picture between weapon systems and command, control, communications and intelligence (C3I) systems and will permit the exchange of tactical data with the C3I systems of the other military services and U.S. NATO allies.

The budget also included \$37.3 million in PE 25604N for development of improvements in tactical data links in operational Navy systems. The committee recommends an increase of \$11.6 million in PE 25604N for further development of Link 16 and related tactical data link programs for surface ship applications; \$13.6 million in Other Procurement, Navy; and \$2.2 million in Operations and Maintenance, Navy (OMN 0205604N 4B7N) to accelerate the installation of Link 16 tactical data links in AEGIS surface combatants. Elsewhere in this report the committee has recommended similar measures to accelerate the development and fielding of Link 16 capability in tactical and bomber aircraft.

*Littoral warfare advanced technology demonstration*

The budget request included \$43.6 million in PE 63747N for undersea warfare advanced technology development. The committee encourages the Navy to continue its efforts in the development and demonstration of advanced technologies for support of joint littoral warfare. The committee recommends an increase of \$10.0 million to the budget request for at-sea demonstration and evaluation of broad band, low low frequency active (LLFA) acoustic technology for the detection of quiet, slow moving submarines operating in the widely variable environment of the world's littoral regions. Of the \$53.6 million authorized, \$3.0 million is to be used only for at-sea testing of commercial-off-the-shelf, multipulse LLFA technology.

*Maritime avionics subsystems and technology program*

The budget request did not include specific funding for the maritime avionics subsystems and technology (MAST) program. MAST is a program which focuses on the development of scaleable, open, fault-tolerant and common avionics architectures, and was a fiscal year 1995 "new start". In the statement of managers accompanying the conference report on S. 1124 (H. Rept. 104-450), the conferees authorized \$10.0 million to continue the MAST program and recommended that the Secretary of the Navy consider requirements for continuation of the MAST program in the fiscal year 1997 budget request. The committee believes that the Navy must continue to place emphasis on the development of advanced avionics architectures and systems and recommends an increased authorization of

\$10.0 million in PE 63217N to continue the MAST program in fiscal year 1997. Because of the congressional interest that has been expressed in this program and the importance of advanced avionics architectures to future aircraft systems, the committee expects the Secretary of the Navy to include funding for the program in the fiscal year 1998 budget request.

*Medical mobile monitor*

The delivery of state-of-the-art, cost effective, medical care to deployed forces continues to be a top priority for the committee. A key to supporting this priority is the development and deployment of portable technologies to assist physicians and other medical personnel in the diagnosis and treatment of injuries and illness. The committee is aware of technologies that can provide vital sign monitoring that can be interfaced with portable personal computers already being acquired by the military services, and are logistically interfaced to existing military communications systems. The committee recommends an additional \$4.0 million in PE 63706N to develop prototypes for mission critical deployments.

*Microwave power module research*

The committee notes the progress made with the tri-service vacuum electronics research program which resulted from the 1990 Special Technology Area Review (STAR) conducted by the Department's Advisory Group on Electron Devices. This program has advanced the development of microwave power modules (MPMs), which are revolutionary devices linking advances in solid-state and vacuum-electronics radio frequency power amplification technologies. The effective performance of our military forces now and in the near future is irrevocably linked to the performance and availability of microwave tubes to provide the high frequency, high power required for radars and satellite communications.

The committee is concerned that the Department's declining investment in MPM design and application research is both threatening the industry and denying the military of the wider variety of microwave tube designs for emerging systems. The committee recommends that the Department vigorously review its research and industrially funded developments to ensure that an appropriate balance of its electronics investment is made. The committee directs the Secretary of Defense to provide a report on its MPM findings to the Congressional defense committees prior to submission of the fiscal year 1998 budget request.

*Mobile off-shore base*

The budget request included \$9.2 million in PE 63238N to continue concept development of the mobile off-shore base (MOBS). The committee has repeatedly expressed its concern about the potential cost of the MOBS program, which has been based upon estimates that a single MOBS system could cost approximately \$2.0 billion and that the next step in the MOBS program, an advanced concept technology demonstration, could cost an estimated \$700.0 million. The committee notes that the Secretary of Defense has not reported to the Congressional defense committees the plan and schedule for incorporating MOBS into the defense acquisition board

process and accomplishing a Milestone O review, as was directed in the statement of managers accompanying the conference report on S. 1124 (H. Rept. 104-450). The committee understands that MOBS program funds have been identified by the Navy as a source for various fiscal year 1996 unprogrammed funding requirements and that the Navy is not seriously considering continuation of the MOBS program. Accordingly, the committee recommends a reduction of \$9.2 million in the budget request.

#### *Molecular design*

The committee is aware of the initiatives of the Office of Naval Research (ONR) in molecular synthesis and processing research, making it possible to tailor new materials, atom by atom, to achieve a desired set of properties. Molecular manipulation at the atomic level into material nanostructures requires a crosscut of biochemists, inorganic chemists, physicists, and molecular biologists which can lead to a "culture shift" revolutionizing material science. The committee commends ONR for its leadership in this nationally important program. The committee recommends an additional \$10.0 million in PE 61153N for continuation of the program in molecular design.

#### *Naval joint surveillance and targeting attack radar system*

The budget request included no funding for providing U.S. Naval forces the ability to receive, process, or utilize the Joint Surveillance and Attack Radar System (JSTARS) moving target indicator (MTI) synthetic aperture radar (SAR) system.

The JSTARS MTI will soon reach initial operating capability. However, neither the Air Force nor Navy is adequately prepared to make efficient use of the JSTARS product. As a result, neither will be able to effectively utilize the advanced, standoff weapons that will soon be fielded to attack large numbers of mobile targets. In the Air Force, the key technical limitation is the requirement to use low-capacity and unreliable voice communications to provide target and threat information to attack aircraft. The Air Force is equipping JSTARS platforms with Link 16 and appropriate message sets, but until this year showed little interest in procuring data links sets for its ground attack aircraft.

The Navy, in contrast, is already committed to procuring Link 16 capabilities for all of its tactical aircraft, but has shown no appreciation of the enormous improvements that JSTARS could make to Navy interdiction capabilities.

Furthermore, the Navy is seeking approval for so-called "arsenal" ships based in large part on their presumed ability to help halt massed attacks with missiles such as the Tomahawk. However, the Navy has almost no ability to acquire moving targets at long range, pass the data to Tomahawk mission planning cells, and update the missiles in flight as target dispositions change. While the Tomahawk program office has proposed a program to correct these deficiencies (including JSTARS, Link 16, and smart submunitions), the corporate Navy has yet to define an end-to-end architecture.

The committee recommends an additional \$10.0 million in a new PE 64770N to develop these capabilities aboard ship, and to ensure that Navy attack aircraft can receive and display JSTARS Link 16

data for use in standoff weapons targeting. The committee directs the Secretary of the Navy to provide a report to the Congress on the status of this initiative by April 15, 1997, which includes an estimate of the total funding required to equip appropriate Navy ships, aircraft, and missiles with a JSTARS targeting capability.

*Naval surface fire support program*

The budget request included \$42.2 million in PE 63795N for the naval surface fire support (NSFS) program. The committee is pleased that the Navy has addressed the overall funding shortfall in the NSFS program that was evident in previous budget requests, and has provided an increased level of funding for the program through the period of the future years defense plan. The committee notes the near-term focus of the program on upgrading the capability of existing Mark 45 5-inch gun systems and on the development and demonstration of an extended range guided projectile (ERGM) which would incorporate advanced, low cost global positioning system/inertial navigation system (GPS/INS) guidance.

The committee is aware that some advanced gun concepts are under consideration by the Navy's development community, but notes little programmatic emphasis on the development and demonstration of advanced gun propulsion and system technologies that could be applied to next-generation gun systems. To partially address this shortfall, the committee recommends an increase of \$2.8 million in PE 62111N. The committee believes that increased emphasis must be placed on this area in future budget requests.

The committee believes that the advanced GPS/INS guidance and control technology is absolutely key to the NSFS program. The success of this program, especially in terms of affordability, can be significantly enhanced by micro-electro-mechanical systems (MEMS) technology used in the guidance unit. MEMS technology has the potential of significantly reducing the cost of the GPS/INS guidance unit for ERGM and for other Department of Defense programs. The committee recommends an increased authorization of \$5.0 million in PE 63795N to build on the Navy's guidance risk reduction program; accelerate development and qualification of MEMS-based GPS/INS guidance and control; and ensure the availability of that technology for the ERGM production program and for other guided munitions, rocket, and missile programs.

*Navy manufacturing technology (MANTECH)*

The committee encourages the continuation of programs currently funded in the MANTECH account designed to demonstrate the effectiveness of comprehensive career analysis and retraining models for military and civilian personnel who have been or will be terminated as a consequence of base closure decisions.

*Navy mine countermeasures research*

The committee notes the significance to the Navy's mine countermeasures program of the oceanography program that is discussed elsewhere in this report. The committee encourages the Secretary of the Navy to consider the establishment of a mine warfare undersea research program at the Mine Warfare Center of Excellence that could promote oceanographic research in areas of significance

to the mine warfare program and capitalize on the integrated efforts of the center, industry, and academia.

*Ocean nuclear dumping monitoring program*

For decades, nuclear capable countries have dumped low level nuclear waste into the oceans as a means of disposal. This practice has ceased in recent years with exception of the States of the former Soviet Union (FSU) who have continued to dispose of radioactive materials in the northern seas, particularly in the Arctic. It was revealed in a Military Research and Development Subcommittee hearing that the FSU had discontinued ocean dumping in the hope that Western assistance would provide alternative disposal technology and facilities. However, such assistance has been slow in coming. The committee is concerned that without sufficient international assistance, the FSU will have no alternative other than the resumption of open ocean disposal.

Since the effect of undersea disposal of nuclear material is not known, the committee directs the Office of Naval Research to continue its assessment program and employ other agency assistance to monitor ocean dumping activity, assess impacts on ocean health, and ice structures, and other national security elements. The committee recommends an increase of \$10.0 million in PE 62435N and an increase of \$2.5 million in PE 63716D for these purposes.

The committee directs the Secretary of Defense to report to the Congressional defense committees not later than February 1, 1997 on activities to coordinate international assistance to the FSU to find and implement an effective program for disposal of nuclear waste stockpiled and generated during Cold War activities.

*Ocean research partnerships program*

Knowledge of the ocean environment is essential for successful military operations in both the open seas and in the increasingly important littoral zone. Ocean acoustic paths are strongly affected by surface and bottom characteristics, currents, temperature, and other factors. In addition, the effects of oceanographic phenomenon on climatology, both diurnal and long-term, is becoming better understood and predicted with degrees of accuracy that can impact future military strategic planning. Many advanced weapons systems in use today require accurate and timely environmental data to effectively strike military targets. Therefore, by remaining on the leading edge of oceanographic science, naval forces can better use the ocean environment for military advantage.

Given the continued funding pressures for critical oceanographic survey and research efforts, the committee recognizes that non-military oceanographic capabilities exist which, if leveraged, could also benefit or satisfy military requirements. Therefore, the committee recommends a provision (sec. 247) that would establish a National Oceanographic Partnership Program for the purpose of leveraging all U.S. oceanographic efforts to the benefit of the military. For example, under this provision, the Navy would be able to leverage the existing university oceanographic fleet to help reduce its ocean survey backlog requirements of 240 ship-years. This approach would expand the Navy's survey effort and concurrently



provide much needed research by academia who could not otherwise afford the voyages.

While the committee recognizes that knowledge and mastery of the oceans and its littorals are fundamental to naval operations, numerous non-defense benefits are derived from oceanographic research. For this reason, the Oceanographic Partnership Program would also enhance ongoing survey and research efforts of universities and industries involved in oceanographic survey and research.

The committee finds that it is important that the components of the oceanographic community within the United States (university, government, and industry) maintain a close working relationship to meet common national goals and provide new capabilities. Therefore, the Partnership Program would establish the following goals and initiatives:

- (1) Establish a National Oceanographic Leadership Council to coordinate national oceanography programs, partnerships and facilities;

- (2) Identify and build partnerships to leverage resources among government, civil, academic, industrial, allied and international oceanographic organizations.

- (3) Coordinate policy efforts of all federal activities involved in oceanographic surveys and research to maximize current financial investments and ensure the wisest use of resources;

- (4) Ensure the future of oceanographic research by focusing recruiting, educating, and training a highly skilled military and civilian work force which complements all aspects of oceanography education, including at-sea training and experience on board Navy and university oceanographic survey and research ships;

- (5) Preserve a robust "at-sea" research and survey capability for the expressed purpose of expediting naval survey and research in littoral regions deemed critical;

- (6) Provide a comprehensive plan to ensure development of oceanography science and technology, and modeling and simulation programs throughout government, university and industry will be available to support military requirements in the future;

- (7) Create a national ocean data and remote sensing center to centralize all unclassified, classified and sensitive compartmented information databases, models and product synthesis capabilities in support of national oceanographic requirements, and

- (8) Create a national natural littoral laboratory that would lead to a deeper fundamental understanding of these areas and act as surrogate models of foreign coastal zones for military and research purposes.

Accordingly, the committee recommends an authorization of an additional \$15.0 million in PE 61153N and an additional \$15.0 million in PE 62435N for the National Oceanography Partnership Program. The committee recommends that these funds be used for the following purposes:

- (1) \$5.0 million to promote partnerships between industry, universities and government agencies in support of the goals

outlined for the program. All partnerships are to be cost shared by participating organizations and awarded after peer-review.

(2) \$7.5 million to fund 1½ ship-years in the university research ship fleet to supplement U.S. Navy oceanographic survey efforts. University survey efforts should be conducted in international waters in an area considered high priority by the Navy.

(3) \$2.0 million to create a Federal Ocean Data and Ocean Sensing Center for centralized ocean sensor information (unclassified, classified sources) for analysis and modeling by all U.S. Government and government-sponsored civilian research. On-line connectivity to databases approved for public release shall be provided. Site selection shall be determined by the council.

(4) \$2.0 million to create a National Natural Littoral Laboratory to coordinate U.S. Navy's modeling and oceanographic analysis effort in support of unique and emerging littoral warfare requirements.

(5) \$1.0 million to continue the Medea Ocean Panel to declassify and disseminate the Navy's ocean data.

(6) \$2.5 million to create educational and cross-decking opportunities; recruit, educate, and train a highly skilled military and civilian scientific work force; and complement military and civilian oceanography education with at-sea training and experience on board Navy and university oceanographic survey and research ships.

(7) \$500,000 to establish a program office to administer partnership activities.

(8) The balance of funding shall be utilized for other leveraged oceanographic activity that provides military benefits as well as a strengthened research program as determined by the council.

The committee urges the council to explore the potential for international partnerships in the same thesis as has been set forth in the National Oceanographic Partnership Program that would be established herein.

#### *Power electronics building blocks*

The budget request for the power electronics building blocks (PEBB) program contained \$6.5 million. The committee believes that the opportunity exists to manage electric power systems efficiently and provide reliable uninterruptible power with a tenfold reduction in size, weight and cost of military systems. The committee recommends an additional \$6.0 million in PE 62121N for the PEBB program for the development of prototyping tools and simulations to evaluate performance and reconfigurable ship electric power systems.

#### *Precision targeting and location*

The committee is aware of the potential vulnerability of the global positioning system (GPS) signals to collateral interference and intentional jamming. The committee recommends an additional \$3.5 million in PE 64270N for the demonstration of a flyable prototype of a currently available technology capable of rapid, precision

location of sources of GPS interference to assess the technical feasibility and utility of such a targeting system on operational aircraft and unmanned aerial vehicles.

*Safety and survivability*

The committee recognizes the Navy's Office of Safety and Survivability (OSS) for its high leveraged return on investment by supporting the timely assessment and insertion of commercial safety and survivability technology and systems into the Navy's operational units. As an example, the OSS's non-developmental item (NDI) program provided the leadership role in replacing the 50-year-old oxygen breathing apparatus for shipboard firefighting and accelerated the introduction of other critical shipboard life safety items to the fleet at a significant cost savings to the Navy. The committee recommends an additional \$2.0 million in PE 65864N to support ongoing NDI operational assessments. Further, the Defense Advanced Research Projects Agency (DARPA) continues to examine high leverage technologies for fire fighting and personnel protection. Accordingly, the committee recommends an additional \$4.0 million in PE 63226E for the DARPA program.

*SSBN security/survivability technology program*

The budget request included \$21.3 million in PE 11224N for the SSBN Security and Survivability Program, a reduction of \$9.2 million from the amount authorized and appropriated for the program in fiscal year 1996, and a two-thirds reduction in the program since fiscal year 1993. In view of the critical role of strategic deterrence in the U.S. national military strategy provided by the U.S. SSBN force, the committee considers this an imprudent reduction. The committee believes that a sustained funding level of approximately \$30.0 million is required to maintain a credible SSBN security and survivability program. Accordingly, the committee recommends an increase to the budget request of \$6.0 million, in addition to the \$2.0 million increase recommended as a part of the committee's advanced submarine technology initiative. Further guidance regarding the SSBN security program is contained in the classified annex.

*Standard missile "Terrier" target*

The budget request included \$1.6 million in PE 64366N for development of improvements to the Standard missile. The committee notes that the Navy's inventory of supersonic sea-skimming targets (SSST) is insufficient to meet both test and evaluation and fleet training needs. Development of a follow-on SSST is necessary to ensure production units are available when needed. Accordingly, the committee recommends an increase to the budget request of \$8.0 million for a proof of concept demonstration and evaluation of the potential effectiveness of the Terrier missile as an SSST.

*Submarine combat system multi-purpose processor*

The budget request included \$61.4 million in PE 64503N, including \$33.6 million for development of submarine sonar improvements. The committee recommends an increase to the budget request of \$11.0 million for advanced development and rapid introduction of Multipurpose Processor (MPP) technology into the U.S.

submarine fleet. The MPP is a clear success story for the Small Business Innovative Research Program, for which both the Navy and the developer should be commended. Using commercial off-the-shelf (COTS) hardware and an open software architecture, the MPP has capitalized on the exponential improvement in commercial hardware and software to facilitate rapid improvements in submarine acoustic data processing. Fundamental to the MPP is the concept of protecting the Navy's investment in processor software through software transportability: the ability to transport new, advanced software to existing hardware utilizing an open operating system. The committee understands that the New Attack Submarine Program and the Submarine Combat Systems Program have selected the MPP as the cornerstone of sonar upgrades for the existing SSN 688, 688I, and SSBN 726 class submarines.

*Surface and shallow water mine countermeasures*

The budget request included \$87.0 million in PE 63502N for development, demonstration, and validation of surface and shallow water mine countermeasures. The committee recommends an increase of \$12.0 million in the budget request to accelerate development of the integrated combat weapon system (ICWS).

*Tactical electronic reconnaissance processing and evaluation system*

The budget request included \$2.5 million in PE 26313M for upgrades to, and communications integration testing within the Tactical Electronic Reconnaissance processing and evaluation system (TERPES) system.

The committee is aware that TERPES is currently fielded to Aviano Air Base in Italy and the Adriatic in support of multi-service operations in Bosnia. The committee is also aware of the unfunded and immediate need to improve TERPES interoperability with the Global Command and Control System (GCCS) and Tactical Air Mission Planning System (TAMPS). Therefore, the committee recommends an additional \$855,000 to provide required communications software and interoperability upgrades.

*Towed array receive system (TARS)*

The budget request included \$4.9 million in PE 25620N for the surface anti-submarine warfare systems improvement program. To address shortcomings in the Navy's capability for detecting slow-moving diesel-electric submarines in shallow water, the committee recommends an increase of \$4.0 million to the budget request for integration of the Navy's towed array receiving system (TARS) upgrade in the AN/SQQ-89 surface ship sonar suite.

*Training systems development*

The budget request included \$36.7 million in PE 24571N for Consolidated Training Systems Development, including \$3.4 million for continued development of the Navy's Surface Tactical Team Trainer and \$6.0 million for development of training and training devices systems. Overall, the budget request represents a reduction of \$29.2 million from the fiscal year 1996 budget for development of Navy training systems. The committee recommends an increase of \$3.0 million to continue integration and evaluation of the

cryptologic systems trainer in the Battle Force Tactical Training system, leading to a decision of procurement of the trainer.

*Undersea weapons advanced technology demonstration*

The budget request included \$43.6 million in PE 63747N for undersea warfare advanced technology development. The committee recommends an increase of \$5.0 million for development and demonstration of advanced technology prototype improvements to current undersea weapon systems, including environmentally compliant alternative torpedo fuels and advanced broadband homing system technologies and software algorithms to improve the countermeasure resistance of U.S. undersea weapons.

*Undersea weapons technology*

The budget request recommended \$33.9 million in PE 62633N for exploratory development of undersea warfare weapon technology. The committee recommends an increase of \$6.0 million to accelerate the development and demonstration of technologies applicable to quick reaction anti-submarine weapons for close-range engagements and to defensive systems for protecting surface ships and submarines against torpedo attack.

*Wide bandgap semiconductors*

The committee recognizes the potential of wide bandgap semiconductors, that operate at higher power, higher frequency and temperature and have the ability to operate in high radiation environments. The committee recommends an additional \$10.0 million in PE 62234N for a wide bandgap electronics program that involves industry and academia and that targets gallium nitride and silicon carbide material growth, characterization, surface behavior and device development.

## AIR FORCE RDT&E

### Overview

The budget request for fiscal year 1997 contained \$14,417.5 million for Air Force RDT&E. The committee recommends authorization of \$13,271.1 million, a reduction of \$1,146.4 million, for fiscal year 1997.

The committee recommendations for the fiscal year 1997 Air Force RDT&E program are identified in the table below. Major changes to the Air Force request are discussed following the table and in the classified annex to this report.

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
 (Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
0601102F	0	RESEARCH DEVELOPMENT TEST & EVAL AF	234,475	0	234,475
	1	DEFENSE RESEARCH SCIENCES	234,475	0	234,475
		TOTAL, BASIC RESEARCH	234,475	0	234,475
		RESEARCH AND DEVELOPMENT	0	0	0
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0
0602102F	2	MATERIALS	72,360	0	72,360
0602201F	3	AEROSPACE FLIGHT DYNAMICS	65,080	0	65,080
0602202F	4	ARMSTRONG LAB EXPLORATORY DEVELOPMENT	87,103	0	87,103
0602203F	5	AEROSPACE PROPULSION	74,906	3,000	77,906
0602204F	6	AEROSPACE AVONICS	71,261	0	71,261
0602205F	7	PERSONNEL, TRAINING AND SIMULATION	0	0	0
0602206F	8	CIVIL ENGINEERING AND ENVIRONMENTAL QUALITY	0	0	0
0602269F	9	HYPersonic TECHNOLOGY PROGRAM	7,471	0	7,471
0602601F	10	PHILLIPS LAB EXPLORATORY DEVELOPMENT	121,107	7,000	128,107
0602602F	11	CONVENTIONAL MUNITIONS	42,573	0	42,573
0602702F	12	COMMAND CONTROL AND COMMUNICATIONS	96,615	0	96,615
		TOTAL, APPLIED RESEARCH	638,476	10,000	648,476
		RESEARCH AND DEVELOPMENT	638,476	10,000	648,476
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0
0603106F	13	LOGISTICS SYSTEMS TECHNOLOGY	18,254	0	18,254
0603108F	14	INTEGRATED DATA SYSTEMS	18,232	0	18,232
0603112F	15	ADVANCED MATERIALS FOR WEAPON SYSTEMS	23,803	2,500	26,303
0603202F	16	AEROSPACE PROPULSION SUBSYSTEMS INTEGRATION	28,318	0	28,318
0603203F	17	ADVANCED AVONICS FOR AEROSPACE VEHICLES	28,691	0	28,691
0603205F	18	FLIGHT VEHICLE TECHNOLOGY	8,433	0	8,433
0603211F	19	AEROSPACE STRUCTURES	10,423	0	10,423
0603216F	20	AEROSPACE PROPULSION AND POWER TECHNOLOGY	38,264	0	38,264

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
0603227F	21	PERSONNEL TRAINING AND SIMULATION TECHNOLOGY	7,761	0	7,761
0603231F	22	CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY	17,969	5,000	22,969
0603238F	23	GLOBAL SURVEILLANCE AND COMMUNICATION TECHNOLOGY	2,293	0	2,293
0603245F	24	FLIGHT VEHICLE TECHNOLOGY INTEGRATION	6,423	0	6,423
0603250F	25	LINCOLN LABORATORY	0	0	0
0603253F	26	ADVANCED AVIONICS INTEGRATION	15,488	0	15,488
0603270F	27	ELECTRONIC COMBAT TECHNOLOGY	25,202	0	25,202
0603302F	28	SPACE AND MISSILE ROCKET PROPULSION	15,740	7,000	22,740
0603311F	29	BALLISTIC MISSILE TECHNOLOGY	2,828	0	2,828
0603401F	30	ADVANCED SPACECRAFT TECHNOLOGY	39,637	50,000	89,637
0603410F	31	SPACE SYSTEMS ENVIRONMENTAL INTERACTIONS TECHNOLOGY	2,914	0	2,914
0603428F	32	SPACE SUBSYSTEMS TECHNOLOGY	0	0	0
0603601F	33	CONVENTIONAL WEAPONS TECHNOLOGY	24,885	0	24,885
0603605F	34	ADVANCED WEAPONS TECHNOLOGY	41,895	0	41,895
0603707F	35	WEATHER SYSTEMS TECHNOLOGY	3,406	0	3,406
0603723F	36	ENVIRONMENTAL ENGINEERING TECHNOLOGY	7,885	0	7,885
0603726F	37	C3I SUBSYSTEM INTEGRATION	8,777	0	8,777
0603728F	38	ADVANCED COMPUTING TECHNOLOGY	8,509	0	8,509
0603771F	39	INDUSTRIAL PREPAREDNESS MANUFACTURING TECHNOLOGY	0	0	0
0603789F	40	C3 ADVANCED DEVELOPMENT	10,895	0	10,895
0305176F	41	COMBAT SURVIVOR EVADER LOCATOR	9,596	0	9,596
		TOTAL ADVANCED TECHNOLOGY DEVELOPMENT	426,521	64,500	491,021
		RESEARCH AND DEVELOPMENT	426,521	64,500	491,021
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0
0603280F	42	INTELLIGENCE ADVANCED DEVELOPMENT	4,878	0	4,878
0603307F	43	AIR BASE OPERABILITY ADVANCED DEVELOPMENT	0	0	0
0603319F	44	AIRBORNE LASER TECHNOLOGY	56,828	0	56,828
0603402F	45	SPACE TEST PROGRAM (SPACE)	0	0	0

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997		FY 1997	
			AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	COMMITTEE RECOMMENDATION	COMMITTEE RECOMMENDATION
0603430F	46	ADVANCED MILSATCOM (SPACE)	31,643	0	31,643	31,643
0603432F	47	POLAR ADJUNCT (SPACE)	62,387	0	62,387	62,387
0603434F	48	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLI	34,024	(15,000)	19,024	19,024
0603438F	49	SATELLITE SYSTEMS SURVIVABILITY	0	0	0	0
0603441F	50	SPACE BASED INFRARED ARCHITECTURE (SPACE) - DEMVAL	120,151	134,000	254,151	254,151
0603617F	51	COMMAND, CONTROL, AND COMMUNICATION APPLICATIONS	4,378	0	4,378	4,378
0603742F	52	COMBAT IDENTIFICATION TECHNOLOGY	4,225	0	4,225	4,225
0603790F	53	NATO RESEARCH AND DEVELOPMENT (H)	10,233	(10,233)	0	0
0603800F	54	JOINT ADVANCED STRIKE TECHNOLOGY - DEMVAL	263,836	0	263,836	263,836
0603851F	55	INTERCONTINENTAL BALLISTIC MISSILE - DEMVAL	30,644	0	30,644	30,644
0603852F	56	C-130J - DEMVAL	0	0	0	0
0603853F	57	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)- DEMV	44,457	0	44,457	44,457
0603854F	58	GLOBAL BROADCAST SERVICE	45,000	0	45,000	45,000
0603855F	59	SPACE ARCHITECT OFFICE	15,000	(15,000)	0	0
		TOTAL, DEMONSTRATION AND VALIDATION	727,684	93,767	821,451	821,451
		RESEARCH AND DEVELOPMENT	727,684	93,767	821,451	821,451
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0	0
0604201F	60	AIRCRAFT AVIONICS EQUIPMENT DEVELOPMENT	18,620	2,000	20,620	20,620
0604218F	61	ENGINE MODEL DERIVATIVE PROGRAM (EMDP)	705	0	705	705
0604222F	62	NUCLEAR WEAPONS SUPPORT	4,788	0	4,788	4,788
0604226F	63	B-1B	220,932	8,300	229,232	229,232
0604227F	64	TRAINING SYSTEMS DEVELOPMENT	4,439	0	4,439	4,439
0604231F	65	C-17 PROGRAM	0	0	0	0
0604233F	66	SPECIALIZED UNDERGRADUATE PILOT TRAINING	84,291	(2,000)	82,291	82,291
0604237F	67	VARIABLE STABILITY IN-FLIGHT SIMULATOR TEST AIRCRAFT	0	1,400	1,400	1,400
0604239F	68	F-22 EMD	2,002,959	0	2,002,959	2,002,959
0604240F	69	B-2 ADVANCED TECHNOLOGY BOMBER	528,454	290,000	818,454	818,454
0604243F	70	MANPOWER, PERSONNEL AND TRAINING DEVELOPMENT	4,940	0	4,940	4,940



**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
0604249F	71	NIGHT/PRECISION ATTACK	0	0	0
0604268F	72	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	0	0	0
0604270F	73	EW DEVELOPMENT	104,423	0	104,423
0604321F	74	COMBAT INTELLIGENCE SYSTEM - EMD	1,943	0	1,943
0604441F	75	SPACE BASED INFRARED ARCHITECTURE (SPACE) - EMD	173,290	7,000	180,290
0604479F	76	MILSTAR LDR/MDR SATELLITE COMMUNICATIONS (SPACE)	700,278	20,000	720,278
0604480F	77	GLOBAL POSITIONING SYSTEM BLOCK IIF (SPACE)	37,142	0	37,142
0604600F	78	MUNITIONS DISPENSER DEVELOPMENT	56,229	0	56,229
0604601F	79	CHEMICAL/BIOLOGICAL DEFENSE EQUIPMENT	0	0	0
0604602F	80	ARMAMENT/ORDNANCE DEVELOPMENT	3,642	28,500	32,142
0604604F	81	SUBMUNITIONS	4,873	0	4,873
0604609F	82	R&M MATURATION/TECHNOLOGY INSERTION	0	0	0
0604617F	83	AIR BASE OPERABILITY	2,926	0	2,926
0604618F	84	JOINT DIRECT ATTACK MUNITION	38,636	0	38,636
0604703F	85	AEROMEDICAL/CHEMICAL DEFENSE SYSTEMS	5,977	0	5,977
0604704F	86	COMMON SUPPORT EQUIPMENT DEVELOPMENT	0	0	0
0604706F	87	LIFE SUPPORT SYSTEMS	4,363	3,500	7,863
0604708F	88	CIVIL, FIRE, ENVIRONMENTAL, SHELTER ENGINEERING	2,736	0	2,736
0604711F	89	SYSTEMS SURVIVABILITY (NUCLEAR EFFECTS)	36	(36)	0
0604727F	90	JOINT STANDOFF WEAPONS SYSTEMS	23,563	0	23,563
0604733F	91	SURFACE DEFENSE SUPPRESSION	0	0	0
0604735F	92	COMBAT TRAINING RANGES	23,018	0	23,018
0604740F	93	COMPUTER RESOURCE TECHNOLOGY TRANSITION (CRTT)	1,956	0	1,956
0604750F	94	INTELLIGENCE EQUIPMENT	1,211	0	1,211
0604754F	95	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	11,075	55,700	66,775
0604770F	96	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS)	207,284	5,000	212,284
0604779F	97	JOINT INTEROPERABILITY OF TACTICAL COMMAND & CONTROL SYSTE	5,976	0	5,976
0604851F	98	INTERCONTINENTAL BALLISTIC MISSILE - EMD	198,595	13,700	212,295

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
0207325F	99	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	198,632	0	198,632
0303806F	100	UHF SATELLITE COMMUNICATIONS	0	0	0
		TOTAL ENGINEERING AND MANUFACTURING DEVELOPMENT	4,677,932	433,064	5,110,996
		RESEARCH AND DEVELOPMENT	0	0	0
		ENGINEERING AND MANUFACTURING DEVELOPMENT	4,677,932	433,064	5,110,996
0603402F	101	SPACE TEST PROGRAM (SPACE)	44,752	0	44,752
0604256F	102	THREAT SIMULATOR DEVELOPMENT	43,635	0	43,635
0604258F	103	TARGET SYSTEMS DEVELOPMENT	4,966	0	4,966
0604759F	104	MAJOR T&E INVESTMENT	33,529	7,000	40,529
0605101F	105	RAND PROJECT AIR FORCE	23,292	0	23,292
0605306F	106	RANCH HAND II EPIDEMIOLOGY STUDY	9,212	0	9,212
0605502F	107	SMALL BUSINESS INNOVATIVE RESEARCH (H)	0	0	0
0605704F	108	THEATER AIR DEFENSE BMC4I	12,496	0	12,496
0605708F	109	NAVIGATION/RADAR/SLED TRACK TEST SUPPORT	0	0	0
0605712F	110	INITIAL OPERATIONAL TEST & EVALUATION	26,921	0	26,921
0605807F	111	TEST AND EVALUATION SUPPORT	425,195	0	425,195
0605808F	112	DEVELOPMENT PLANNING	6,531	0	6,531
0605853F	113	ENVIRONMENTAL CONSERVATION	10,870	0	10,870
0605854F	114	POLLUTION PREVENTION	20,628	0	20,628
0605856F	115	ENVIRONMENTAL COMPLIANCE	22,698	0	22,698
0605860F	116	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	8,152	0	8,152
0605863F	117	RD&E AIRCRAFT SUPPORT	0	0	0
0605876F	118	MINOR CONSTRUCTION (RPM) - RD&E	0	0	0
0605878F	119	MAINTENANCE AND REPAIR (RPM) - RD&E	0	0	0

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
0605896F	120	BASE OPERATIONS - RDT&E	128,676	0	128,676
0909900F	121	FINANCING FOR EXPIRED ACCOUNT ADJUSTMENTS	0	0	0
		TOTAL RDT&E MANAGEMENT SUPPORT	821,553	7,000	828,553
		RESEARCH AND DEVELOPMENT	821,553	7,000	828,553
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0
0603107F	122	TECHNICAL EVALUATION SYSTEM	[--]	0	[--]
0603110F	123	SPECIAL EVALUATION SYSTEM	[--]	0	[--]
0604268F	124	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	0	0	0
0101113F	125	B-52 SQUADRONS	11,035	0	11,035
0101120F	126	ADVANCED CRUISE MISSILE	1,165	0	1,165
0102325F	127	JOINT SURVEILLANCE SYSTEM	13,239	0	13,239
0102411F	128	NORTH ATLANTIC DEFENSE SYSTEM	5,278	0	5,278
0102412F	129	NORTH WARNING SYSTEM (NWS)	0	0	0
0207129F	130	F-111 SQUADRONS	0	0	0
0207133F	131	F-16 SQUADRONS	142,202	0	142,202
0207134F	132	F-15E SQUADRONS	143,095	17,000	160,095
0207136F	133	MANNED DESTRUCTIVE SUPPRESSION	12,384	0	12,384
0207141F	134	F-117A SQUADRONS	12,050	0	12,050
0207160F	135	TRI-SERVICE STANDOFF ATTACK MISSILE	0	0	0
0207161F	136	TACTICAL AIM MISSILES	36,382	0	36,382
0207162F	136A	HARM IMPROVEMENTS	0	3,500	3,500
0207163F	137	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	25,883	5,000	30,883
0207217F	138	PODDED RECONNAISSANCE SYSTEM	6,714	0	6,714
0207247F	139	AF TENCAP	20,116	0	20,116
0207248F	140	SPECIAL EVALUATION PROGRAM	53,495	0	53,495
0207268F	141	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	99,050	0	99,050
0207320F	142	SENSOR FUSED WEAPONS	0	19,100	19,100
0207412F	143	THEATER AIR CONTROL SYSTEMS	622	0	622

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
 (Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997	COMMITTEE		FY 1997
			AUTHORIZATION REQUEST	CHANGE FROM REQUEST	COMMITTEE RECOMMENDATION	
0207417F	144	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	57,559	69,200	126,759	
0207419F	145	TACTICAL AIRBORNE COMMAND AND CONTROL SYSTEMS	342	0	342	
0207422F	146	DEPLOYABLE C3 SYSTEMS	0	0	0	
0207423F	147	ADVANCED COMMUNICATIONS SYSTEMS	1,822	0	1,822	
0207424F	148	EVALUATION AND ANALYSIS PROGRAM	85,521	(2,000)	83,521	
0207431F	149	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	7,749	1,000	8,749	
0207433F	150	ADVANCED PROGRAM TECHNOLOGY	72,501	0	72,501	
0207438F	151	THEATER BATTLE MANAGEMENT (TBM) C4I	30,915	0	30,915	
0207579F	152	ADVANCED SYSTEMS IMPROVEMENTS	0	0	0	
0207590F	153	SEEK EAGLE	15,469	0	15,469	
0207591F	154	ADVANCED PROGRAM EVALUATION	198,327	0	198,327	
0207601F	155	USAF WARGAMING AND SIMULATION	19,361	0	19,361	
0208008F	156	MISSION PLANNING SYSTEMS	18,500	0	18,500	
0208021F	157	ELECTRONIC COMBAT SUPPORT	[-]	0	[-]	
0208080F	158	THEATER MISSILE DEFENSES	22,285	0	22,285	
0208160F	159	TECHNICAL EVALUATION SYSTEM	114,603	0	114,603	
0301310F	160	SPECIAL EVALUATION SYSTEM	41,776	0	41,776	
0301310F	161	FOREIGN TECHNOLOGY DIVISION	[-]	0	[-]	
0301313F	162	DEFENSE DISSEMINATION PROGRAM	[-]	0	[-]	
0301315F	163	MISSILE AND SPACE TECHNICAL COLLECTION	[-]	0	[-]	
0301324F	164	FOREST GREEN	[-]	0	[-]	
0303110F	165	DEFENSE SATELLITE COMMUNICATIONS SYSTEM (SPACE)	24,527	0	24,527	
0303131F	166	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEE)	21,902	0	21,902	
0303140F	167	INFORMATION SYSTEMS SECURITY PROGRAM	6,900	0	6,900	
0303144F	168	ELECTROMAGNETIC COMPATIBILITY ANALYSIS CENTER (ECAC)	7,667	0	7,667	
0303152F	169	WORLD-WIDE MILITARY COMMAND AND CONTROL SYSTEMS, INFORM	7,481	0	7,481	
0303601F	170	MILSTAR SATELLITE COMMUNICATIONS SYSTEM (SPACE)	26,962	0	26,962	
0303605F	171	SATELLITE COMMUNICATIONS TERMINALS	0	0	0	
0304111F	172	SPECIAL ACTIVITIES	[-]	0	[-]	

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997		FY 1997	
			AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	AUTHORIZATION REQUEST	COMMITTEE RECOMMENDATION
030431F	173	SELECTED ACTIVITIES	3,000	(3,000)	0	0
0305XXXF	173A	SPACE ARCHITECT OFFICE	0	11,000	11,000	11,000
0305110F	174	SATELLITE CONTROL NETWORK (SPACE)	89,960	0	89,960	89,960
0305111F	175	WEATHER SERVICE	5,126	0	5,126	5,126
0305114F	176	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCAL)	3,870	5,000	8,870	8,870
0305119F	177	MEDIUM LAUNCH VEHICLES (SPACE)	13,368	0	13,368	13,368
0305128F	178	SECURITY AND INVESTIGATIVE ACTIVITIES	289	0	289	289
0305137F	179	NATIONAL AIRSPACE SYSTEM (NAS) PLAN	12,614	0	12,614	12,614
0305138F	180	UPPER STAGE SPACE VEHICLES (SPACE)	3,154	0	3,154	3,154
0305142F	181	APPLIED TECHNOLOGY AND INTEGRATION	---	0	---	---
0305144F	182	TITAN SPACE LAUNCH VEHICLES (SPACE)	105,472	0	105,472	105,472
0305145F	183	ARMS CONTROL IMPLEMENTATION	26,786	0	26,786	26,786
0305158F	184	CONSTANT SOURCE	2,914	0	2,914	2,914
0305160F	185	DEFENSE METEOROLOGICAL SATELLITE PROGRAM (SPACE)	17,964	0	17,964	17,964
0305164F	186	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	32,450	0	32,450	32,450
0305165F	187	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEG)	42,243	0	42,243	42,243
0305172F	188	COMBINED ADVANCED APPLICATIONS	---	0	---	---
0305182F	189	EASTERN SPACE LAUNCH FACILITY (ESLF) (SPACE)	35,704	0	35,704	35,704
0305887F	190	INTELLIGENCE SUPPORT TO INFORMATION WARFARE	0	0	0	0
0305906F	191	NCMC - TW/AA SYSTEM	31,692	0	31,692	31,692
0305910F	192	SPACETRACK (SPACE)	18,867	0	18,867	18,867
0305911F	193	DEFENSE SUPPORT PROGRAM (SPACE)	29,397	0	29,397	29,397
0305913F	194	NUDET DETECTION SYSTEM (SPACE)	13,623	13,600	27,223	27,223
0308610F	195	INFORMATION MANAGEMENT-AUTOMATION-PROGRAM 3	15,193	0	15,193	15,193
0401119F	196	C-5 AIRLIFT SQUADRONS	1,153	0	1,153	1,153
0401130F	197	C-17 AIRCRAFT	87,486	0	87,486	87,486
0401214F	198	AIR CARGO MATERIAL HANDLING (463-L) (NON-IF)	3,212	0	3,212	3,212
0401218F	199	KC-135S	757	0	757	757
0404102F	200	AEROSPACE RESCUE AND RECOVERY	3,322	0	3,322	3,322

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
0702207F	201	DEPOT MAINTENANCE (NON-IF)	1,444	0	1,444
0708011F	202	INDUSTRIAL PREPAREDNESS	48,969	0	48,969
0708012F	203	LOGISTICS SUPPORT ACTIVITIES	0	0	0
0708028F	204	PRODUCTIVITY, RELIABILITY, AVAILABILITY MAINTAIN. PROG OFC (PR	13,564	0	13,564
0708054F	205	POLLUTION PREVENTION	0	0	0
0708811F	206	SUPPORT SYSTEMS DEVELOPMENT	5,405	0	5,405
0804734F	207	CRYPTOLOGIC/SIGINT-RELATED SKILL TRAINING	1,887	0	1,887
0901218F	208	CIVILIAN COMPENSATION PROGRAM	5,917	0	5,917
1001004F	209	INTERNATIONAL ACTIVITIES	3,833	0	3,833
1001018F	210	NATO JOINT STARS	0	0	0
XXXXXXXXXX	999	Classified Programs	4,844,501	(1,894,100)	2,950,401
		TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	6,890,815	(1,754,700)	5,136,115
		RESEARCH AND DEVELOPMENT	6,890,815	(1,754,700)	5,136,115
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0
		TOTAL, RESEARCH DEVELOPMENT TEST & EVAL AF	14,417,456	(1,146,369)	13,271,087
		RESEARCH AND DEVELOPMENT	9,739,524	(1,579,433)	8,160,091
		ENGINEERING AND MANUFACTURING DEVELOPMENT	4,677,932	433,064	5,110,996

## Items of Special Interest

*Airborne warning and control system*

The budget request includes \$18.3 million of the \$57.6 million in PE 27417F for the Airborne Warning and Control System aircraft to correct deficiencies that reduce aircraft availability. The Air Force indicates that significant improvements could be made in aircraft availability, performance and life cycle cost savings achieved if reliability, maintainability and reengining initiatives approved by the Secretary of Defense could begin in fiscal year 1997. Therefore, the committee recommends an additional \$64.2 million for these purposes as recommended by the Chief of Staff of the Air Force.

*Aircraft ejection seats*

The committee continues to be concerned that inadequate emphasis is being placed on aircrew protection for light-weight crew members, ejections at higher air speeds, and low altitude-high sink rate ejections. Leadership is also lacking within the Department of Defense to ensure military service coordinated programs and adequate emphasis on correcting deficiencies in currently fielded systems. It is incredulous that the Air Force's recently published "New World Vistas" report recommended the Air Force stop ejection seat research and development.

The committee therefore provides an additional \$5.0 million in PE 63231F and \$5.0 million in 64264N for testing of potential upgrades to current ejection seats and an additional \$3.5 million in PE 64706F to evaluate the ACES II ejection seat with stabilization, limb restraints, and expanded crew member accommodation. The committee directs continued tests on existing Navy, USMC, and Air Force front-line trainer and tactical aircraft ejection seats for the purpose of verifying their predicted performance and identifying problems and required corrective action. In addition, up to \$2.0 million of the additional authorization in PE 64706F is authorized for a competitively awarded study to gain additional information regarding the integration of tactical aircrew-worn technologies, such as helmets with helmet mounted visual displays, chemical biological defense equipment, and sustained acceleration protection with upgraded ejection seats. All testing should be conducted at the most economical and readily available government or commercial test facility. In conducting these tests, high priority shall continue to be given to the sustainment of the U.S. ejection seat industrial base. Finally, the committee strongly believes that the Air Force should continue its ejection seat research and development.

*B-1B bomber*

The budget request contained \$220.9 million in PE 64226F for research and development of the B-1B bomber. The committee continues to strongly support a modern, capable long-range bomber force, and recognizes that the B-1B will serve as the workhorse of such a force well into the 21st century. In order to enhance the warfighting capabilities of the B-1B, the committee recommends an additional \$8.3 million for the defensive system upgrade.

*B-2 conventional capability enhancements*

The budget request contained \$528.4 million in PE 64240F for continued engineering and conversion of existing B-2 test aircraft to the combat configuration.

Although the Department plans to equip the current B-2 fleet with a conventional precision guided munitions (PGM) capability, the committee is concerned with the slow pace of this effort. Furthermore, the committee understands that the Air Force has identified initiatives which would provide enhanced information distribution capability and improved conventional weapons accuracy but these efforts are not funded in the fiscal year 1997 request. Consequently, the committee recommends \$818.4 million, an increase of \$290.0 million in PE 64240F, and directs the Air Force to use funds appropriated pursuant to this additional authorization only for acceleration of PGM integration and enhanced conventional capability for the existing B-2 fleet.

*Cryoelectronics for tactical systems*

The committee is aware of the potential payoff in electrical circuit efficiency, size and capacity if low temperature circuits such as precision band pass filters can be cost-effectively developed, manufactured, and operated.

The committee recommends an additional \$3.0 million in PE 62203F for cryogenic power devices.

*Digital data link*

The budget request includes \$11.1 million in PE 64754F for a digital data link system known as "Link 16" that provides high capacity, jam resistant communications and navigation information among aircraft that greatly improve situational awareness of the tactical environment, mission effectiveness, and significantly reduces the likelihood of combat fratricide. The committee recommends an additional \$55.7 million in fiscal year 1997 to accelerate fielding of this capability in F-15E, B-1, F-16, and RC-135 aircraft as recommended by the Chief of Staff of the Air Force.

In addition, the committee is concerned that the Air Force has not given adequate consideration to the significantly increased capability potentially provided to the F-16 for beyond visual range weapons employment through the integration of the APX-113, already developed in the F-16 mid-life upgrade program. The committee therefore directs that the Secretary of the Air Force provide a report to the committee by not later than October 1, 1996, detailing the requirement, options and plan, to include schedule and cost, for providing advanced identification friend or foe or similar capabilities for its tactical aircraft.

*Electronic countermeasures*

The budget request provided no funding for the F-15E ALQ-135 electronic countermeasures system, lower band, because of fiscal constraints even though the development is 90 percent complete. The committee recommends an additional \$17.0 million in PE 27134F for completion of RDT&E for the system, to include integration, developmental flight test, and modification of intermediate



level test equipment as recommended by the Chief of Staff of the Air Force.

*Global positioning system sensor*

The budget request included \$13.6 million in program element 35913F for nuclear proliferation and detection sensors aboard the Global Positioning System (GPS) satellite system. The committee recommends an additional \$13.9 million to be used for electromagnetic pulse (EMP) sensor and ground system development. This added capability will assist in detecting foreign nuclear tests and, therefore, in monitoring a comprehensive test ban treaty. The committee directs the Secretary of the Air Force to include sufficient resources in the fiscal year 1998 budget submission to continue this important project.

*Helmet mounted displays*

The budget request included \$19.7 million for the Air Force and Navy for the Joint Helmet-Mounted Cueing System. Integration of weapon systems and situational awareness data into a pilot's helmet gives significant leverage to operational capability. With a relatively small amount of additional funding the program schedule can be advanced by nearly two years. Accordingly, the committee recommends an additional \$2.0 million for PE 64201F.

*Joint air-to-surface stand-off missile*

The budget request included \$198.6 million in PE 27325F for development of the Joint Air-to-Surface Stand-off Missile (JASSM). The committee supports the budget request. The committee also shares the belief expressed in the statement of managers accompanying the conference report on S. 1124 (H. Rept 104-450) that JASSM could evolve from an existing, or planned interim weapons systems. If the Department of Defense believes that a new weapon development is appropriate, the new development program should be based on technologies that have already been developed in the Tri-Service Standoff Attack Missile (TSSAM) program, or in other existing or planned stand-off weapons systems, including technologies relating to low and very low observability and stealth.

The committee believes that while affordability is a central consideration in the development of JASSM, it expects the program to yield a superior capability which includes a highly maneuverable, low- or very low-observable airframe, highly lethal warhead, and precision guidance. The committee believes that this capability is necessary for Air Force bomber and Navy carrier strike aircraft now and well into the 21st Century. The JASSM development must be a truly joint program, in which the Air Force and the Navy work closely together to meet the requirements of the two services.

*Joint situational awareness system*

The committee is aware of the significant progress being made in providing theater-wide situational awareness to joint force decision-makers through fusion systems like the Joint Situational Awareness System (JSAS). However, the committee is concerned about the possible duplication of effort in other programs. Accordingly, the committee directs that no funds be obligated for the Bat-

tlefield Awareness System (BAS) until JSAS has been fielded and evaluated to determine whether further development of the BAS is required.

*Landing systems*

The budget request included \$3.9 million in PE 35114F for air traffic control, approach, and landing systems. The Air Force and Navy are currently studying alternatives to determine the best option for future precision landing systems using commercial off the shelf technology or systems that would offer minimal development cost for military use. The committee recommends an additional \$5.0 million to complete the development of the precision landing systems receiver and directs the Secretary of the Air Force to provide the results of the Joint Precision Approach Alternatives Study to the Congressional defense committees upon its completion, currently scheduled for September 1997.

*Measurement and signal intelligence*

The committee recommends an additional \$3.0 million in PE 31315F for developing an integrated measurement and signature intelligence (MASINT) software maintenance and training facility.

*Metal fatigue monitoring*

The committee recommends an additional \$2.5 million in PE 63112F for the metal fatigue monitoring program.

*Milstar automated communication management system*

The budget request included \$700.3 million for the Milstar satellite communications system. The committee recommends an additional \$20.0 million in PE 64479F for the automated communication management system (ACMS), which will perform essential network planning and management of Milstar communications resources for a wide range of users. The Army's tactical terminal field operators and planners, in particular, will benefit from a capability to directly task the satellite constellation, move antennae, and change network configurations. ACMS will enable all users to fully utilize the flexibility and responsiveness of the Milstar system.

*Minuteman safety enhanced reentry vehicle*

The budget request included \$198.6 million in PE 64851F for intercontinental ballistic missile (ICBM) engineering and manufacturing development (EMD). The budget request did not include funds for the safety enhanced reentry vehicle (SERV) program, however.

The Minuteman guidance replacement program (GRP) currently preserves the option of incorporating the Mark-21 safety enhanced reentry vehicle on Minuteman III if Peacekeeper intercontinental ballistic missiles (ICBMs) are retired. However, no hardware or software prototyping has been accomplished to date for this purpose as part of GRP. In fact, integrating this effort with current design and development work in GRP would save money and provide greater confidence in the overall system design and performance. Therefore, the committee recommends an additional \$13.7 million in PE 64851F to perform hardware and software prototyping and

testing associated with incorporation of the Mark-21 reentry vehicle on the Minuteman III ICBM. The committee directs the Secretary of the Air Force to submit a report to the committee not later than September 15, 1996, on the Air Force's plan to deploy the Mark 21 reentry vehicle on Minuteman and on the status of funding for this effort.

#### *Missile conversion*

The National Space Transportation Policy requires Secretary of Defense approval for the use of excess ballistic missiles for the launch of U.S. Government research and development payloads into orbit. The converted excess ballistic missiles would provide relatively low cost flight opportunities for research and scientific payloads as well as training and readiness opportunities for military personnel.

The committee views with concern the significant delay that has occurred in the Secretary of Defense's approval of a pilot program requested by the Secretary of the Air Force that would convert five excess ballistic missiles for such purposes. This delay has imposed an unnecessary planning burden on potential users.

The committee directs the Secretary of Defense to immediately approve, as a pilot case, the use of five excess Minuteman missiles to launch small government research and development satellites and encourages the Secretary to delegate future approval authority for all similar uses to the Commander of the Space and Missile Systems Center.

#### *Munitions adaptor kit*

The Air Force is currently conducting tests as the result of a competitive evaluation, of a promising non-developmental adaptor kit for in-inventory munitions that could provide low cost increased stand-off employment and accurate guidance capability to current unguided direct attack munitions. There is no budget request for fiscal year 1997 to conduct developmental or operational testing should these tests prove successful and the Air Force concludes further development is warranted. Accordingly, the committee recommends an additional \$28.5 million in PE 64602F, for further developmental and operational testing of 90 adaptor kits with in-inventory munitions on F-16, F-15, B-1, and/or B-52 aircraft. Testing should provide full envelope aircraft certification, statistical verification accuracy, operational validation of weapon use and mission planning verification.

#### *National polar-orbiting operational environmental satellite system*

The budget request included \$34.0 million in PE 63434F for the National Polar-orbiting Operational Environmental Satellite System (NPOESS). As a result of significant delays in the schedule for this converged national weather satellite program, the committee recommends \$19.0 million for NPOESS, a reduction of \$15.0 million.

#### *Reusable launch vehicles*

The committee is committed to supporting the potential of "triple-use" reusable launch vehicle technologies that demonstrate the

potential of high payoff benefits to military, civil, and commercial space launch capability and associated sectors of the U.S. industrial base. The committee supports the NASA–DOD–industry team effort for a reusable launch vehicle program by recommending an additional \$50.0 million in PE 63401F for fiscal year 1997.

*Sensor fuzed weapon*

The committee recommends an additional \$19.1 million in PE 27320F for the sensor fuzed weapon as recommended by the Chief of Staff of the Air Force to accelerate pre-planned product improvement.

*Space and missile rocket propulsion technology*

The budget request included \$46.0 million for rocket propulsion technology, including the Integrated High Payoff Rocket Technology (IHPRT) initiative. The committee commends the Department for its leadership in establishing a government–industry cost shared program for rocket and missile technologies similar of the successful Integrated High Payoff Turbine Engine Technology (IHPTET) program. However, if the IHPRT initiative is to be successful, all government agencies as well as private contractors that expect to benefit from government programs must be willing to be active participants in the program. The committee notes that the Army is the only military service not actively participating in the program and cautions that in the future the committee will not accept military services conducting totally independent rocket technology development efforts. The committee also notes the National Aeronautics and Space Administration's interest in integrating elements of its rocket technology program with IHPRT and supports this initiative. The committee recommends an additional \$19.0 million for launch vehicle and tactical missile rocket technology programs to be authorized as follows: \$7.0 million for PE 62601F, project 1011; \$5.0 million for PE 63302F, projects 4373, 6339, and 6340; \$2.0 million in PE 63302F for disposal of highly toxic obsolete pentaborane rocket fuel; \$3.0 million for PE 62111N and \$2.0 million for PE 63217N, project R0447. The additional authorization shall only be used for direct support costs of these technology projects.

*Space architect*

The budget request included \$15.0 million in PE 63855F for the space architect's office. The committee is disappointed that the Secretary of Defense would create yet another office to do studies on space architecture without consolidating the responsibility for military and intelligence space requirements in one office. The committee finds the justification material inadequate to justify the request and recommends a reduction of \$4.0 million to include any "pass-through" funding intended for the Office of the Secretary of Defense for which there was no request.

Further, the committee is following with interest the DOD Space Architect's on-going reviews of the appropriate military satellite communications (milsatcom) architecture and the architecture for space control. The committee expects to be kept apprised of progress during the conduct of these important reviews. The com-

mittee also strongly urges the Architect to consult closely with the Commander-in-Chief, U.S. Space Command during these reviews.

*Space-based infrared system program*

The budget request included \$113.2 million for the low component of the space-based infrared system (SBIRS) program and \$6.9 million for Cobra Brass in PE 63441F, and \$173.3 million in PE 64441F for the high component. The committee recommends \$247.2 million, an increase of \$134.0 million, for SBIRS low (the Space and Missile Tracking System), \$180.3 million, an increase of \$7.0 million, for the high component, and the requested amount for Cobra Brass.

The committee reaffirms support for the Space and Missile Tracking System (SMTS) program baseline established in section 216 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106). However, the committee is dismayed by the Department's continued withholding of \$51.0 million of the total amount authorized and appropriated by Congress in fiscal year 1996 for SMTS. These funds are needed to support and implement the Department's own strategy of increasing competition within the program. The committee directs the Secretary of Defense to release these funds immediately.

The statement of managers accompanying the conference report on S. 1124 (H. Rept. 104–450) endorsed giving the Block I SMTS a missile defense focus. The committee is interested in learning more about how the Department has interpreted this guidance. Therefore, the committee directs the Secretary of Defense to provide a report to the Congressional defense committees on the functional allocation of requirements among the highly-elliptical orbit (HEO), geosynchronous (GEO), and low earth orbit (LEO) components of SBIRS. The report shall describe the planned design configuration of the SMTS Block I satellite constellation, and the HEO and GEO components, including the extent to which each component will be capable of performing portions of the missile warning, missile defense, technical intelligence, and battlespace characterization missions, and the assumed lifetime of these satellites. The report shall be submitted not later than October 30, 1996.

Finally, the committee understands that the Joint Requirements Oversight Council is reviewing the appropriate level of system survivability and nuclear hardness for the elements of the SBIRS program. The committee believes that adequate nuclear hardness should be a design feature of the SBIRS program, given the critical importance of assured tactical warning/attack assessment for national decision making. The committee directs the Secretary of Defense to inform the committee promptly of the Department's plan for providing a sufficient amount of nuclear hardness for the SBIRS program. The Secretary is strongly urged to consult closely with the Commander-in-Chief, U.S. Space Command and the Commander-in-Chief, U.S. Strategic Command before rendering a decision on this matter.

*Test and evaluation investments*

The committee recommends an additional \$7.0 million in PE 64759F for wind tunnel and air induction system improvements and engine test facility data acquisition and processing systems.

Further, the committee is aware that the Air Force uses different procedures and criteria for funding real property maintenance (RPM) for its test and evaluation bases and facilities than that used for those installations which receive RPM funds through the operation and maintenance accounts. This practice results in these bases getting significantly less in RPM funding, as a percent of the facility present value, annually for maintenance and repair of these facilities. The committee directs the Secretary of the Air Force to fund the RPM requirements of its test and evaluation facilities, using the same procedures and criteria as that used for all other bases. Accordingly, the committee recommends a provision (sec. 241) that would require the Secretary of the Air Force to use the same procedures and criteria for allocating RPM to test and evaluation installations as it does for its other non-test and evaluation installations.

*Variable stability in-flight simulator test aircraft*

The committee recommends an additional \$1.4 million in PE 64237F for the Variable Stability In-Flight Simulator Test Aircraft program to complete and test phase I of the program.

## DEFENSE AGENCIES RDT&amp;E

## Overview

The budget request for fiscal year 1997 contained \$8,672.8 million for Defense Agencies RDT&E. The committee recommends authorization of \$9,406.4 million, an increase of \$733.5 million, for fiscal year 1997.

The committee recommendations for the fiscal year 1997 Defense Agencies RDT&E program are identified in the table below. Major changes to the Defense Agencies request are discussed following the table.

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
ACCOUNT	0	RESEARCH DEVELOPMENT TEST & EVAL DERWIDE			
0601101D	1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	2,154	0	2,154
0601101E	2	DEFENSE RESEARCH SCIENCES	74,923	2,000	76,923
0601103D	3	UNIVERSITY RESEARCH INITIATIVES	209,235	20,000	229,235
0601110D	4	FOCUSED RESEARCH INITIATIVES	15,580	0	15,580
0601384BP	5	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	28,739	0	28,739
		TOTAL, BASIC RESEARCH	330,631	22,000	352,631
		RESEARCH AND DEVELOPMENT	330,631	22,000	352,631
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0
0602160D	6	COUNTERPROLIFERATION SUPPORT	0	0	0
0602173C	7	SUPPORT TECHNOLOGIES/FOLLOW-ON TECHNOLOGIES EXPLORATOR	94,023	0	94,023
0602227D	8	MEDICAL FREE ELECTRON LASER	23,457	(3,000)	20,457
0602228D	9	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE	11,163	0	11,163
0602234D	10	LINCOLN LABORATORY RESEARCH PROGRAM	20,068	(9,500)	10,568
602301E	11	COMPUTING SYSTEMS AND COMMUNICATIONS TECHNOLOGY	346,957	0	346,957
0602384BP	12	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	65,273	5,600	70,873
602702E	13	TACTICAL TECHNOLOGY	117,944	12,000	129,944
602708E	14	INTEGRATED COMMAND AND CONTROL TECHNOLOGY	45,000	20,000	65,000
602712E	15	MATERIALS AND ELECTRONICS TECHNOLOGY	218,539	8,000	226,539
0602715H	16	DEFENSE NUCLEAR AGENCY	195,131	(3,000)	192,131
0602787D	17	MEDICAL TECHNOLOGY	8,196	0	8,196
0602XXXC	17A	COOPERATIVE PROJECTS WITH RUSSIA	0	0	0
0305108K	18	COMMAND AND CONTROL RESEARCH	1,856	20,000	20,000
		TOTAL, APPLIED RESEARCH	1,147,607	50,100	1,197,707
		RESEARCH AND DEVELOPMENT	1,147,607	50,100	1,197,707
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0
0603002D	19	MEDICAL ADVANCED TECHNOLOGY	3,363	0	3,363

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997		FY 1997	
			AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	COMMITTEE RECOMMENDATION	COMMITTEE RECOMMENDATION
0305107LC	119	TACTICAL IMAGERY ACTIVITIES	[-]	0	[-]	0
0305127V	120	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[-]	0	[-]	0
0305139B	121	DMA MAPPING, CHARTING, AND GEODESY (MC&G) PRODUCTION SYST	100,997	(10,000)	90,997	90,997
0305154D	122	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM	438,559	90,500	529,059	529,059
0305154G	123	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM	[-]	0	[-]	0
0305159B	124	DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES (SPACE)	0	0	0	0
0305159C	125	DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES (SPACE)	[-]	0	[-]	0
0305159I	126	DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES (SPACE)	55,911	0	55,911	55,911
0305190D	127	C3I INTELLIGENCE PROGRAMS	7,081	(700)	6,381	6,381
0305884L	128	INTELLIGENCE PLANNING AND REVIEW ACTIVITIES	[-]	0	[-]	0
0305885G	129	TACTICAL CRYPTOLOGIC ACTIVITIES	[-]	0	[-]	0
0305889D	130	COUNTERDRUG INTELLIGENCE SUPPORT	0	0	0	0
0305889G	131	COUNTERDRUG INTELLIGENCE SUPPORT	0	0	0	0
0305898L	132	MANAGEMENT HEADQUARTERS (AUXILIARY FORCES)	0	0	0	0
0708011S	133	INDUSTRIAL PREPAREDNESS	[-]	0	[-]	0
0902298J	134	MANAGEMENT HEADQUARTERS (OJCS)	6,831	2,000	8,831	[+2,000]
0909900S	135	FINANCING FOR EXPIRED ACCOUNT ADJUSTMENTS	34,912	(23,000)	11,912	11,912
0909999D	136	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS	0	0	0	0
11602798B	137	SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRANSFE	0	0	0	0
1160401BB	138	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	4,083	0	4,083	4,083
1160402BB	139	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	7,927	0	7,927	7,927
1160404BB	140	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	83,923	4,650	88,573	88,573
1160405BB	141	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	1,315	1,000	2,315	2,315
1160407BB	142	SOF MEDICAL TECHNOLOGY DEVELOPMENT	1,887	0	1,887	1,887
1160408BB	143	SOF OPERATIONAL ENHANCEMENTS	23,216	0	23,216	23,216
XXXXXX	999	Classified Programs	1,202,794	84,000	1,286,794	1,286,794
TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT			2,037,984	163,832	2,201,816	2,201,816
TOTAL, RESEARCH AND DEVELOPMENT			2,037,984	163,832	2,201,816	2,201,816
TOTAL, ENGINEERING AND MANUFACTURING DEVELOPMENT			0	0	0	0



**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
 (Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997		COMMITTEE RECOMMENDATION
			AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	
		TOTAL, RESEARCH DEVELOPMENT TEST & EVAL DEFENSE RESEARCH AND DEVELOPMENT	8,398,836	733,535	9,132,371
		ENGINEERING AND MANUFACTURING DEVELOPMENT	7,425,880	715,735	8,141,615
			972,956	17,800	990,756
ACCOUNT	0	DIRECTOR OF TEST & EVAL DEFENSE			
0604940D	1	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)	116,007	0	116,007
0605130D	2	FOREIGN COMPARATIVE TESTING	33,560	0	33,560
0605804D	3	DEVELOPMENT TEST AND EVALUATION	102,471	0	102,471
		TOTAL, DIRECTOR OF TEST & EVAL DEFENSE	252,038	0	252,038
		RESEARCH AND DEVELOPMENT	252,038	0	252,038
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0
ACCOUNT	0	DIRECTOR OF OPERATIONAL TEST & EVALUATION			
0605118D	1	OPERATIONAL TEST AND EVALUATION	11,980	0	11,980
0605131D	2	LIVE FIRE TESTING	9,988	0	9,988
		TOTAL, DIRECTOR OF OPERATIONAL TEST & EVALUATION	21,968	0	21,968
		RESEARCH AND DEVELOPMENT	21,968	0	21,968
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
0603104D	20	EXPLOSIVES DEMILITARIZATION TECHNOLOGY	0	15,000	15,000
0603105D	21	MILITARY HIV RESEARCH	0	0	0
0603120D	22	DEMING	7,746	(7,746)	0
0603122D	23	COUNTERTERROR TECHNICAL SUPPORT	16,521	0	16,521
0603160D	24	COUNTERPROLIFERATION SUPPORT - ADV DEV	54,142	0	54,142
0603173C	25	SUPPORT TECHNOLOGIES/FOLLOW-ON TECHNOLOGIES - ADVANCED	132,319	40,000	172,319
0603225D	26	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	16,158	(1,600)	14,558
603226E	27	EXPERIMENTAL EVALUATION OF MAJOR INNOVATIVE TECHNOLOGIES	635,553	29,100	664,653
0603232D	28	AUTOMATIC TARGET RECOGNITION	4,841	0	4,841
0603384BP	29	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - ADVANCED DEVEL	41,685	0	41,685
603569E	30	ADVANCED SUBMARINE TECHNOLOGY	0	0	0
0603570D	31	DEFENSE LABORATORY PARTNERSHIP PROGRAM	0	0	0
603570E	32	DEFENSE REINVESTMENT	0	0	0
0603704D	33	SPECIAL TECHNICAL SUPPORT	0	0	0
0603711H	34	VERIFICATION TECHNOLOGY DEMONSTRATION	12,068	(1,200)	10,868
0603712S	35	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	26,199	0	26,199
0603716D	36	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	18,162	0	18,162
0603724D	37	BIOLOGICAL DEFENSE - ADVANCED DEVELOPMENT	54,880	2,500	57,380
0603726D	38	JOINT TECHNOLOGY INSERTION PROGRAM	0	0	0
0603738D	40	COOPERATIVE DOD/VA MEDICAL RESEARCH	14,523	(14,523)	0
603739E	41	ADVANCED ELECTRONICS TECHNOLOGIES	332,100	25,000	357,100
603744E	42	ADVANCED SIMULATION	0	0	0
603745E	43	SEMICONDUCTOR MANUFACTURING TECHNOLOGY	0	0	0
603746E	44	MARITIME TECHNOLOGY	37,408	0	37,408
603747E	45	ELECTRIC VEHICLES	0	0	0
0603750D	46	ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS	98,471	(20,000)	78,471
0603752D	47	COMMERCIAL TECHNOLOGY INSERTION PROGRAM	48,411	(48,411)	0
0603755D	48	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	99,880	0	99,880
0603756D	49	CONSOLIDATED DOD SOFTWARE INITIATIVE	0	0	0

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
0603771S	50	INDUSTRIAL PREPAREDNESS MANUFACTURING TECHNOLOGY	0	0	0
0603800E	51	JOINT ADVANCED STRIKE TECHNOLOGY - DEMVAL	78,400	0	78,400
0603805E	52	DUAL USE APPLICATIONS PROGRAMS	250,000	(250,000)	0
06038832D	53	JOINT WARGAMING SIMULATION MANAGEMENT OFFICE	59,968	0	59,968
0603889E	54	COUNTERDRUG RD&E PROJECTS	0	0	0
	54A	DUAL-USE MANAGEMENT	0	5,000	5,000
		TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	2,042,798	(226,880)	1,815,918
		RESEARCH AND DEVELOPMENT	2,042,798	(226,880)	1,815,918
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0
0603228D	55	PHYSICAL SECURITY EQUIPMENT	18,676	0	18,676
0603708D	56	INTEGRATED DIAGNOSTICS	9,742	0	9,742
0603709D	57	JOINT ROBOTICS PROGRAM	23,744	8,000	31,744
0603714D	58	ADVANCED SENSOR APPLICATIONS PROGRAM	24,001	6,000	30,001
0603715D	59	AIM-9 CONSOLIDATED PROGRAM	0	0	0
0603734J	60	ISLAND SUN SUPPORT	1,246	0	1,246
0603736D	61	CALS INITIATIVE	1,936	12,000	13,936
0603790D	62	NATO RESEARCH AND DEVELOPMENT	22,776	(2,200)	20,576
0603861D	63	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	14,155	0	14,155
0603861C	64	THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM - TMD - DEMVAL	269,000	140,000	409,000
0603862C	65	THEATER MISSILE DEFENSE GROUND BASED RADAR (GBR-T) - DEMV	0	0	0
0603863C	66	HAWK UPGRADES THEATER MISSILE DEFENSE ACQUISITION - DEMVA	0	0	0
0603864C	67	BATTLE MANAGEMENT AND C4I FOR TMD ACQUISITION - DEMVAL	0	0	0
0603867C	68	NAVY LOWER TIER TMD ACQUISITION - DEMVAL	60,000	0	60,000
0603868C	69	NAVY UPPER TIER TMD - DEMVAL	58,171	246,000	304,171
0603869C	70	CORPS SURFACE-TO-AIR MISSILE - TMD - DEMVAL	56,232	(56,232)	0
0603870C	71	BOOST PHASE INTERCEPT THEATER MISSILE DEFENSE ACQUISITION -	0	0	0
0603871C	72	NATIONAL MISSILE DEFENSE - DEMVAL	508,437	350,000	858,437
0603872C	73	OTHER THEATER MISSILE DEFENSE/FOLLOW-ON TMD ACTIVITIES ACQ	520,111	0	520,111

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
0603884BP	74	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - DEMVAL	54,511	2,200	56,711
0603XXXC	75	GENERAL REDUCTION -BMD	0	(15,000)	(15,000)
		TOTAL, DEMONSTRATION AND VALIDATION	1,642,738	690,768	2,333,506
		RESEARCH AND DEVELOPMENT	1,642,738	690,768	2,333,506
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0
0604160D	75	COUNTERPROLIFERATION SUPPORT - EMD	2,651	0	2,651
0604384BP	76	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - EMD	89,915	17,800	107,715
0604771D	77	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	44,501	0	44,501
0604861C	78	THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM - TMD - EMD	212,798	0	212,798
0604864C	79	BATTLE MANAGEMENT AND C4I FOR TMD ACQUISITION - EMD	0	0	0
0604865C	80	PATRIOT PAC-3 THEATER MISSILE DEFENSE ACQUISITION - EMD	381,509	0	381,509
0604866C	81	ERINT/PATRIOT PAC-3 RISK REDUCTION - TMD - EMD	0	0	0
0604867C	82	NAVY LOWER TIER TMD ACQUISITION - EMD	241,582	0	241,582
0604889K	83	COUNTERDRUG ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0
0305889D	84	COUNTERDRUG INTELLIGENCE SUPPORT	0	0	0
		TOTAL, ENGINEERING AND MANUFACTURING DEVELOPMENT	972,956	17,800	990,756
		RESEARCH AND DEVELOPMENT	0	0	0
		ENGINEERING AND MANUFACTURING DEVELOPMENT	972,956	17,800	990,756
0605104D	85	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	35,101	(10,000)	25,101
0605110D	86	TECHNICAL SUPPORT TO USD(A)--CRITICAL TECHNOLOGY	2,743	0	2,743
605114E	87	BLACK LIGHT	4,730	0	4,730
0605117D	88	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION	40,750	0	40,750
0605128D	89	CLASSIFIED PROGRAM USD(P)	11,400	0	11,400
0605129D	90	TECHNICAL ASSISTANCE	4,785	(4,785)	0
0605160D	91	COUNTERPROLIFERATION SUPPORT	8,563	12,000	20,563
0605218C	92	BALLISTIC MISSILE DEFENSE RDT&E PROGRAM MANAGEMENT AND S	0	0	0
0605384BP	93	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	16,708	18,700	35,408

**TITLE II -- RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PROGRAM ELEMENT NUMBER	R-1 LINE	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
0605502D	94	SMALL BUSINESS INNOVATIVE RESEARCH	0	0	0
0605710D	95	CLASSIFIED PROGRAMS - C3I	2,311	0	2,311
0605790D	96	SMALL BUSINESS INNOVATIVE RESEARCH ADMINISTRATION	1,628	0	1,628
0605798S	97	DEFENSE SUPPORT ACTIVITIES	13,796	0	13,796
0605801S	98	DEFENSE TECHNICAL INFORMATION CENTER	45,238	0	45,238
605898E	99	MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	36,369	0	36,369
909900E	100	FINANCING FOR EXPIRED ACCOUNT ADJUSTMENTS	0	0	0
		TOTAL, RDT&E MANAGEMENT SUPPORT	224,122	15,915	240,037
		RESEARCH AND DEVELOPMENT	224,122	15,915	240,037
		ENGINEERING AND MANUFACTURING DEVELOPMENT	0	0	0
0201135J	101	CINC C2 INITIATIVES	0	0	0
0208045K	102	C3 INTEROPERABILITY (JOINT TACTICAL C3 AGENCY)	24,268	0	24,268
0301011G	103	CRYPTOLOGIC ACTIVITIES	[-]	0	[-74,000]
0301307L	104	GENERAL DEFENSE INTELLIGENCE PROGRAM	[-]	0	[-]
0301308L	105	MISSILE INTELLIGENCE AGENCY	[-]	0	[-]
0302016K	106	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	2,047	0	2,047
0302019K	107	JOINT/DEFENSE INFORMATION SYSTEMS ENGINEERING AND INTEGRA	4,594	3,000	7,594
0303126K	108	LONG-HAUL COMMUNICATIONS (DCS)	23,361	0	23,361
0303127K	109	SUPPORT OF THE NATIONAL COMMUNICATIONS SYSTEM	3,910	0	3,910
0303129K	110	DEFENSE MESSAGE SYSTEM	2,532	0	2,532
0303131K	111	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEE	2,311	0	2,311
0303132G	112	GLOBAL GRID COMMUNICATIONS	[-]	0	[-]
0303140D	113	INFORMATION SYSTEMS SECURITY PROGRAM	0	0	0
0303140G	114	INFORMATION SYSTEMS SECURITY PROGRAM	[-]	0	[-]
0303149J	115	C4I FOR THE WARRIOR	2,618	(2,618)	0
0303149K	116	C4I FOR THE WARRIOR	2,907	15,000	17,907
0303153K	117	JOINT SPECTRUM CENTER	0	0	0
0305106LC	118	CONSOLIDATED IMAGERY ACTIVITIES	[-]	0	[-8,000]

## Items of Special Interest

*Common imagery ground/surface system*

The budget request included \$47.0 million in PE 35154D for continued migration of the numerous ground stations to the Common Imagery Ground/Surface System (CIGSS) compliant standards.

The committee strongly supports both the technical solutions and the management approach for migrating the various imagery ground stations to the CIGSS configuration and standards as outlined in the published handbook. The committee is aware that insufficient funds are available in fiscal year 1997 to modify core components to ensure the CIGSS common, interoperable baseline is achieved by fiscal year 1998. The committee therefore recommends an additional \$11.0 million for this purpose. The committee directs the Defense Airborne Reconnaissance Office (DARO) to provide a report to the Congressional defense and intelligence committees on specifically how this funding would be used, and on how and when the CIGSS baseline will be realized. The committee further directs the DARO to ensure full funding for this program is provided in future requests.

*Command intelligence architecture program*

The budget request included \$2.0 million in PE 35898L for the Command Intelligence Architecture Program (CIAP) program to provide the unified commands with an intelligence planning process that documents and links requirements, intelligence operations and future intelligence capabilities.

The committee is pleased with the success of this effort and, more so, by the fact that the Command and Control, Communications and Computers Integration (C4I) Support Activity (CISA) has expanded CIAP to include C4I, surveillance and reconnaissance (C4ISR) programs. The committee endorses this broader CIAP focus designed to maximize joint service operations and intelligence support. In view of the expanded role of the CIAP, the committee recommends an increase of \$2.0 million to ensure the CIAP effort is fully expanded to all DOD services and agencies.

*Defense experimental program to stimulate competitive research (DEPSCoR)*

The committee recommends continuation of the DEPSCoR program to strengthen infrastructure, enhance research, and develop human resources to assist the EPSCoR states to become more competitive for regular research and training grants. The committee recommends an additional \$20.0 million in PE 61103D.

*Defense mapping agency*

The budget request included \$100.0 million in PE 35139B for continued research and development of Defense Mapping Agency (DMA) production systems and capabilities.

The committee is aware of a recent Defense Science Board (DSB) recommendation that DMA re-engineer its production processes to focus on creating and maintaining digital geospatial databases vice its current primary production of paper maps. One of the DSB's most critical findings was that DMA should focus its development

funding on a course that continues to provide for the near-term paper products, but that provides an evolutionary path that moves the DMA to becoming a center for maintaining digital products. While the committee understands that DMA cannot discontinue map production in the near-term, it does believe DMA must pursue a course for the digital future. The fiscal year 1997 budget submission appears to continue research and development focus on improved production of government developed products, therefore the committee recommends a \$10.0 million reduction in new mapping, charting and geodesy products. Of this reduction, none is to be applied to the alternate source development effort. The committee stresses its belief that DMA, as the DSB recommended, should evolve to a digital geospatial product server vice a paper product developer.

*Defense modeling and simulation program*

The budget request included \$60.0 million in PE 63832D for the Joint Wargaming Simulation Management Office. The committee recommends the budget request.

The committee notes that the Department of Defense continues to improve its management of modeling and simulation. Establishment of service headquarters' modeling and simulation management offices and their cooperation in inter-service initiatives are commendable. Adoption of a common DOD-wide, high level modeling and simulation architecture should facilitate interoperability among the services and reduce the proliferation of service-unique models. Efforts by the Department to ensure that individual modeling and simulation programs work cooperatively and support joint needs should contribute to the establishment of a common modeling and simulation framework for the evaluation and development of new weapons systems concepts and force structure assessments, to more effective intra-service and joint training, and to operational planning. The interlinking of these new service models and simulations, which are funded separately in the service and joint budgets, means that the potential impact on other service's efforts must be considered and coordinated among the proponent activities when changes are considered in individual service programs. The committee also notes that the Department has designated modeling and simulation executive agents in the Defense Mapping Agency, the Air Force, and the Navy to support the common needs of the community in coordinating and standardizing terrain, aerospace, and ocean data bases.

Just as in the acquisition of materiel systems, the committee considers modeling and simulation to be an area to which acquisition reform initiatives may be applied. The committee encourages the Department to adopt methods used successfully within the commercial sector to keep pace with rapidly evolving software technology. The committee believes that the Department has made considerable strides in its modeling and simulation management and will continue to monitor the Department's program.

*Defense nuclear agency*

The budget request included \$195.1 million in PE 62715H and \$26.2 million in PE 63711H for a total of \$221.3 million for the De-

fense Nuclear Agency (DNA). The committee recommends a total of \$192.1 million in PE 62715H, a reduction of \$3.0 million from the requested amount, and \$26.2 million, the requested amount, in PE 63711H.

The budget request included \$6.0 million in PE 62715H for the electrothermal (ETC) gun technology program, which supports Navy and Army applied research in next-generation gun technologies. During consideration of the fiscal year 1996 budget request for DNA, all four of the Congressional defense committees recommended an increase of \$4.0 million to the agency's request of approximately \$10.5 million for the ETC gun technology program. The committee notes that DNA's fiscal year 1996 program plan for the ETC gun technology program fails to reflect the \$4.0 million in additional funding for the program that was authorized and appropriated. The committee expects DNA to use these funds for the purpose for which they were authorized and appropriated and to sustain the ETC gun technology program at a funding level of approximately \$10.0 million per year through fiscal year 1998.

Section 217 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) also provided \$4.0 million to initiate a counterterrorist explosives research program. The objective of this program was to make available to U.S. law enforcement authorities DNA technology and expertise in the prediction and analysis of explosive effects. The fiscal year 1997 budget request did not include funds to continue the program. The committee believes that the extensive data base and expertise on nuclear and conventional weapons effects acquired by the agency over the last fifty years constitute a unique foundation for predicting explosive and blast effects and for assisting forensic investigations of terrorist incidents. Accordingly, the committee recommends an increased authorization of \$4.0 million in PE 62715H to continue the DNA program. The committee further directs the Secretary to submit, no later than February 28, 1997, a report to the Congressional defense committees which provides recommendations for continuation of the program and appropriate levels of funding for the period covered by fiscal year 1998 budget request and the future years defense plan.

The committee recommends that the Department take additional steps to sustain nuclear expertise within the military and civilian personnel of the Department. Archival of data, manufacturing processes, and test procedures, while important, cannot in themselves assure future nuclear expertise. Immediate action should be taken by the Department to establish attractive career paths, including formal education and training, in the services and DOD civilian workforce to ensure that the future nuclear deterrent can be responsibly supported. Whereas DOE's stockpile stewardship and management program focuses on the nuclear device itself, the DOD effort should focus on the remaining components of the nuclear weapon system and should be complementary rather than duplicative of the DOE effort. The committee is encouraged by and strongly supports the Alliance for Nuclear-Related Defense Technologies in its efforts to sustain the scientific and engineering skills underlying the nation's nuclear deterrent. DNA, Sandia National Laboratory, Los Alamos National Laboratory, Lawrence Livermore Laboratory, and Phillips Laboratory are commended for their initiative



in creating the Alliance to ensure that the nation retains its core competencies in the nuclear-related defense technologies and successfully passes this knowledge base and critical skills to future nuclear defense-oriented scientists, engineers, and weapon system developers. This effort is a timely response to both an aging nuclear workforce and an aging nuclear deterrent. The Alliance is encouraged to find ways of introducing relevant science and technology to appropriate undergraduate and graduate educational institutions, including making use of scholarships and fellowships. Training programs for service and industry personnel at DNA's Defense Nuclear Weapons School and other Alliance organizations should also be explored. The Departments of Defense and Energy are expected to build upon the progress made to date by the Alliance.

Finally, the committee remains unconvinced of any technical or "defense conversion" benefits that would accrue to the United States from the Topaz International Program (project AX). Therefore, the committee denies the \$7.0 million request for this project.

#### *Digital battlefield medical x-ray system*

The committee believes that current commercial development of direct digital x-ray detection for mammography combined with current telemedicine initiatives, offers a "spin on" opportunity to direct digital battlefield imaging to reduce combat mortality through timely and accurate diagnosis and earlier, more efficient treatment. The committee recommends an increase of \$5.0 million in PE 63226E to build a compact, portable direct detection digital x-ray system with telemedicine access, and to conduct evaluations of this filmless technology.

#### *Direct fuel cells*

The committee recognizes the potential of carbonate-based direct fuel cells for high efficiency power plants for future naval ships. The committee recommends an additional \$2.4 million in PE 63226E to complete the fixed base power plant development and an additional \$4.0 million in PE 63573N for competing conceptual ship service power plant design studies.

#### *Electric drive for combat vehicles*

The committee believes that the next generation of military vehicles will contain electric prime power and drive mechanism for a number of reasons; among them arrangements, weight savings, stealth and supportability. The committee believes that there is a broader range of electric power applications for military uses than have been requested in this budget. The committee hopes to see this technology addressed in the fiscal year 1998 budget request.

The committee urges the Secretary of Defense to seek immediate release of fiscal year 1996 funding for these technologies, which is being withheld by the Comptroller of the Department of Defense and apply them to the continued development of military electric vehicle technologies.

*Electronic commerce resource centers*

The budget request for electronic commerce resource centers (ECRC) in PE 63739E is \$20.7 million. The ECRC program has been directed by the Department to support implementation of the electronic commerce component of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355). The committee understands that the ECRC program has been very successful in fostering innovative acquisition processes with industry, especially small businesses, and the Department. The committee believes that the ECRC concept should be expanded to facilitate access to a broader range of industrial suppliers. The committee recommends an additional \$15.0 million in PE 63739E for the creation of five new centers.

*Electronic materials research*

The committee understands the importance of advanced materials for microchip modules that enhance miniaturization, dissipate heat and reduce the cost of microcircuit manufacturing. The committee recommends an additional \$8.0 million in PE 62712E for Chemical Vapor Deposition (CVD) and Chemical Vapor Composite (CVC) synthetic diamond.

*Electro-optic camera framing technology*

The committee believes there is demonstrated potential for electro-optical (EO) framing technology with on-chip forward motion compensation (FMC) for providing precision point target imaging and location. The committee strongly supports the continuation of this technology and the earliest application of these sensors on manned and unmanned tactical reconnaissance platforms.

The committee recommends an additional \$15.0 million in PE 35154D for continuation of the EO framing technologies with on-chip FMC. Specifically, \$3.0 million is provided for the operational insertion and testing of the medium altitude wide area coverage "step frame" sensor, \$2.2 million is provided to develop enhanced data compression algorithms that provide higher compression ratios and provide equal or better video/image fidelity and at equal or higher throughput rates than currently fielded technologies to support the ultra high resolution EO framing reconnaissance sensors, \$5.8 million is to fund an initial study and device development of a high quantum efficiency large area EO framing infrared charge coupled device with on-chip FMC, and \$4.0 million is for multi-spectral EO framing technologies with on-chip FMC.

*Flat panel displays*

The budget request included \$45.0 million in PE 62708E for flat panel displays. The committee believes that opportunities exist for acceleration of development of display devices that focus on cost and performance goals. The committee endorses the work of the Defense Advanced Research Projects Agency industry teams and recommends an additional \$20.0 million in PE 63739E.

*Joint Airborne Signals Intelligence (SIGINT) System (JASS)*

The budget request included \$51.8 million for the continuation of the Joint Airborne SIGINT System (JASS).

The committee is concerned about the current and long-term capability of airborne SIGINT reconnaissance assets. These platforms provide not only direct tactical support, but also provide valuable products used by the national intelligence community. These systems require continuous sensor and system improvements to maintain pace with the constantly evolving threats against which they are tasked.

Past SIGINT upgrades have been inadequately coordinated between the military services and defense agencies. The costs of independent upgrades, even when similar capabilities were being developed, were borne individually by each service and platform. The intent of the statements of managers accompanying the conference report on H.R. 2401 (H. Rept. 103-357) and S. 1124 (H. Rept. 104-450) was that the architecture of existing SIGINT platforms be evolved to a common architecture and that the Department of Defense develop a testbed aircraft which could be used to evaluate commercial and evolving SIGINT architectures, standards and interface protocols such that all airborne SIGINT systems could benefit from the sensor upgrades developed by any service or agency. The statements of managers also endorsed "maximum commonality" of equipment to minimize duplication and enhance interoperability. There was no congressional intent for the Department to choose, or exclude, any architecture, including those already fielded, for application on the existing operational platforms.

The Department's current development approach for JASS has been controversial, appears to be extremely costly and has not been well supported by the military services primarily due to cost concerns. Concern also exists that the current approach does not satisfy near-term operational needs, and the technical approach does not appear to fully capitalize on commercial standards and developments. The committee believes the current JASS acquisition strategy could benefit from the early establishment of commercial standards, thereby allowing rapid evolution of capability through the use of commercial components to satisfy changing requirements. Additionally, the committee understands that even under the current schedule, JASS will not provide new functional capabilities until after the turn of the century. The committee believes this does not constitute an effective upgrade program for the resources being spent, nor does it believe there is sufficient use of commercial, off-the-shelf technologies. Finally, the committee understands that JASS is better defined as a sensor function or subsystem that could be applicable to the various SIGINT systems as all the functional subsystems including the sensors, the antennas, the radio frequency distribution systems, the recorders, and the operator consoles. JASS does not include these other functions, and therefore should be appropriately defined as such, particularly in terms of budget requests and total system costs submitted to the Congress.

The committee fully supports the tenets of a Joint Airborne SIGINT Architecture (JASA) and believes there is a need to develop a formal set of standards and interface protocols that allow the platform program offices to build open architecture systems. The committee also believes that, as capabilities are developed or procured off-the-shelf that meet the established platform require-

ments, these functions must comply with established architectural and technical guidelines. This would allow these capabilities or functions to be portable from one platform to the next without separate development efforts and associated costs. Finally, the committee also believes there must be a central authority to enforce such commonalities.

There is a need for a centralized architecture standards vision and joint development of new capabilities, with decentralized procurement and system integration. Fiscal constraints and threat phasing suggest an evolutionary upgrade approach to systems, based on specific and enforced interface standards. The approach should build on the strengths of each of the fielded systems and should be focused on the individual mission requirements. The committee is committed to ensuring the services and agencies share these sensor developments and believes this approach will increase industry competition by focusing on commercial products, decrease risk, and most importantly, effectively ensure near and mid-term requirements satisfaction and decrease costs.

Finally, due to the amounts of money already expended on the JASS high band prototype (HBP) and its predecessor, the committee does not believe terminating this prototype effort prior to test would be appropriate.

Therefore, the committee authorizes up to \$25.1 million of the request to continue and conclude JASS HBP functional development and testing. The committee does not authorize the obligation and expenditure of any funding for a follow-on JASS high band effort until the HBP has completed flight test, and has effectively proven its utility. The Department of Defense is authorized to obligate and expend fiscal year 1997 appropriated funds for airborne SIGINT functional or subsystem developments provided they are coordinated through, and for use by, multiple services and agencies. However, the committee directs the Secretary not to obligate or expend any fiscal year 1997 funds for such airborne SIGINT system research and development upgrades until the Secretary provides the defense and intelligence authorization committees a report which:

- (1) clearly identifies the airborne SIGINT system standards and protocols which the platform offices will use to build their architectures and functional capabilities;
- (2) provides a plan for ensuring the operational and intelligence requirements communities have the final authority for expending intelligence funds;
- (3) provides a plan for maximizing use of commercial off-the-shelf technologies;
- (4) provides a plan for ensuring the services collaborate on sensor improvements;
- (5) provides an upgrade plan which satisfies both the near-term and long-term operational requirements in a coordinated architectural approach;
- (6) provides a plan for the National Security Agency (NSA), under its Executive Order 12333 tasking, to review and approve platform sensor developments to ensure technical standards compliance;

(7) provides a “level of effort” funding necessary to ensure continuous upgrades to the existing platforms; and

(8) provides a detailed description of those functional capabilities, resulting from the HBP efforts which could be effectively used by the various platform offices.

An interim copy of this report should be provided to the Congressional defense committees before June 10, 1996 and a final report will be provided not later than April 1, 1997.

*Joint and commercial technology insertion*

The budget request included \$14.5 million in PE 63726D and \$48.4 million in PE 63752D for the Department of Defense to make greater application of commercial technology in its military systems. The committee fully supports programs designed to reduce life cycle costs as well as enhance system reliability, maintainability, and capability. The committee views this type of activity as integral to the acquisition process for individual programs and projects and not as a distinct type of activity. However, as with dual use technology programs, personnel from the Office of the Secretary of Defense cite the need for these additional funds because the “acquisition culture” within the military services refuses to adequately embrace what is in its own best interests. The committee recommends a provision (sec. 203) that would require the Secretary of Defense to designate a senior official, reporting directly to the Undersecretary of Defense for Acquisition and Technology whose sole responsibilities would be to develop policy and ensure effective execution of dual-use programs and integration of commercial technologies into military systems to the maximum extent practicable. The committee further recommends that the civilian and military leadership in the Department consider personnel promotion, bonus, and pay incentives to further the use of commercial technologies in weapon system development and modernization programs. No authorization is provided for either PE 63726D or PE 63752D.

*Joint command, control, communications, and computers/intelligence, surveillance, and reconnaissance*

The committee recommends an increase of \$15.0 million in PE 33149K for development of improved capabilities for concept development, analysis, and evaluation of advanced technologies and concepts for joint command, control, communications, and computers/intelligence, surveillance, and reconnaissance (C4ISR). Of this amount \$10.0 million is recommended for the establishment of a C4ISR Battle Laboratory and \$5.0 million for the development of advanced C4ISR modeling and simulation. These programs are designed to investigate improvements in collection and distribution of targeting and intelligence data among commanders and weapons systems of all the military services, with the goal of permitting joint commanders to conduct operations as swiftly and effectively as possible.

*Joint surveillance targeting attack radar system*

The committee is committed to properly classifying those systems which are logically classified as tactical, joint or national intelligence systems. The Joint Surveillance Targeting Attack Radar

System (JSTARS) platform and associated ground stations are currently contained in the Tactical Intelligence and Related Applications (TIARA) aggregation. While the committee realizes there are direct intelligence applications of the JSTARS associated Ground Support Modules (GSM) and the follow on Common Ground Stations (CGS), the committee believes the JSTARS aircraft is a direct battle management and targeting applications weapon system, and not an intelligence system. While it is true the JSTARS moving target indicator (MTI) radar system provides critical data to the operational and intelligence communities, the committee believes the primary mission is direct weapon system targeting and should, therefore, not be contained within the TIARA aggregation. Conversely, since the associated ground stations are direct multi-source intelligence support applications with a definitive need to remain part of the entire intelligence support architecture, the committee believes these must continue to be funded within TIARA aggregation.

#### *Lithography*

The budget request included \$51.4 million for microelectronic lithography. The committee recommends an additional \$10.0 million in PE 63739E for the support of ongoing nanofabrication and extreme ultraviolet (EUV) lithography activities aimed at the fabrication of 100 nanometer design rule device structures. Key to these developments are support for nanowriters, nanofabrication prototypes, and the facilities for short wavelength metrologies, calibrations and standards.

In addition, the committee believes there are benefits to pursuing ion beam research related to its potential as a future technology for advanced lithography. The committee believes that there are several technical challenges that include mask and reticle systems, overlay accuracy and scattering effects that should be addressed by industry in collaboration with university researchers. The committee recommends an additional \$1.0 million in PE 61101E for this purpose.

#### *Materials nanostructures*

The committee recognizes the potential of the emerging field of material nanostructures. This regime of science offers the opportunity to integrate inorganic and organic chemistry and physics at a material formative dimension that will have impact in micro-electronics, micromachines, molecular level controllers and switches, among many other applications, and that have the potential to revolutionize military technological superiority in the future.

The committee recommends an additional \$1.0 million in PE 61101E to accelerate the Defense Advanced Research Agency's nanostructures program.

#### *Metal castings*

The budget request for metal castings was \$1.0 million. The committee has been apprised of the return on the military's investment in metal casting technology as a replacement for many machined and welded parts. Metal casting provides an opportunity to realize cost and weight savings in military component fabrication. The

committee recommends an additional \$2.0 million in PE 78011S for the Defense Logistics Agency to continue its program at prior year levels.

*Mobile detection assessment response systems—exterior*

The committee recommends an additional \$8.0 million in PE 63709D for the advanced robotics program to continue development of the mobile detection assessment response system (MDARS).

*Multifunction self aligned gate technology*

A total of \$18.0 million dollars has been authorized and appropriated in prior years to develop active array “smart skins” for unmanned aerial vehicles that permit high density packaging of multi-function communications and radar antennae. The committee recommends an additional \$8.0 million in PE 35154D to demonstrate multifunction self aligned gate technology on unmanned aerial vehicles and to complete this program.

*Non-acoustic antisubmarine warfare*

The budget request included \$24.0 million in PE 63714D for the Advanced Sensor Applications Program (ASAP), the independent non-acoustic antisubmarine warfare (NAASW) research program managed by the Office of the Secretary of Defense. The committee has repeatedly expressed its views of the need for two viable, independent, and coordinated NAASW programs, one in the Navy and one in the Office of the Secretary of Defense. The committee notes that the funding level requested for the ASAP program is approximately \$6.0 million or 20 percent less than the level appropriated for fiscal year 1996 and approximately 10 percent of the level originally programmed in the fiscal year 1996 future years defense plan for fiscal year 1997. In view of the increased capabilities of advanced nuclear submarines, the proliferation of modern, quiet diesel submarines and advanced non-nuclear submarine technology, and significant strides in submarine operational proficiency being made by several Third World submarine navies, the committee believes these reductions are imprudent. Increased emphasis needs to be placed on improving the anti-submarine warfare capabilities of U.S. forces in general, and on the NAASW program in particular. Accordingly, the committee recommends an increase of \$6.0 million to the budget request for the ASAP program. Of this increase, \$1.0 million shall be used for additional investigations of foreign technology and systems relevant to the missions of the ASAP program. The committee directs that plans for expenditure of the increased authorization be reported to the Congressional defense committees before the additional funds are obligated.

The committee believes that the ASAP program office should begin transitioning the more mature technology it has developed to the Navy. The committee encourages the Secretary of the Navy and the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence) to develop plans for such transition and report the plans to the Congressional defense committees with the submission of the fiscal year 1998 Defense budget request.

*Passive millimeter wave camera*

The committee recognizes the early development by the Army of the passive millimeter wave camera and recommends an additional \$12.0 million in PE 63226E for integration on an aircraft with specific application to airborne wide-area surveillance.

*Quiet Knight advanced technology demonstration*

The budget request did not include any funding for continuation of the Quiet Knight advanced avionics technology demonstration program. In its consideration of the fiscal year 1996 budget request for Special Operations Tactical Systems Development, the committee expressed strong support in the committee report on H.R. 1530 (H. Rept 104-131) for a Phase I (component development and demonstration) of an advanced concept technology demonstration of Quiet Knight low probability of intercept/low probability of detection (LPI/D) avionics for both fixed and rotary wing aircraft and continuation to a Phase II full scale demonstration and flight test of the Quiet Knight capability. In the statement of managers accompanying the conference report on S. 1124 (H. Rept. 104-450), the conferees supported completion of the Quiet Knight technology demonstration, and encouraged the Department of Defense to validate the requirements for advanced LPI/D avionics for special operations aircraft.

The committee understands that initial studies on requirements for low-level penetration aids have been completed which recommend reducing aircraft electronic emissions and that further LPI/D studies will be completed by December 1996. Flight demonstrations will follow in the Summer of 1997. The committee understands that sufficient funds are available from prior years to support the completion of the advanced technology demonstration and that no additional funds are required for the program through fiscal year 1997. The committee understands that the program will compete for funding in the fiscal year 1998 budget request.

*Rapid acquisition of manufactured parts*

The Rapid Acquisition of Manufactured Parts (RAMP) program is being transferred from the Department of the Navy to the Defense Logistics Agency. As a consequence, the Department failed to request funding for fiscal year 1997. Accordingly, the committee recommends an additional \$12.0 million in PE 63736D for fiscal year 1997 to provide transition funding to support the program until fiscal year 1998.

*Rigid hull inflatable boat*

The budget request included \$5.0 million for procurement of special warfare equipment, including \$4.1 million for procurement of the Naval Special Warfare 10 meter Rigid Hull Inflatable Boat (RHIB). The committee recommends an increase of \$2.75 million in PE 1160404BB to complete development and operational testing of competing prototype RHIBs, a downselect decision to a single contractor, and other activities relative to a Milestone III decision in fiscal year 1997. To offset the increase, the committee recommends a corresponding reduction in the procurement account for special warfare equipment.



*Special operations M4A1 carbine modifications*

The budget request included \$2.0 million in PE 1160404BB for Special Operations Weapons and Support Systems Advanced Development, including \$1.7 million for development of the integrated night/day/observation/fire control device (INOD) for the M4A1 carbine. The committee recommends an increase of \$1.9 million to the budget request to accelerate the development of the INODS and provide integrated day/night target acquisition and fire control out to a range of 500 meters for the special operations version of the M4 carbine.

*Specialty metals*

For several years the committee has provided both guidance and funding for specialty metals development such as alloys of beryllium and titanium to ensure that the unique properties of these metals could enhance the effectiveness of military systems and strengthen the industrial base as a by-product. The committee has relied on the programs of the Defense Advanced Research Projects Agency in its advanced material partnerships program which has been very successful in achieving those objectives.

The committee directs the Secretary of Defense to continue these partnerships in its fiscal year 1997 materials program and to effectively transition the specialty metals program to an appropriate military service applied science program element in fiscal year 1998.

*Tactical fiber optic communications*

The committee recommends an increase to the budget request of \$3.0 million in PE 32019K to investigate the military applications of the planned world wide commercial fiber optic grid. This increase is intended to support the Defense Information Systems Agency proof of concept demonstration of the ability to establish Department of Defense "splices" into the planned worldwide fiber optic grid before it is fully deployed. The committee also recommends an increase \$1.75 million in PE 63640M for the Navy and the Marine Corps to exploit commercial advances in lightweight fiber optics for communications purposes and demonstrate the use of lightweight tactical fiber optics for communications in a littoral scenario.

*U-2 aircraft*

The budget request included \$28.3 million in PE 35154D for sensor upgrades to the U-2 aircraft.

The committee is deeply concerned about the technical health of the various sensors carried on the U-2. The special sensors, for example, have not been upgraded since 1991 and are currently in several different configurations. Also, the multi-sensor role of the aircraft is limited because the Advanced Synthetic Aperture Radar System (ASARS) and Senior Year Electro-optical Reconnaissance Systems (SYERS) sensors cannot operate simultaneously. Finally, because of older technologies and implementations, geolocation accuracy for precision strike targeting is insufficient for required operations.

Therefore, the committee recommends an increase of \$57.0 million for critical U-2 sensor upgrades. Of this amount, \$10.0 million is specifically for improving and downsizing the SYERS sensor such that SYERS and ASARS can be flown simultaneously. These funds should also be used to improve geolocational accuracies. The committee directs that up to \$7.0 million be used for the ASARS Improvement Program (AIP) to ensure this upgrade can be fielded by fiscal year 1998. The remainder of the funding is to be applied to SENIOR RUBY, SENIOR SPEAR, and SENIOR GLASS commonality upgrades. Specifically, the committee directs that the Air Force upgrade the SPEAR/RUBY sensors to the GLASS configuration, and upgrade the SENIOR GLASS systems to an open architecture configuration consistent with an architectural approach approved by the Defense Cryptologic Program manager.

Further, the committee directs the Department to determine, and program for, the necessary future years level-of-effort funding to continue evolutionary U-2 sensor upgrades.

#### *Unmanned aerial vehicles*

The committee has been and continues to be concerned about the Department's UAV program because of the lack of validated requirements and the frequency with which "requirements" change; lack of substantive analysis or the failure to provide the analysis, if it exists, to the Congress; affordability of the UAV program within the context of the Department's overall reconnaissance program; the ineptness and lack of preparation of the Department in preparing for the transition of the Predator UAV from an advanced concepts technology demonstration (ACTD) to a procurement program; and the claims made by the Department regarding "joint" programs versus the reality of very different requirements for those programs.

Major changes were made to the Department's priority for UAV programs in 1995. Following what became the final change in the Fall of 1995 as a result of a Joint Requirements Oversight Council (JROC) meeting, the committee twice requested and was refused the analysis from which the JROC recommendations were based.

The committee understands that what at one point was the first priority for the UAV program, the Hunter UAV, was canceled by the Department. The Maneuver Variant UAV and Hunter UAV requirements were merged to become the JTUAV, and notwithstanding the claim of jointness, the Army and Marine Corps requirements for this system are significantly different. In an attempt to incorporate the Navy requirement, the range has been increased four-fold. The acquisition strategy calls for a down-select from nine to one contractor with no apparent concern over maintaining competitiveness in the program. The committee has to question that, if the Department's contention is correct that the payload and not the vehicle is what is important, if there is to be a JTUAV, why would it not be prudent to select two contractors to proceed to procurement? A heavy fuel engine for the tactical UAV's has been a continuing requirement for several years, yet the Department appears several years away from achieving this requirement. Close to \$1.0 billion was expended on the Hunter UAV before it was can-

celed. The budget for the JTUAV is \$900.0 million. Yet, there is uncertainty with regard to the requirement and its affordability.

The Predator UAV ACTD has been relatively successful, but has become a symbol of bureaucratic ineptness as a procurement program. Fiscal year 1995 funding for procurement of additional vehicles has yet to be put on contract and the Department indicates it will be August 1996, before contract negotiations can be concluded. Further, the Department has requested funding for "marinization" of Predator. Other than ensuring that Predator UAV data is made available to ships in an area of operation, the committee opposes any modification of Predator for the purpose of operating the vehicle from ships.

The committee also notes that the UAV program has been limited solely to reconnaissance payloads and questions whether adequate consideration has been given to operational applications such as laser target designators for UAV's for use with stand-off delivery of precision guided munitions. Such use would provide significant advantages to the operational users in high threat environments.

Because of these numerous concerns with regard to the Department's UAV program, the committee recommends a provision (sec. 217) that would prohibit the obligation of funds for the Joint Tactical Unmanned Aerial Vehicle until the Secretary of Defense meets several certification requirements to the Congress, prohibit the obligation of funds for marinization of the Predator unmanned aerial vehicle, require an advanced concept technology demonstration of a laser technology designator with a Pioneer, Predator, or Hunter unmanned aerial vehicle with air-to-surface precision guided munitions, transfer the management and resources for the Predator UAV to the Department of the Air Force, and for fiscal year 1998, transfer the responsibility for UAV procurement to the military departments.

#### *Dark Star unmanned aerial vehicle*

The budget request included \$17.4 million in PE 35154D for the "Dark Star" unmanned aerial vehicle (UAV).

Notwithstanding the recent loss of the first Dark Star vehicle, the committee continues to support the objectives of the Dark Star program. The committee remains convinced that the Dark Star UAV holds significant promise for providing unique UAV support to the operational users.

The committee is aware that the current linear scanning array sensor does not provide the integrated multi-disciplined imagery capabilities nor geolocation accuracies that an integrated electro-optical/infrared (EO/IR) framing camera could provide. The committee therefore recommends an additional \$3.5 million for integrating existing EO framing with on-chip forward motion compensation technology into the aircraft and associated ground processing equipment. Further, the committee is aware of the synthetic aperture radar (SAR) coverage problem due to the use of a non-developmental antenna. The committee understands the required design is completed, but no funds to implement the correction are available. Because the committee believes there is a need to ensure full ground coverage within the radar's field of view, it recommends

an additional \$10.0 million be provided to develop and install the necessary radar antenna.

Finally, in the statement of managers accompanying the conference report on S. 1124 (H. Rept. 104-450), the conferees directed the Department to assess user needs against a more capable Dark Star air vehicle. The Defense Airborne Reconnaissance Office (DARO) responded specifically to this directed action by stating that major improvements could be realized. However, the DARO has shown no further interest in pursuing such improvements. As representatives from several committees were told, the DARO wanted to fly and test this aircraft before they would consider any improvements. Yet, this same philosophy does not seem to pertain to the Global Hawk UAV, as the DARO is pursuing many upgrades to this vehicle's capabilities—long before its first scheduled flight in December 1996.

The committee authorizes an additional \$4.0 million for developing a concept of operations and design of an improved Dark Star UAV. This funding is to be specifically used to pursue the designs necessary to develop a Dark Star aircraft with a unit fly away cost of \$20.0 million. The intent of this additional authorization is to provide the option for a more capable aircraft to potential users that satisfies the survivable long dwell reconnaissance need in a high threat environment.

#### *Global Hawk unmanned aerial vehicle*

The committee directs that no funds authorized for appropriation for the Global Hawk unmanned aerial vehicle (UAV) be used to develop, procure, integrate or install a signals intelligence UAV until the vehicle has completed Phase III of the advanced concepts technology demonstration (ACTD) and a system procurement decision has been made. Accordingly, all funds for such sensor development and procurement should be applied to the upgrade of U-2 sensors. All U-2 upgrades are to be fully designed and built for compatibility with the Global Hawk vehicle.

Further, the committee is aware of existing state-of-the-art imagery technologies which provide both electro-optic (EO) and infrared imagery within the same camera. The committee is concerned by the Defense Airborne Reconnaissance Office's (DARO) decision to allow the Global Hawk contractor to develop a new EO-only camera for the UAV rather than using off-the-shelf technologies. The committee directs the DARO to provide a report to the Congressional defense and intelligence committees that details the analysis that went into this decision, and furthermore, provides the rationale establishing why existing camera(s) could not be more cost effectively procured. This report should be transmitted to the Congress no later than July 1, 1996.

#### *Joint tactical unmanned aerial vehicle*

The budget request included \$51.4 million for the Joint Tactical Unmanned Aerial Vehicle (JTUAV). As previously noted, the program has evolved from the close range UAV and maneuver UAV to the current program. It is one of at least six UAV's under development or operational use.

The Department has issued requests for proposals and intends to make an award in May 1996, for the joint tactical unmanned aerial vehicle—a program for which there has been no authorization or appropriation.

The committee recommends \$33.4 million for this project, a reduction of \$18.0 million, because of the availability of prior year funds.

*Vectored thrust technology development*

The committee is aware of the Defense Advanced Research Projects Agency's outyear interests in the Vectored Thrust project. The committee understands that the DP-2, as part of this project, requires additional funding to complete testing and demonstration. Accordingly, the committee recommends an additional \$12.0 million in PE 62702E to complete testing of the DP-2 project.

## LEGISLATIVE PROVISIONS

### SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

#### Section 201—Authorization Of Appropriations

This section would authorize Research, Development, Testing and Evaluation (RDT&E) funding for fiscal year 1997.

#### Section 202—Amount For Basic And Applied Research

This section would specify the amount authorized for fiscal year 1997 for technology base programs.

#### Section 203—Dual Use Technology Programs

This section would direct the Secretary of Defense to designate a senior official, reporting directly to the Undersecretary of Defense for Acquisition and Technology, whose sole responsibility would be to develop policy and ensure effective execution of dual use programs and integration of commercial technologies into military systems. Further, the provision would require that not less than five, seven, ten, and fifteen percent, respectively for fiscal years 1997–2000, of each service's science and technology program be available only for dual-use cost-shared programs.

### SUBTITLE B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

#### Section 211—Space Launch Modernization

This section would authorize \$50.0 million for a competitive reusable space launch vehicle (RLV) program and permit obligation of the authorized funds only to the extent that the National Aeronautics and Space Administration's current operating plan allocates at least an equal amount for the RLV program.

#### Section 212—Live-Fire Survivability Testing of V-22 Aircraft

This section would permit the Secretary of Defense to waive the survivability testing requirements of section 2366, title 10, United States Code, notwithstanding the fact that the V-22 tilt-rotor air-

craft program has already entered engineering and manufacturing development. The section would also require the Secretary to the report to the Congress on how the Secretary plans to evaluate the survivability of the V-22 aircraft, his assessment of possible alternatives to realistic survivability testing of the aircraft, and alternative survivability test requirements for the conduct of any alternative live-fire test program.

#### Section 213—Live-Fire Survivability Testing of F-22 Aircraft

This section would amend section 2366(c) of title 10, United States Code, to authorize the Secretary of Defense to exercise the waiver authority in such section, with respect to the application of survivability tests for the F-22 aircraft, notwithstanding that such program has entered full-scale engineering development.

#### Section 214—Demilitarization of Conventional Munitions, Rockets, and Explosives

This section would require the Secretary of Defense to establish a five-year program for the development and demonstration of environmentally compliant technologies for the disposal and demilitarization of conventional munitions, explosives, and rockets, and would authorize an appropriation of \$15.0 million in fiscal year 1997 for that purpose.

The National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) made available \$15.0 million to establish an integrated program for the development and demonstration of environmentally compliant technologies for the demilitarization and disposal of conventional munitions, explosives, and rockets. In the statement of managers accompanying the conference report on S. 1124 (H. Rept. 104-150), the conferees expressed their concern about requirements for disposal of growing numbers of unserviceable, obsolete, or non-treaty compliant munitions, rocket motors and explosives. As environmental constraints increasingly restrict the traditional disposal methods of open burning or open detonation, development and demonstration of environmentally compliant technologies for this purpose become even more urgent. The conferees directed the Secretary of Defense to submit a report to the Congressional defense committees of the DOD plan for establishment of such a program. That report has not yet been received, nor have the funds for this program that were authorized and appropriated by the Congress been released by the DOD Comptroller.

The committee notes that the report "Joint Demilitarization Study", September 1995, prepared by the Joint Ordnance Commanders Group (JOCG), forecasts growth in the current U.S. inventory of excess, obsolete, and unserviceable conventional munitions, tactical missiles and large solid propellant rocket motors from 449,308 tons (as of March 31, 1995) to 730,420 tons by the end of fiscal year 2001, if the then current demilitarization funding trends were maintained. This obsolete stockpile occupies 4.1 million square feet of storage space in 27 states and costs an estimated \$12.0 million per year to store.

The committee is aware that procurement funding for conventional munitions demilitarization has decreased annually since fis-

cal year 1995. The committee notes that with the exception of funding provided for the Joint Service Large Rocket Motor Demilitarization Program and congressionally directed activities, less than \$5.0 million has been available annually since fiscal year 1992 for research and development of technologies for the demilitarization of conventional munitions and explosives. The committee is also aware that in response to direction from the Office of the Secretary of Defense, the Joint Ordnance Commanders Group (JOCG) developed a five-year plan for conventional ammunition demilitarization research and development and recommended a \$15.0 million annual program, although the annual requirement was \$30.0 million. The JOCG proposal was approved but was not funded.

The committee believes that procurement funding must be provided to support ongoing demilitarization programs; however, a sustained and adequately funded demilitarization technology development and demonstration program must be established as a matter of urgency in the Department of Defense. In such a program, the committee encourages the consideration of a range of competitively selected potential resource recovery and alternative demilitarization technologies, including (but not limited to) cryogenic washout, supercritical water oxidation, molten metal pyrolysis, plasma arc, catalytic fluid bed oxidation, molten salt pyrolysis, incineration, critical fluid extraction and ingredient recovery, and underground contained burning. The committee believes that an annual funding level of approximately \$15.0 million is required for the duration of such a program.—

#### Section 215—Research Activities of the Defense Advanced Research Projects Agency Relating to Chemical and Biological Warfare Defense Technology

This section would amend the provisions of section 1701 of the National Defense Authorization Action for Fiscal Year 1994 (Public Law 103–160) and clarify the role of the Defense Advanced Research Projects Agency in the Department of Defense chemical and biological warfare defense technology research and development program. The intent of the amendment is to capitalize on the traditional function and flexibility of the Defense Advanced Research Projects Agency (DARPA) in research, development, and exploitation of advanced technologies for the most difficult defense problems, while insuring that the DARPA program is coordinated and integrated with the overall defense chemical and biological warfare defense research and development program.

#### Section 216—Limitation on Funding for F–16 Tactical Manned Reconnaissance Aircraft

This section would limit total obligations for research, development, test, and evaluation; procurement; and modifications for the F–16 Tactical Manned Reconnaissance aircraft to \$50.0 million, plus the amounts required for incorporating the Common Data Link into the system.

### Section 217—Unmanned Aerial Vehicles

This section would prohibit the authorization of appropriations for the Joint Tactical Unmanned Aerial Vehicle, prohibit the authorization of appropriations for marinization of the Predator unmanned aerial vehicle, and require an advanced concept technology demonstration of a laser technology designator with a Pioneer, Predator, or Hunter unmanned aerial vehicle with air-to surface precision guided munitions.

### Section 218—Hydra-70 Rocket Product Improvement Program

This section would authorize \$15.0 million for completion of the Hydra 70 rocket product improvement program.

### Section 219—Space-Based Infrared System Program

This section would authorize funds for the Space-Based Infrared System (SBIRS) program, prohibit the obligation or expenditure of funds until the Secretary of Defense issues a certification to Congress, and direct the Secretary to consider the appropriate management responsibilities for the Space and Missile Tracking System program.

### Section 220—Joint Advanced Strike Technology (JAST) Program

This section would authorize funding for the Joint Advanced Strike Technology program only for advanced technology development, preclude obligation of any development funding for the Advanced Short Takeoff and Vertical Landing derivative aircraft, and require an analysis of alternative force structures and program costs.

### Section 221—Authorization for Joint United States-Israeli Nautilus Laser/Theater High Energy Laser Program

This section would state that the Congress strongly supports the Joint U.S.-Israeli Nautilus Laser/Theater High Energy Laser programs and encourages the Secretary of Defense to request authorization to develop these programs as agreed to April 28, 1996, in the statement of intent signed by the Secretary of Defense and the Prime Minister of the State of Israel.

### Section 222—Nonlethal Weapons Research and Development Program

This section would authorize \$3.0 million of the funds requested in PE 63640M to be used only for nonlethal weapons research and development.

## SUBTITLE C—BALLISTIC MISSILE DEFENSE PROGRAMS

### Section 231—Funding for Ballistic Missile Defense for Fiscal Year 1997

This section would authorize funding for ballistic missile defense research and development activities in fiscal year 1997.



### Section 232—Certification of Capability of United States to Defend Against Single Ballistic Missile

This section would require the President to submit to the Congress a certification stating whether the United States has the military capability to intercept and destroy a single ballistic missile launched at the territory of the United States.

### Section 233—Policy on Compliance With the ABM Treaty

The current dispute between the Congress and the President over theater missile defense (TMD) “demarcation” hinges largely on the issue of whether U.S. obligations under the Anti-Ballistic Missile (ABM) Treaty as a whole and under article VI(a) of the Treaty in particular are sufficiently clear such that the Secretary of Defense, who is charged by the President with the responsibility, can certify in good faith that the TMD systems currently under development by the United States can be tested and deployed in compliance with those obligations. In Article VI(a), each party undertakes not to give non-ABM systems ABM capabilities and not to test non-ABM systems in an ABM mode.

The Secretary of Defense in the previous Administration took the position that the obligations of the parties under article VI(a) of the Treaty were sufficiently well understood that a standard of compliance could be developed unilaterally so as to enable the development and deployment of TMD systems then under development by the United States, including the Theater High-Altitude Area Defense (THAAD) system and Navy Upper Tier. Furthermore, this approach would have allowed full exploitation of data derived from space-based sensors, such as the Space and Missile Tracking System (SMTS), for TMD purposes.

The current Administration has rejected adopting on a unilateral basis the compliance standard recommended by the Secretary of Defense from the previous Administration. Instead, it chose to revise the standard and then seek Russian agreement to that revised standard in order to permit the development and deployment of U.S. TMD systems such as THAAD and Navy Upper Tier. By choosing to seek Russian concurrence in what should have been a unilateral decision, the Administration has effectively granted Russia a veto over the technical capabilities of U.S. TMD systems. Further, pending the outcome of the negotiations, the Administration has artificially constrained the design and performance of THAAD and Navy Upper Tier, in effect “dumbing down” these systems in order to comply with alleged, perceived obligations under article VI(a) that do not exist.

Therefore, the committee once again endorses the approach to a compliance standard recommended by the Secretary of Defense in the previous Administration, and which was adopted by the 103rd Congress in section 234(a)(7) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) and reaffirmed by the 104th Congress in section 235 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337). The committee recommends a provision (sec. 233) that would codify this standard for assessing compliance of systems with the ABM Treaty, state certain prohibitions, and define an ABM-qualifying flight test.

The committee notes that this standard is entirely consistent with U.S. obligations under the Treaty. Finally, the committee finds that continuation of negotiations with the Russians on this subject is both unnecessary and potentially deleterious to U.S. national security interests.

Section 234—Requirement That Multilateralization of the ABM Treaty Be Done Only Through Treaty-Making Power

The committee remains deeply concerned by the Administration's proposal to multilateralize the Anti-Ballistic Missile (ABM) Treaty by adding a dozen or more signatories from the states of the former Soviet Union. To date, the Administration has failed to provide a compelling case for why multilateralization is necessary or in the security interests of the United States.

Among the republics of the former Soviet Union, only the Russian Federation has fielded an ABM system or possesses the technological capacity to develop and deploy such a system. The remaining former Soviet republics have no equities in the Treaty. In addition, multilateralizing the Treaty would increase the probability that a single former Soviet republic could block any amendment, modification, or clarification to the Treaty, including agreements that the United States and Russia might find in their interest to adopt. The Administration's proposal to multilateralize the ABM Treaty would grant to Russia and other former Soviet republics a right of veto over any Treaty modifications needed to permit deployment of a highly-effective NMD system.

For these reasons, the committee recommends a provision (sec. 234) that would state that any addition of a new signatory party to the Anti-Ballistic Missile (ABM) Treaty (in addition to the United States and the Russian Federation) constitutes an amendment to the treaty that can only be agreed to by the United States through the treaty-making power of the United States. This section would prohibit the obligation or expenditure of funds for any fiscal year for the purpose of implementing or making binding upon the United States the participation of any additional nation as a party to the ABM Treaty unless that nation is made a party to the treaty by an amendment to the Treaty that is made in the same manner as the manner by which a treaty is made. Finally, the committee notes that this section is fully consistent with section 232 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337).

Section 235—Report on Ballistic Missile Defense and Proliferation

This section would direct the Secretary of Defense to submit a report to Congress by December 31, 1996, on ballistic missile defense and proliferation. In requiring the report, the committee directs the Director, Ballistic Missile Defense Organization to address the various relationships between theater ballistic missile defense, national ballistic missile defense, and U.S. counterproliferation objectives.

The proliferation of weapons of mass destruction, including nuclear, chemical, and biological weapons, and the missiles that can be used to deliver them, constitutes a serious and growing threat

to the security of the United States and U.S. allies. To date, traditional arms control and nonproliferation measures to prevent proliferation have met with limited success. The committee believes that insufficient attention is being given by the Administration to the role that ballistic missile defense can play in preventing proliferation. The ability to counter ballistic missiles once launched devalues the political and military utility of these weapons as instruments of terror or military significance. This was recognized by former Secretary of Defense Les Aspin, who noted that “effective missile defenses can reduce incentives for proliferators to develop, acquire, or use ballistic missiles and weapons of mass destruction.” In the committee’s view, it is reasonable to assume that nations with scarce resources may think twice about investing in expensive military means that can be easily countered.

In addition to its role as a preventive, ballistic missile defense can also protect against the effects of proliferation should efforts to prevent it fail. However, the Administration’s Defense Counterproliferation Initiative, announced in December 1993, failed to consider the role that a national missile defense can play in achieving the counterproliferation mission. In addition, the Administration’s recent report on “Proliferation: Threat and Response” notes that proliferation of weapons of mass destruction and the missile that can deliver them “presents a grave and urgent risk to the United States and our citizens \* \* \*.” However, the report makes no mention of national missile defense.

#### Section 236—Revision to Annual Report on the Ballistic Missile Defense Program

Section 224(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189) established a reporting requirement for the Strategic Defense Initiative program. With the changed focus of the program, several of the reporting requirements are no longer valid. This provision would update the requirement for the annual ballistic missile defense report to Congress.

#### Section 237—ABM Treaty Defined

This section would define the Anti-Ballistic Missile (ABM) Treaty for the purposes of this subtitle.

#### Section 238—Capability of National Missile Defense System

This section would direct the Secretary of Defense to ensure that any national missile defense system deployed by the United States is capable of defeating the threat posed by the Taepo Dong II missile of North Korea.

### SUBTITLE D—OTHER MATTERS

#### Section 241—Uniform Procedures and Criteria for Maintenance and Repair at Air Force Installations

This section would require the Secretary of the Air Force to allocate real property maintenance and repair funds for all of its bases and facilities using the same procedures and criteria. Under cur-

rent procedures and criteria the test and evaluation bases and facilities within the Air Force are at a significant disadvantage in the allocation of resources for this purpose.

Section 242—Requirements Relating to Small Business Innovation Research Program

This section would require the Secretary of Defense to ensure that the Small Business Innovation Research program be managed and executed, for each program element for research and development for which \$20.0 million or more is authorized, by the program manager for the program element.

Section 243—Extension of Deadline for Delivery of Enhanced Fiber Optic Guided Missile (EFOG-M) System

This section would extend the time for the conduct of the EFOG-M program to include critical field evaluation testing that occurs after September 1998.

Section 244—Amendment to the University Research Initiative Support Program

This section would propose changes in the data base for calculation of university eligibility for the University Research Initiative Support Program. Current law requires the Department of Defense to use prior fiscal year data in determining eligibility. Since complete data is not available until the second quarter of the current fiscal year, the program is forced to expend funds in the next fiscal year. The proposed change would remove this restriction and allow the Department of Defense to use the most recent complete fiscal year data in determining eligibility. In practice, the two years to be used would be the third and second years prior to appropriations. This would allow ample time for a competitive award cycle with expenditures in the year of appropriations.

Section 245—Amendments to Defense Experimental Programs to Stimulate Competitive Research

This section would allow the Department more flexibility to customize the defense experimental program to stimulate competitive research (DEPSCoR) program for defense needs and help to improve the administration of the program. The eligibility analysis can be performed within the Office of the Director, Defense Research and Engineering (DDR&E) using the same data as the National Science Foundation, thus allowing for more timely execution of the program.

Section 246—Elimination of Report on the Use of Competitive Procedures for the Award of Certain Contracts to Colleges and Universities

This section would eliminate the annual reporting requirement on the use of competitive procedures for award of research and development contracts, and the award of construction contracts, to colleges and universities. This report is of limited value and duplicates action required on the part of the Department to inform the

Congress of contracts and awards made to those entities non-competitively prior to the award.

Section 247—National Oceanographic Partnership Program

This section would establish a mechanism whereby federal agencies and the Department of the Navy can leverage all U.S. oceanographic efforts to the benefit of the Department of Defense, other federal agencies, and non-federal organizations. This section would also establish a National Oceanographic Leadership Council to coordinate national oceanography programs, partnerships and facilities; establish an Oceans Research Partnership Coordinating Group; and an Ocean Research Advisory Panel to conduct the program management activities of the partnership program.

## TITLE III—OPERATION AND MAINTENANCE

### OVERVIEW—

Less than two years ago, members of the committee uncovered troubling indications that defense budget cuts, force structure reductions, increased operating tempo, and the diversion of readiness funds to pay for unplanned and unbudgeted contingencies, were resulting in what could only be described as the early stages of a downward readiness spiral. Routine training was being canceled, maintenance of weapons, equipment and facilities was being deferred, spare parts were not being bought, and overall readiness levels were suffering.

Readiness is a perishable commodity and sustaining it demands constant attention. Consequently, the committee embarked on a multifaceted strategy for maintaining readiness which included addressing funding shortfalls in key readiness accounts, improving internal Pentagon readiness reporting, crafting mechanisms for funding contingency operations in order to preclude the diversion of funds from readiness accounts, and pushing for reform of the defense support infrastructure necessary to free additional resources for readiness and modernization efforts.

The committee's actions have helped to address the unacceptable trends in short-term readiness. Nevertheless, the committee notes that the underlying root causes that led to recent readiness problems still exist today. The Administration continues to reduce defense spending while it struggles with a severely underfunded defense program. Force structure is still declining and for the first time, the President's budget envisions reducing endstrength below the Bottom-Up Review levels. The pace of military operations has not slowed and is, in fact, higher than during the Cold War. The result is a shell game where modernization of the forces—future readiness—is sacrificed to protect near-term readiness. The committee does not believe that funding near and long-term readiness can be mutually exclusive propositions.

While intended to shore up near term readiness, this shell game strategy has a debilitating effect on key readiness accounts. In response, for fiscal year 1996 the Congress added approximately \$1.1 billion in the areas of real property maintenance, depot maintenance, base operations support, mobility enhancements and reserve readiness. However, the President's request reduces funding in these accounts by over \$1.5 billion from fiscal year 1996 levels. The committee is disturbed by the degree to which Congress' attempts to bolster readiness funding in key accounts last year was ignored in the budget request.

The committee believes that continued underfunding of these key readiness accounts will only perpetuate the degradation of force readiness. Therefore, to address these and other shortfalls, the

committee recommends a funding increase of \$1.9 billion above the operation and maintenance budget request of \$88.9 billion for a total of \$90.7 billion. In key readiness accounts, the committee has added \$1 billion for real property maintenance, \$190 million for depot maintenance, \$190 million for base operations support, \$100 million for mobility enhancements, and \$90 million for reserve component training.

**TITLE III - OPERATION AND MAINTENANCE**  
(Dollars in Thousands)

ACCOUNT TITLE	FY 1997		COMMITTEE		FY 1997
	AUTHORIZATION REQUEST	COMMITTEE REQUEST	CHANGE FROM REQUEST	COMMITTEE RECOMMENDATION	
OPERATION AND MAINTENANCE, ARMY	18,114,479	322,450		18,436,929	
OPERATION AND MAINTENANCE, NAVY	20,196,197	237,600		20,433,797	
OPERATION AND MAINTENANCE, MARINE CORPS	2,203,777	320,900		2,524,677	
OPERATION AND MAINTENANCE, AIR FORCE	17,913,455	69,500		17,982,955	
OPERATION AND MAINTENANCE, DEFENSE-WIDE	10,156,468	218,900		10,375,368	
OPERATION AND MAINTENANCE, ARMY RESERVE	1,084,436	71,000		1,155,436	
OPERATION AND MAINTENANCE, NAVY RESERVE	843,927	15,000		858,927	
OPERATION AND MAINTENANCE, MARINE CORPS RESERVE	99,667	6,800		106,467	
OPERATION AND MAINTENANCE, AIR FORCE RESERVE	1,488,553	16,000		1,504,553	
OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD	2,208,477	89,000		2,297,477	
OPERATION AND MAINTENANCE, AIR NATIONAL GUARD	2,654,473	34,000		2,688,473	
OFFICE OF THE INSPECTOR GENERAL	136,501	0		136,501	
UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES	6,797	0		6,797	
DoD SUPPORT TO INTERNATIONAL ATHLETIC EVENTS	0	0		0	
ENVIRONMENTAL RESTORATION, DEFENSE	0	1,333,016		1,333,016	
ENVIRONMENTAL RESTORATION, ARMY	356,916	(356,916)		0	
ENVIRONMENTAL RESTORATION, NAVY	302,900	(302,900)		0	
ENVIRONMENTAL RESTORATION, AIR FORCE	414,700	(414,700)		0	
ENVIRONMENTAL RESTORATION, DEFENSE-WIDE	258,500	(258,500)		0	
OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AFFAIRS	80,544	(20,000)		60,544	
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES	642,724	40,000		682,724	
PAYMENT TO KAH'OOLAWE ISLAND	10,000	0		10,000	
DEFENSE HEALTH PROGRAM	9,358,288	473,000		9,831,288	
FORMER SOVIET UNION THREAT REDUCTION	327,900	(25,000)		302,900	
TOTAL OPERATION AND MAINTENANCE	88,859,679	1,869,150		90,728,829	



**TITLE III - OPERATION AND MAINTENANCE**  
(Dollars in Thousands)

ACCOUNT TITLE	FY 1997		COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
	AUTHORIZATION REQUEST			
REVOLVING AND MANAGEMENT FUNDS				
DEFENSE BUSINESS OPERATIONS FUND (DECA)	947,900		0	947,900
NATIONAL DEFENSE SEALIFT FUND	963,002		160,000	1,123,002
TOTAL REVOLVING AND MANAGEMENT FUNDS	1,910,902		160,000	2,070,902

**TITLE III -- OPERATION AND MAINTENANCE**  
(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
<b>OPERATION AND MAINTENANCE, ARMY</b>				
<b>BUDGET ACTIVITY 1: OPERATING FORCES</b>				
	LAND FORCES	8,978,250	99,750	9,078,000
10	COMBAT UNITS	1,785,131		1,785,131
20	TACTICAL SUPPORT	1,144,383		1,144,383
30	THEATER DEFENSE FORCES	150,569		150,569
40	FORCE RELATED TRAINING/SPECIAL ACTIVITIES	1,410,908		1,444,958
	SOLDIER ENHANCEMENT PROGRAM		34,050	
50	FORCE COMMUNICATIONS	65,150		65,150
60	DEPOT MAINTENANCE	845,251		894,951
	COMBAT VEHICLES		19,700	
	DEPOT MAINTENANCE RELIABILITY PROGRAM (XFER FROM DLA)		30,000	
70	JCS EXERCISES	55,087		55,087
80	BASE SUPPORT	2,686,320		2,702,320
	MWR PROGRAMS		16,000	
85	MAINTENANCE OF REAL PROPERTY	835,451		835,451
	LAND OPERATIONS SUPPORT	270,307	0	270,307
90	COMBAT DEVELOPMENTS	206,538		206,538
100	UNIFIED COMMANDS	63,769		63,769
	TOTAL, BUDGET ACTIVITY 1:	9,248,557	99,750	9,348,307
<b>BUDGET ACTIVITY 2: MOBILIZATION</b>				
	MOBILITY OPERATIONS	586,443	27,000	613,443

**TITLE III -- OPERATION AND MAINTENANCE**  
(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
110	POMCUS	82,303		82,303
120	STRATEGIC MOBILIZATION	287,934	27,000	314,934
130	WAR RESERVE ACTIVITIES	150,971		150,971
140	INDUSTRIAL PREPAREDNESS	65,235		65,235
	TOTAL BUDGET ACTIVITY 2:	586,443	27,000	613,443
	BUDGET ACTIVITY 3 TRAINING AND RECRUITING			
	ACCESSION TRAINING	334,200	0	334,200
150	OFFICER ACQUISITION	61,442		61,442
160	RECRUIT TRAINING	13,131		13,131
170	ONE STATION UNIT TRAINING	16,679		16,679
180	RESERVE OFFICER TRAINING CORPS (ROTC)	120,634		120,634
190	BASE SUPPORT (ACADEMY ONLY)	81,493		81,493
195	MAINTENANCE OF REAL PROPERTY (ACADEMY ONLY)	40,821		40,821
	BASIC SKILL/ ADVANCE TRAINING	2,115,411	2,600	2,118,011
200	SPECIALIZED SKILL TRAINING	242,298		242,298
210	FLIGHT TRAINING	225,460		225,460
220	PROFESSIONAL DEVELOPMENT EDUCATION	68,478		68,478
230	TRAINING SUPPORT	405,222		405,222
240	BASE SUPPORT (OTHER TRAINING)	898,954		901,554
	MWR PROGRAMS		2,600	
245	MAINTENANCE OF REAL PROPERTY (OTHER TRAINING)	274,999		274,999

**TITLE III -- OPERATION AND MAINTENANCE**  
(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
	RECRUITING/OTHER TRAINING	720,329	0	720,329
250	RECRUITING AND ADVERTISING	228,234		228,234
260	EXAMINING	72,125		72,125
270	OFF-DUTY AND VOLUNTARY EDUCATION	101,970		101,970
280	CIVILIAN EDUCATION AND TRAINING	83,296		83,296
290	JUNIOR ROTC	76,640		76,640
300	BASE SUPPORT (RECRUITING LEASES)	158,064		158,064
	TOTAL, BUDGET ACTIVITY 3	3,169,940	2,600	3,172,540
	BUDGET ACTIVITY 4 ADMIN & SERVICEWIDE ACTIVITIES			
	SECURITY PROGRAMS	364,270	0	364,270
310	SECURITY PROGRAMS	364,270		364,270
	LOGISTICS OPERATIONS	1,479,853	91,400	1,571,253
320	SERVICEWIDE TRANSPORTATION	515,541		515,541
330	CENTRAL SUPPLY ACTIVITIES	398,003		402,003
	DEPOT MAINTENANCE LOGISTICS TAIL		4,000	
340	LOGISTIC SUPPORT ACTIVITIES	308,497		345,897
	CRITICAL END ITEM MANAGEMENT		50,000	
	ACQUISITION WORKFORCE REDUCTIONS		(17,600)	
	TOTAL ASSET VISIBILITY PROGRAM		5,000	
350	AMMUNITION MANAGEMENT	257,812	50,000	307,812
	SERVICEWIDE SUPPORT	2,952,589	9,200	2,961,789
360	ADMINISTRATION	309,075		309,075

**TITLE III -- OPERATION AND MAINTENANCE**

(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
370	SERVICEWIDE COMMUNICATIONS	689,100		689,100
380	MANPOWER MANAGEMENT	158,424		158,424
390	OTHER PERSONNEL SUPPORT	171,661		179,461
	NEW PARENT SUPPORT		7,800	
400	OTHER SERVICE SUPPORT	596,539		596,539
410	ARMY CLAIMS ACTIVITIES	175,881		175,881
420	REAL ESTATE MANAGEMENT	79,628		79,628
430	BASE SUPPORT	666,216		667,616
	MWR PROGRAMS		1,400	
431	MAINTENANCE OF REAL PROPERTY	106,065		106,065
432	ENVIRONMENTAL RESTORATION	0		0
	SUPPORT OF OTHER NATIONS	312,827	0	312,827
440	INTERNATIONAL MILITARY HEADQUARTERS	273,924		273,924
450	MISC SUPPORT OF OTHER NATIONS	38,903		38,903
	TOTAL, BUDGET ACTIVITY 4:	5,109,539	100,600	5,210,139
	UNDISTRIBUTED			
	CHEMICAL-BIOLOGICAL EQUIPMENT MAINTENANCE SUPPORT		13,200	13,200
	CLASSIFIED PROGRAM		9,300	9,300
	MAINTENANCE OF REAL PROPERTY		320,000	320,000
	CIVILIAN UNDEREXECUTION		(183,000)	(183,000)
	ACQUISITION WORKFORCE REDUCTIONS		(14,000)	(14,000)

**TITLE III -- OPERATION AND MAINTENANCE**  
(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
	PRINTING EFFICIENCIES		(3,000)	(3,000)
	UNOBLIGATED BALANCES		(50,000)	(50,000)
	TOTAL, UNDISTRIBUTED.		92,500	92,500
	<b>TOTAL, OPERATION AND MAINTENANCE, ARMY</b>	18,114,479	322,450	18,436,929
	<b>OPERATION AND MAINTENANCE, NAVY</b>			
	BUDGET ACTIVITY 1: OPERATING FORCES			
	AIR OPERATIONS	4,385,939	66,200	4,452,139
10	MISSION AND OTHER FLIGHT OPERATIONS	1,867,999		1,867,999
20	FLEET AIR TRAINING	606,264		606,264
30	INTERMEDIATE MAINTENANCE	64,855		64,855
40	AIR OPERATIONS AND SAFETY SUPPORT	65,742		65,742
50	AIRCRAFT DEPOT MAINTENANCE	602,679	27,300	644,979
60	DEPOT MAINTENANCE RELIABILITY PROGRAM (XFER FROM DLA)	24,613	15,000	24,613
70	AIRCRAFT DEPOT OPERATIONS SUPPORT	807,680	20,000	831,580
	BASE SUPPORT		3,900	
	MWR PROGRAMS			
75	MAINTENANCE OF REAL PROPERTY	346,107		346,107
	SHIP OPERATIONS	6,482,485	103,500	6,585,985
80	MISSION AND OTHER SHIP OPERATIONS	1,919,975		1,919,975
90	SHIP OPERATIONAL SUPPORT AND TRAINING	457,005		457,005
100	INTERMEDIATE MAINTENANCE	396,844		396,844

**TITLE III -- OPERATION AND MAINTENANCE**  
(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997	FY 1997	FY 1997
		AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	COMMITTEE RECOMMENDATION
110	SHIP DEPOT MAINTENANCE	1,803,854	60,000	1,878,854
	DEPOT MAINTENANCE RELIABILITY PROGRAM (XFER FROM DLA)		15,000	
120	SHIP DEPOT OPERATIONS SUPPORT	787,330		787,330
130	BASE SUPPORT	828,295	20,000	856,795
	MWR PROGRAMS		8,500	
135	MAINTENANCE OF REAL PROPERTY	289,182		289,182
	COMBAT OPERATIONS/SUPPORT	1,636,958	29,900	1,666,858
140	COMBAT COMMUNICATIONS	206,422		206,422
150	ELECTRONIC WARFARE	7,589		7,589
160	SPACE SYSTEMS AND SURVEILLANCE	144,806		144,806
170	WARFARE TACTICS	138,113		138,113
180	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	212,854		212,854
190	COMBAT SUPPORT FORCES	386,011		386,011
200	EQUIPMENT MAINTENANCE	163,038	19,500	182,538
210	DEPOT OPERATIONS SUPPORT	1,146		1,146
220	BASE SUPPORT	327,468	10,000	337,868
	MWR PROGRAMS		400	
225	MAINTENANCE OF REAL PROPERTY	49,511		49,511
	WEAPONS SUPPORT	1,371,828	30,500	1,402,328
230	CRUISE MISSILE	79,828		79,828
240	FLEET BALLISTIC MISSILE	756,722		756,722
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	50,875		50,875
260	WEAPONS MAINTENANCE	389,406	19,500	408,906

**TITLE III -- OPERATION AND MAINTENANCE**  
(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
270	BASE SUPPORT	63,750	10,000	74,750
	MWR PROGRAMS		1,000	
275	MAINTENANCE OF REAL PROPERTY	31,247		31,247
	DBOF SUPPORT	0	0	0
276	DBOF SUPPORT	0	0	0
	TOTAL, BUDGET ACTIVITY 1:	13,877,210	230,100	14,107,310
	BUDGET ACTIVITY 2: MOBILIZATION			
	READY RESERVE AND PREPOSITIONING FORCES	497,905	0	497,905
280	SHIP PREPOSITIONING AND SURGE	497,905		497,905
	ACTIVATIONS/INACTIVATIONS	571,006	0	571,006
290	AIRCRAFT ACTIVATIONS/INACTIVATIONS	2,699		2,699
300	SHIP ACTIVATIONS/INACTIVATIONS	568,307		568,307
	MOBILIZATION PREPAREDNESS	42,025	0	42,025
310	FLEET HOSPITAL PROGRAM	19,374		19,374
320	INDUSTRIAL READINESS	722		722
330	COAST GUARD SUPPORT	21,929		21,929
	TOTAL, BUDGET ACTIVITY 2:	1,110,936	0	1,110,936
	BUDGET ACTIVITY 3: TRAINING AND RECRUITING			
	ACCESSION TRAINING	258,380	0	258,380
340	OFFICER ACQUISITION	66,825		66,825



**TITLE III -- OPERATION AND MAINTENANCE**  
(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
350	RECRUIT TRAINING	4,887		4,887
360	RESERVE OFFICERS TRAINING CORPS (ROTC)	67,777		67,777
370	BASE SUPPORT	54,338		54,338
375	MAINTENANCE OF REAL PROPERTY	64,553		64,553
	BASIC SKILLS AND ADVANCED TRAINING	1,126,663	2,200	1,128,863
380	SPECIALIZED SKILL TRAINING	218,689		218,689
390	FLIGHT TRAINING	295,280		295,280
400	PROFESSIONAL DEVELOPMENT EDUCATION	65,981		65,981
410	TRAINING SUPPORT	119,098		119,098
420	BASE SUPPORT	316,260		318,460
	MWR PROGRAMS		2,200	
425	MAINTENANCE OF REAL PROPERTY	111,355		111,355
	RECRUITING, AND OTHER TRAINING AND EDUCATION		0	
430	RECRUITING AND ADVERTISING	245,735		245,735
440	OFF-DUTY AND VOLUNTARY EDUCATION	136,474		136,474
450	CIVILIAN EDUCATION AND TRAINING	61,643		61,643
460	JUNIOR ROTC	22,218		22,218
470	BASE SUPPORT	24,902		24,902
475	MAINTENANCE OF REAL PROPERTY	439		439
		59		59
	TOTAL, BUDGET ACTIVITY 3:	1,630,778	2,200	1,632,978

**TITLE III -- OPERATION AND MAINTENANCE**  
(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
	SERVICEWIDE SUPPORT	1,504,637	23,500	1,528,137
480	ADMINISTRATION	570,921		570,921
490	EXTERNAL RELATIONS	21,406		21,406
500	CIVILIAN MANPOWER AND PERSON MANAGEMENT	69,426		69,426
510	MILITARY MANPOWER AND PERSON MANAGEMENT	129,426		129,426
520	OTHER PERSONNEL SUPPORT	237,647		243,147
	NEW PARENT SUPPORT		5,500	
530	SERVICEWIDE COMMUNICATIONS	230,240		244,240
	CHALLENGE ATHENA		14,000	
540	BASE SUPPORT	200,375		204,375
	MWR PROGRAMS		4,000	
542	MEDICAL ACTIVITIES	0		0
544	MAINTENANCE OF REAL PROPERTY	45,196		45,196
	LOGISTICS OPERATIONS AND TECHNICAL SUPPORT			
550	SERVICEWIDE TRANSPORTATION	1,496,944	(23,400)	1,473,544
560	PLANNING, ENGINEERING AND DESIGN	151,371		151,371
570	ACQUISITION AND PROGRAM MANAGEMENT	284,268		284,268
	ACQUISITION WORKFORCE REDUCTIONS	467,318		441,718
	ACQUISITION WORKFORCE REDUCTIONS		(25,600)	
580	AIR SYSTEMS SUPPORT	276,446		276,446
590	HULL, MECHANICAL AND ELECTRICAL SUPPORT	48,613		48,613
600	COMBAT/WEAPONS SYSTEMS	39,083		39,083
610	SPACE AND ELECTRONIC WARFARE SYSTEMS	72,540		74,740
	AEGIS TACTICAL DATA LINK		2,200	

**TITLE III -- OPERATION AND MAINTENANCE**  
(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
620	BASE SUPPORT	145,338		145,338
625	MAINTENANCE OF REAL PROPERTY	11,967		11,967
	SECURITY PROGRAMS	588,148	0	588,148
630	SECURITY PROGRAMS	555,721		555,721
640	BASE SUPPORT	7,344		7,344
645	MAINTENANCE OF REAL PROPERTY	5,083		5,083
	SUPPORT OF OTHER NATIONS	7,544		7,544
650	INTERNATIONAL HEADQUARTERS AND AGENCIES	7,544		7,544
	TOTAL, BUDGET ACTIVITY 4:	3,577,273	100	3,577,373
	UNDISTRIBUTED			
	CLASSIFIED PROGRAM		4,600	4,600
	MAINTENANCE OF REAL PROPERTY		200,000	200,000
	CIVILIAN UNDEREXECUTION		(143,900)	(143,900)
	ACQUISITION WORKFORCE REDUCTIONS		(14,000)	(14,000)
	PRINTING EFFICIENCIES		(4,000)	(4,000)
	UNOBLIGATED BALANCES		(37,500)	(37,500)
	TOTAL, UNDISTRIBUTED:		5,200	5,200
	TOTAL, OPERATION AND MAINTENANCE, NAVY	20,196,197	237,600	20,433,797

### TITLE III -- OPERATION AND MAINTENANCE

(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
<b>OPERATION AND MAINTENANCE, MARINE CORPS</b>				
BUDGET ACTIVITY 1: OPERATING FORCES				
EXPEDITIONARY FORCES				
10	OPERATIONAL FORCES	1,503,579	130,400	1,633,979
	INITIAL ISSUE	331,478		374,478
COMMANDANT'S WARFIGHTING LAB				
	CORROSION CONTROL		25,000	
			8,000	
			10,000	
20	FIELD LOGISTICS	171,056		171,056
30	DEPOT MAINTENANCE	155,168	10,000	165,168
40	BASE SUPPORT	593,307		670,707
PERSONNEL SUPPORT EQUIPMENT				
	OTHER BASE SUPPORT		26,000	
			40,000	
			11,400	
45	MAINTENANCE OF REAL PROPERTY	252,570		252,570
USMC PREPOSITIONING				
		77,751	0	77,751
50	MARITIME PREPOSITIONING	74,003		74,003
60	NORWAY PREPOSITIONING	3,748		3,748
	TOTAL, BUDGET ACTIVITY 1:	1,581,330	130,400	1,711,730
BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
ACCESSION TRAINING				
		73,091	0	73,091
70	RECRUIT TRAINING	8,139		8,139
80	OFFICER ACQUISITION	270		270

**TITLE III -- OPERATION AND MAINTENANCE**  
(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
90	BASE SUPPORT	47,092		47,092
95	MAINTENANCE OF REAL PROPERTY	17,590		17,590
	BASIC SKILLS AND ADVANCED TRAINING	183,009	480	183,489
100	SPECIALIZED SKILLS TRAINING	26,578		26,578
110	FLIGHT TRAINING	155		155
120	PROFESSIONAL DEVELOPMENT EDUCATION	5,929		5,929
130	TRAINING SUPPORT	74,859		74,859
140	BASE SUPPORT	51,086		51,566
	MWR PROGRAMS		480	
145	MAINTENANCE OF REAL PROPERTY	24,402		24,402
	RECRUITING AND OTHER TRAINING EDUCATION	95,300	9,200	104,500
150	RECRUITING AND ADVERTISING	65,382	4,700	70,082
160	OFF-DUTY AND VOLUNTARY EDUCATION	10,593	4,500	15,093
170	JUNIOR ROTC	8,562		8,562
180	BASE SUPPORT	8,427		8,427
185	MAINTENANCE OF REAL PROPERTY	2,336		2,336
	TOTAL, BUDGET ACTIVITY 3:	351,400	9,680	361,080
	BUDGET ACTIVITY 4. ADMIN & SERVICEWIDE ACTIVITIES			
	SERVICEWIDE SUPPORT	271,047	3,020	274,067
190	LOGISTICS SUPPORT	0		0
200	SPECIAL SUPPORT	196,367		196,367
210	SERVICEWIDE TRANSPORTATION	38,479		38,479

**TITLE III -- OPERATION AND MAINTENANCE**  
(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
220	ADMINISTRATION	25,459		25,459
230	BASE SUPPORT	9,283		12,303
	NEW PARENT SUPPORT		2,900	
	MWR PROGRAMS		120	
235	MAINTENANCE OF REAL PROPERTY	1,459		1,459
	TOTAL, BUDGET ACTIVITY 4:	271,047	3,020	274,067
	UNDISTRIBUTED			
	CLASSIFIED PROGRAM		0	0
	MAINTENANCE OF REAL PROPERTY		180,000	180,000
	ACQUISITION WORKFORCE REDUCTIONS		(2,200)	(2,200)
	TOTAL, UNDISTRIBUTED:		177,800	177,800
	TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS	2,203,777	320,900	2,524,677
	OPERATION AND MAINTENANCE, AIR FORCE			
	BUDGET ACTIVITY 1: OPERATING FORCES			
	AIR OPERATIONS	6,773,763	4,160	6,777,923
10	PRIMARY COMBAT FORCES	2,314,739		2,314,739
20	PRIMARY COMBAT WEAPONS	394,408		394,408
30	COMBAT ENHANCEMENT FORCES	250,614		250,614
40	AIR OPERATIONS TRAINING	570,948		570,948
50	COMBAT COMMUNICATIONS	867,912		867,912

**TITLE III -- OPERATION AND MAINTENANCE**  
(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
60	BASE SUPPORT	1,680,275		1,684,435
	MWR PROGRAMS		4,160	
65	MAINTENANCE OF REAL PROPERTY	694,867		694,867
	COMBAT RELATED OPERATIONS	1,409,766	0	1,409,766
70	GLOBAL C3I AND EARLY WARNING	736,038		736,038
80	NAVIGATION/WEATHER SUPPORT	114,842		114,842
90	OTHER COMBAT OPS SUPPORT PROGRAMS	197,861		197,861
100	JCS EXERCISES	37,973		37,973
110	MANAGEMENT/OPERATIONAL HEADQUARTERS	106,309		106,309
120	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	216,743		216,743
	SPACE OPERATIONS	1,202,080	0	1,202,080
130	LAUNCH FACILITIES	237,508		237,508
140	LAUNCH VEHICLES	106,266		106,266
150	SPACE CONTROL SYSTEMS	311,304		311,304
160	SATELLITE SYSTEMS	44,301		44,301
170	OTHER SPACE OPERATIONS	101,723		101,723
180	BASE SUPPORT	291,242		291,242
185	MAINTENANCE OF REAL PROPERTY	109,736		109,736
	TOTAL, BUDGET ACTIVITY 1:	9,385,609	4,160	9,389,769

**TITLE III -- OPERATION AND MAINTENANCE**  
(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
	BUDGET ACTIVITY 2: MOBILIZATION			
	MOBILITY OPERATIONS	2,689,257	720	2,689,977
190	AIRLIFT OPERATIONS	1,584,175		1,584,175
200	AIRLIFT OPERATIONS C3I	13,784		13,784
210	MOBILIZATION PREPAREDNESS	138,167		138,167
220	PAYMENTS TO TRANSPORTATION BUSINESS AREA	422,700		422,700
230	BASE SUPPORT	408,945		409,665
	MWR PROGRAMS		720	
235	MAINTENANCE OF REAL PROPERTY	121,486		121,486
	TOTAL, BUDGET ACTIVITY 2:	2,689,257	720	2,689,977
	BUDGET ACTIVITY 3: TRAINING AND RECRUITING			
	ACCESSION TRAINING	192,430	0	192,430
240	OFFICER ACQUISITION	48,213		48,213
250	RECRUIT TRAINING	4,586		4,586
260	RESERVE OFFICER TRAINING CORPS (ROTC)	42,738		42,738
270	BASE SUPPORT (ACADEMIES ONLY)	56,843		56,843
275	MAINTENANCE OF REAL PROPERTY (ACADEMIES ONLY)	40,050		40,050
	BASIC SKILLS AND ADVANCED TRAINING	1,166,728	880	1,167,608
280	SPECIALIZED SKILL TRAINING	195,098		195,098
290	FLIGHT TRAINING	331,663		331,663
300	PROFESSIONAL DEVELOPMENT EDUCATION	74,060		74,060
310	TRAINING SUPPORT	59,607		59,607



**TITLE III -- OPERATION AND MAINTENANCE**  
(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
320	BASE SUPPORT (OTHER TRAINING)	388,965		389,845
	MWR PROGRAMS		880	
325	MAINTENANCE OF REAL PROPERTY (OTHER TRAINING)	117,335		117,335
	RECRUITING, AND OTHER TRAINING AND EDUCATION	217,406	9,500	226,906
330	RECRUITING AND ADVERTISING	52,218		52,218
340	EXAMINING	1,954		1,954
350	OFF DUTY AND VOLUNTARY EDUCATION	71,210		80,710
	TUITION ASSISTANCE		9,500	
360	CIVILIAN EDUCATION AND TRAINING	66,791		66,791
370	JUNIOR ROTC	25,233		25,233
	TOTAL, BUDGET ACTIVITY 3:	1,576,564	10,380	1,586,944
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES			
	LOGISTICS OPERATIONS	2,454,193	(19,800)	2,434,393
380	LOGISTICS OPERATIONS	1,042,759		1,012,959
	DEPOT MAINTENANCE		20,000	
	DEPOT MAINTENANCE RELIABILITY PROGRAM (XFER FROM DLA)		30,000	
	DBOF PASSTHROUGH		(38,200)	
	ACQUISITION WORKFORCE REDUCTIONS		(41,600)	
390	TECHNICAL SUPPORT ACTIVITIES	371,521		371,521
400	SERVICEWIDE TRANSPORTATION	240,740		240,740
410	BASE SUPPORT	581,182		591,182
	TICARRS		10,000	
415	MAINTENANCE OF REAL PROPERTY	217,991		217,991

**TITLE III -- OPERATION AND MAINTENANCE**  
(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
	SERVICEWIDE ACTIVITIES	1,245,218	6,040	1,251,258
420	ADMINISTRATION	121,337		121,337
430	SERVICEWIDE COMMUNICATIONS	268,687		268,687
440	PERSONNEL PROGRAMS	89,196		89,196
450	RESCUE AND RECOVERY SERVICES	44,413		44,413
460	SUBSISTENCE-IN-KIND	0		0
470	ARMS CONTROL	28,814		28,814
480	OTHER SERVICEWIDE ACTIVITIES	482,192		482,192
490	OTHER PERSONNEL SUPPORT NEW PARENT SUPPORT	30,873	3,800	34,673
500	CIVIL AIR PATROL CORPORATION	14,526		14,526
510	BASE SUPPORT MWR PROGRAMS	145,053	2,240	147,293
515	MAINTENANCE OF REAL PROPERTY	20,127		20,127
	SECURITY PROGRAMS	550,240	0	550,240
520	SECURITY PROGRAMS	550,240		550,240
	SUPPORT TO OTHER NATIONS	12,374	0	12,374
530	INTERNATIONAL SUPPORT	12,374		12,374
	TOTAL, BUDGET ACTIVITY 4:	4,262,025	(13,760)	4,248,265
	UNDISTRIBUTED			
	CHEMICAL PROTECTIVE EQUIPMENT		3,000	3,000
	CLASSIFIED PROGRAM		(22,200)	(22,200)

**TITLE III -- OPERATION AND MAINTENANCE**

(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
	MAINTENANCE OF REAL PROPERTY		200,000	200,000
	CIVILIAN UNDEREXECUTION		(63,700)	(63,700)
	ACQUISITION WORKFORCE REDUCTIONS		(8,600)	(8,600)
	PRINTING EFFICIENCIES		(3,000)	(3,000)
	UNOBLIGATED BALANCES		(37,500)	(37,500)
	TOTAL, UNDISTRIBUTED:		68,000	68,000
	TOTAL, OPERATION AND MAINTENANCE, AIR FORCE	17,913,455	69,500	17,982,955
	OPERATION AND MAINTENANCE, DEFENSE-WIDE			
	BUDGET ACTIVITY 1: OPERATING FORCES			
10	JOINT CHIEFS OF STAFF	464,199		564,199
	MOBILITY ENHANCEMENTS		100,000	
20	SPECIAL OPERATIONS COMMAND OPERATIONS	962,319		984,619
	TOTAL, BUDGET ACTIVITY 1:	1,426,518	122,300	1,548,818
	BUDGET ACTIVITY 2: MOBILIZATION			
30	DEFENSE LOGISTICS AGENCY	21,942		21,942
	TOTAL, BUDGET ACTIVITY 2:	21,942	0	21,942

### TITLE III -- OPERATION AND MAINTENANCE

(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
BUDGET ACTIVITY 3. TRAINING AND RECRUITING				
50	DEFENSE ACQUISITION UNIVERSITY	100,417		100,417
55	OSD (DBMU)	0		0
60	DEFENSE BUSINESS MANAGEMENT UNIVERSITY	0		0
65	SPECIAL OPERATIONS COMMAND	35,500		35,500
	TOTAL, BUDGET ACTIVITY 3:	135,917	0	135,917
BUDGET ACTIVITY 4. ADMIN & SERVICEWIDE ACTIVITIES				
70	AMERICAN FORCES INFORMATION SERVICE	100,558		100,558
80	CORPORATE INFORMATION MANAGEMENT	46,367		46,367
90	CLASSIFIED AND INTELLIGENCE	3,384,576		3,384,576
100	DEFENSE CIVILIAN PERSONNEL MANAGEMENT SERVICE	49,302		49,302
110	DEFENSE CONTRACT AUDIT AGENCY	335,486		327,486
	ACQUISITION WORKFORCE REDUCTIONS		(8,000)	
120	DEFENSE INVESTIGATIVE SERVICE	193,232		193,232
130	DEFENSE LOGISTICS AGENCY	1,181,738		1,090,738
	PROCUREMENT TECHNICAL ASSISTANCE PROGRAM		18,000	
	DEPOT MAINTENANCE RELIABILITY PROGRAM (XFER TO SERVICES)		(90,000)	
	GENERAL PURPOSE TENT REPAIR		5,000	
	ACQUISITION WORKFORCE REDUCTIONS		(24,000)	
140	DEFENSE LEGAL SERVICES AGENCY	7,297		7,297
150	DEFENSE MAPPING AGENCY	741,157		741,157
160	DEFENSE NUCLEAR AGENCY	85,083		85,083
170	DEFENSE POW/MIA OFFICE	12,694		12,694

**TITLE III -- OPERATION AND MAINTENANCE**

(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
180	FEDERAL ENERGY MANAGEMENT PROGRAM	116,853		116,853
190	DEPARTMENT OF DEFENSE DEPENDENTS EDUCATION	1,322,254		1,322,254
200	DEFENSE SUPPORT ACTIVITIES	125,269		125,269
210	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	10,504		10,504
220	JOINT CHIEFS OF STAFF	121,295		121,295
230	OFFICE OF ECONOMIC ADJUSTMENT	39,330		39,330
240	OFFICE OF THE SECRETARY OF DEFENSE	339,558		339,558
245	OFFICE OF THE SECRETARY OF DEFENSE (NO YEAR)	0		0
250	ON SITE INSPECTION AGENCY	109,030		109,030
255	SPECIAL OPERATIONS COMMAND	55,200		55,200
260	WASHINGTON HEADQUARTERS SERVICES DEFENSE INFORMATION SYSTEMS AGENCY	195,308	50,000	245,308
	TOTAL, BUDGET ACTIVITY 4:	8,572,091	(49,000)	8,523,091
	UNDISTRIBUTED			
	EDUCATIONAL IMPACT AID		58,000	58,000
	CLASSIFIED PROGRAM		91,900	91,900
	ACQUISITION WORKFORCE REDUCTIONS		(4,300)	(4,300)
	TOTAL, UNDISTRIBUTED:		145,600	145,600
	<b>TOTAL, OPERATION AND MAINTENANCE, DEFENSE-WIDE</b>	<b>10,156,468</b>	<b>218,900</b>	<b>10,375,368</b>

**TITLE III -- OPERATION AND MAINTENANCE**  
(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
	<b>OPERATION AND MAINTENANCE, ARMY RESERVE</b>			
	BUDGET ACTIVITY 1 OPERATING FORCES			
	MISSION OPERATIONS	970,519	71,000	1,041,519
10	BASE SUPPORT	258,273		258,273
15	MAINTENANCE OF REAL PROPERTY	50,913	20,000	70,913
20	DEPOT MAINTENANCE	45,853		45,853
30	RECRUITING AND RETENTION	36,998	11,000	47,998
40	TRAINING OPERATIONS	578,482		618,482
	GROUND FORCES OPTEMPO NEW EQUIPMENT TRAINING	27,000 13,000		
	TOTAL, BUDGET ACTIVITY 1:	970,519	71,000	1,041,519
	BUDGET ACTIVITY 4. ADMIN & SERVICEWIDE ACTIVITIES			
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES	113,917	0	113,917
50	INFORMATION MANAGEMENT	20,772		20,772
60	PUBLIC AFFAIRS	467		467
70	PERSONNEL ADMINISTRATION	63,521		63,521
80	STAFF MANAGEMENT	29,157		29,157
	TOTAL, BUDGET ACTIVITY 4:	113,917	0	113,917
	<b>TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE</b>	<b>1,084,436</b>	<b>71,000</b>	<b>1,155,436</b>

**TITLE III -- OPERATION AND MAINTENANCE**  
(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
	<b>OPERATION AND MAINTENANCE, NAVY RESERVE</b>			
	BUDGET ACTIVITY 1: OPERATING FORCES			
	RESERVE AIR OPERATIONS	509,858	5,000	514,858
10	MISSION AND OTHER FLIGHT OPERATIONS	275,838		275,838
20	FLEET AIR TRAINING	1,299		1,299
30	INTERMEDIATE MAINTENANCE	17,499		17,499
40	AIR OPERATION AND SAFETY SUPPORT	2,048		2,048
50	AIRCRAFT DEPOT MAINTENANCE	70,560		70,560
60	AIRCRAFT DEPOT OPS SUPPORT	341		341
70	BASE SUPPORT	117,353		117,353
75	MAINTENANCE OF REAL PROPERTY	24,920	5,000	29,920
	RESERVE SHIP OPERATIONS	158,167	0	158,167
80	MISSION AND OTHER SHIP OPERATIONS	61,784		61,784
90	SHIP OPERATIONAL SUPPORT AND TRAINING	642		642
100	INTERMEDIATE MAINTENANCE	9,961		9,961
110	SHIP DEPOT MAINTENANCE	83,969		83,969
120	SHIP DEPOT OPERATIONS SUPPORT	1,811		1,811
	RESERVE COMBAT OPERATIONS SUPPORT	78,634	5,000	83,634
130	COMBAT COMMUNICATIONS	0		0
140	COMBAT SUPPORT FORCES	27,905		27,905
150	BASE SUPPORT	41,769		41,769
155	MAINTENANCE OF REAL PROPERTY	8,960	5,000	13,960

**TITLE III -- OPERATION AND MAINTENANCE**  
(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
	RESERVE WEAPONS SUPPORT	6,121	0	6,121
160	WEAPONS MAINTENANCE	6,121		6,121
	TOTAL, BUDGET ACTIVITY 1:	752,780	10,000	762,780
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES			
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES			
170	ADMINISTRATION	91,147	5,000	96,147
180	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	6,153		6,153
190	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	2,764		2,764
200	OTHER PERSONNEL SUPPORT	28,349		28,349
210	SERVICEWIDE COMMUNICATIONS	0		0
220	BASE SUPPORT	19,427		19,427
225	MAINTENANCE OF REAL PROPERTY	26,488		26,488
230	COMBAT/WEAPONS SYSTEMS	4,906	5,000	9,906
240	GENERAL DEFENSE INTELLIGENCE PROGRAM	2,555		2,555
	TOTAL, BUDGET ACTIVITY 4:	505		505
	TOTAL, OPERATION AND MAINTENANCE, NAVY RESERVE	91,147	5,000	96,147
	OPERATION AND MAINTENANCE, MARINE CORPS RESERVE	843,927	15,000	858,927
	BUDGET ACTIVITY 1: OPERATING FORCES			
	MISSION FORCES	63,728	5,800	69,528
10	TRAINING	13,611		13,611



**TITLE III -- OPERATION AND MAINTENANCE**  
(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
20	OPERATING FORCES	27,569		32,369
	INITIAL ISSUE		4,800	
30	BASE SUPPORT	14,628		14,628
35	MAINTENANCE OF REAL PROPERTY	4,967	1,000	5,967
40	DEPOT MAINTENANCE	2,953		2,953
	TOTAL BUDGET ACTIVITY 1:	63,728	5,800	69,528
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES			
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES	35,939	1,000	36,939
50	RECRUITING AND ADVERTISING	7,538		7,538
60	SPECIAL SUPPORT	10,477		10,477
70	SERVICEWIDE TRANSPORTATION	4,507		4,507
80	ADMINISTRATION	6,151		6,151
90	BASE SUPPORT	7,266		7,266
100	MAINTENANCE OF REAL PROPERTY	0	1,000	1,000
	TOTAL BUDGET ACTIVITY 4:	35,939	1,000	36,939
	<b>TOTAL, O&amp;M, MARINE CORPS RESERVE</b>	<b>99,667</b>	<b>6,800</b>	<b>106,467</b>
	OPERATION AND MAINTENANCE, AIR FORCE RESERVE			
	BUDGET ACTIVITY 1: OPERATING FORCES	1,412,272	16,000	1,428,272
10	AIRCRAFT OPERATIONS	1,102,739		1,102,739

**TITLE III -- OPERATION AND MAINTENANCE**  
(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
20	MISSION SUPPORT OPERATIONS	38,645		38,645
30	BASE SUPPORT	222,851		222,851
35	MAINTENANCE OF REAL PROPERTY	48,037	16,000	64,037
37	DEPOT MAINTENANCE	0		0
	TOTAL, BUDGET ACTIVITY 1:	1,412,272	16,000	1,428,272
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES			
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		0	76,281
40	ADMINISTRATION	76,281		76,281
50	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	42,799		42,799
60	RECRUITING AND ADVERTISING	19,386		19,386
70	OTHER PERSONNEL SUPPORT	7,714		7,714
80	AUDIOVISUAL	6,047		6,047
	TOTAL, BUDGET ACTIVITY 4:	335		335
	TOTAL, BUDGET ACTIVITY 4:	76,281	0	76,281
	TOTAL, OPERATION AND MAINTENANCE, AIR FORCE RESERVE	1,488,553	16,000	1,504,553
	OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD			
	BUDGET ACTIVITY 1: OPERATING FORCES			
	MISSION OPERATIONS	2,055,571	89,000	2,144,571
10	TRAINING OPERATIONS	1,736,633		1,786,633
	OPTEMPO		50,000	
20	RECRUITING AND RETENTION	20,214		20,214

**TITLE III -- OPERATION AND MAINTENANCE**  
(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
30	MEDICAL SUPPORT	18,514		18,514
40	DEPOT MAINTENANCE	36,099	10,000	46,099
50	BASE SUPPORT	196,070		196,070
55	MAINTENANCE OF REAL PROPERTY	48,041	29,000	77,041
	TOTAL, BUDGET ACTIVITY 1:	2,055,571	89,000	2,144,571
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES			
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES	152,906	0	152,906
60	INFORMATION MANAGEMENT	42,461		42,461
70	PUBLIC AFFAIRS	1,463		1,463
80	PERSONNEL ADMINISTRATION	60,730		60,730
90	STAFF MANAGEMENT	48,252		48,252
	TOTAL, BUDGET ACTIVITY 4:	152,906	0	152,906
	TOTAL, OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD	2,208,477	89,000	2,297,477
	OPERATION AND MAINTENANCE, AIR NATIONAL GUARD			
	BUDGET ACTIVITY 1: OPERATING FORCES			
	AIR OPERATIONS	2,646,533	33,400	2,679,933
10	AIRCRAFT OPERATIONS	1,935,403		1,950,803
	ANG PAA STRUCTURE		15,400	
20	MISSION SUPPORT OPERATIONS	325,996		325,996
30	BASE SUPPORT	285,396		285,396

**TITLE III -- OPERATION AND MAINTENANCE**  
(Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
35	MAINTENANCE OF REAL PROPERTY	80,255	18,000	98,255
40	DEPOT MAINTENANCE	19,483		19,483
	TOTAL, BUDGET ACTIVITY 1:	2,646,533	33,400	2,679,933
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES			
	SERVICEWIDE ACTIVITIES			
50	ADMINISTRATION	7,940	0	7,940
60	RECRUITING AND ADVERTISING	3,076		3,076
	TOTAL, BUDGET ACTIVITY 4:	4,864		4,864
	UNDISTRIBUTED	7,940	0	7,940
	CLASSIFIED PROGRAM		600	600
	TOTAL, UNDISTRICTED:		600	600
	TOTAL, OPERATION AND MAINTENANCE, AIR NAT. GUARD	2,654,473	34,000	2,688,473
	MISCELLANEOUS			
10	OFFICE OF THE INSPECTOR GENERAL	136,501		136,501
10	UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES	6,797		6,797
10	DoD SUPPORT TO INTERNATIONAL ATHLETIC EVENTS	0		0
10	ENVIRONMENTAL RESTORATION, DEFENSE	0	1,333,016	1,333,016
10	ENVIRONMENTAL RESTORATION, ARMY	356,916	(356,916)	0

**TITLE III -- OPERATION AND MAINTENANCE**  
 (Dollars in Thousands)

ID	PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
10	ENVIRONMENTAL RESTORATION, NAVY	302,900	(302,900)	0
10	ENVIRONMENTAL RESTORATION, AIR FORCE	414,700	(414,700)	0
10	ENVIRONMENTAL RESTORATION, DEFENSE-WIDE	258,500	(258,500)	0
10	OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AFFAIRS	80,544	(20,000)	60,544
10	DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES	642,724	40,000	682,724
10	PAYMENT TO KAHO'OLAWA ISLAND	10,000		10,000
10	DEFENSE HEALTH PROGRAM	9,358,288	473,000	9,831,288
10	FORMER SOVIET UNION THREAT REDUCTION	327,900	(25,000)	302,900
	<b>TOTAL OPERATION AND MAINTENANCE</b>	<b>88,859,679</b>	<b>1,869,150</b>	<b>90,728,829</b>

## ITEMS OF SPECIAL INTEREST

## INTELLIGENCE PROGRAMS

## Defense Mapping Agency (DMA)

The budget request included \$698.9 million for continued operations of the DMA. Of this amount approximately \$30 million was designated for funding a future National Aeronautics and Space Agency (NASA) Space Shuttle (STS) to conduct earth imaging operations for mapping purposes.

The committee supports this STS mission effort, but is not aware of a firm availability of a shuttle flight to carry the mapping payload. Therefore, the committee fences \$30 million of DMA operations and maintenance funding until DMA has a firm commitment and date for the STS mapping mission from NASA.

Additionally, the Defense Science Board (DSB) recently provided some study recommendations for improving DMA business practices and operations. Specifically, the DSB recommended DMA production processes be reengineered to move away from making maps and toward maintaining multi-source digital geospatial information data bases—this includes incorporating commercial products. While the committee recognizes that DMA cannot terminate its paper map products in the short-term, it does recognize the fact that the DSB stressed that DMA needs to move in this direction. Therefore, the committee directs DMA to provide the Congressional defense and intelligence committees with a detailed evaluation of the DSB report, and a plan for implementing those DSB recommendations it considers appropriate. An interim report of this plan should be provided to the Congressional defense and intelligence committees prior to the fiscal year 1997 defense authorization conference, with a final report provided no later than April 1, 1997.

Finally, the committee notes the budget request for DMA did not include funding for the lease of the DMA Reston Center which had, prior to fiscal year 1997, been included in the National Reconnaissance Program (NRP).

The statement of managers accompanying the conference report on S. 1124 (H. Rept 104-450), directed that costs for this facility should not be maintained in the NRP, and directed that these funds be moved from the NRP into the Joint Military Intelligence Program (JMIP) DMA accounts. Therefore, the committee recommends this program be increased by \$27.1 million from funds transferred from the NRP.

## Over The Horizon Backscatter (OTH-B) Radar System

The budget request included \$5.693 million for continued “warm storage” maintenance of the two OTH-B radars. These radars are being maintained as part of NORAD’s “reconstitution assets.”

The committee understands that it will require at least 24 months to bring these first generation OTH-B radars out of caretaker status and into an operational status—if such a decision were made. The committee also understands that major upgrades, costing millions of dollars, will be necessary to bring out-dated technology up to modern standards.

When considered with the totality of terrestrial and space based warning systems, the committee is not convinced the projected threat, or the technical capabilities of these older systems, warrants continued caretaker maintenance. The committee does, however, understand the potentially high costs to the U.S. Government of closing these systems down and returning the lands to the individual states.

Therefore, the committee directs the Secretary of Defense to conduct a study that determines the viability of retaining or terminating these radars. This study should include fully identified costs for all recommendations. The Secretary is to provide an interim report on the results of this study before the fiscal year 1997 defense authorization conference, with a completed report no later than April 1, 1997.

#### Pacer Coin

The budget request included \$8 million for operations of the PACER COIN special missions C-130.

In the statement of managers accompanying the conference report on S. 1124 (H. Rept 104-450), the conferees directed the Department of Defense to determine if PACER COIN could be configured to perform multiple missions including the PACER COIN, SENIOR SCOUT and airdrop missions. This direction was based on the condition that a PACER COIN-only mission would not be supported by the House.

Preliminary indications are that such modifications are not only possible, but cost effective and would provide a viable and unique multi-role aircraft. However, the President's request included no funds for such modifications, and this committee has received no indication from the National Guard Bureau that this was an effort they wished to pursue. Therefore, the committee denies the PACER COIN funding request.

#### Senior Scout

The budget request included \$1.3 million for operations of the SENIOR SCOUT intelligence support system.

The committee recognizes the capability provided by the SENIOR SCOUT system, and also recognizes that this system could be effectively used to backfill systems such as the RC-135 and EP-3 that are being pressed into crisis and contingency areas. The committee therefore recommends an additional \$600,000 be provided for the National Guard CINC's "initiative fund" to pay for C-130 transport flying hours to carry the SENIOR SCOUT package.

#### MORALE, WELFARE AND RECREATION ISSUES

Appropriated Fund Support For Morale, Welfare And Recreation Programs.

The military services' morale, welfare and recreation (MWR) programs are a vital part of the overall quality of life offered our servicemen and women. These programs are also fundamental to force readiness.

In reviewing the MWR program for the coming fiscal year, the committee received testimony from the military services' MWR

managers and noted a disparity in the degree of appropriated fund support afforded these programs by each of the services, particularly in the area of Category A, mission sustaining, and Category B, community support programs. While MWR programs are funded through a combination of appropriated and nonappropriated funds, the committee understands that it is Department of Defense (DOD) policy guidance to use appropriated funds for 100 percent of Category A requirements and 65 percent for Category B requirements. While the committee notes that the services all increased appropriated fund (APF) support in the budget request over the fiscal year 1996 level, only the Air Force comes close to meeting the DOD goals, funding 98.6 percent of Category A and 57.3 percent of Category B.

Shortfalls in APF support for MWR programs authorized to use APF requires the use of nonappropriated funds (NAF) to meet requirements. It is the committee's view that the use of NAF resources—soldier, sailor, airmen and Marine money—to subsidize APF activities should be minimized, and encourages the services to meet the DOD policy goals. To address these quality of life shortfalls, the committee recommends an increase of \$60 million for the military services to help offset APF shortfalls in the budget request for Category A and B MWR programs. These funds may only be used for those programs for which appropriated fund support is authorized, and are not to be used to replace already budgeted funds thereby releasing those funds for other purposes. The committee recommends that these additional funds be used, in part, to address shortfalls in the areas of fitness centers, libraries, child development and other service priorities and directs the military service secretaries to report to the Senate Committee on Armed Services and House Committee on National Security no later than March 31, 1997 on how these additional funds have been allocated. The committee further directs the Secretary of Defense to report annually to the Senate Committee on Armed Services and the House Committee on National Security, no later than when the budget is submitted to the Congress, describing how each military service is progressing with maximizing APF support to Category A and B programs.

On a related matter, the Defense Science Board's Task Force on Quality of Life, in its October 1995 report, recommended reinstatement of appropriated fund reimbursement of non appropriated fund services performed in support of activities authorized to receive APF support, such as staffing for fitness and day care centers. This recommendation was viewed as a means to maximize quality of life services. This practice was terminated in the National Defense Authorization Act for Fiscal Year 1989 (Public Law 100-456) based on concerns about improper reimbursements and fund accountability and a lack of definitive, uniform guidance by the Secretary of Defense to the military services.

The committee is sensitive to the challenges that exist in managing MWR programs in a budget constrained environment and wants to provide the necessary tools to facilitate the delivery of these critical programs. Therefore, the committee directs the Secretary of Defense to report to the Senate Committee on Armed Services and the House Committee on National Security no later



than June 15, 1996, on a policy for how the Department of Defense would implement reinstatement of appropriated fund reimbursement, including the circumstances under which such a practice would be appropriate and the necessary procedures to ensure adequate oversight, control and accountability of appropriated funds.

#### Defense Commissary Agency/Performance Based Organization

The committee notes the nomination of the Defense Commissary Agency (DeCA) to be a Performance Based Organization (PBO) as part of the Vice President's National Performance Review government-wide reinvention program. The committee understands that PBO's are designed to generate efficiencies through the removal of restrictive regulations and statutes and the facilitation of best business practices.

The committee has long recognized the imperative to generate efficiencies in the delivery of the commissary, exchange, and morale, welfare and recreation (MWR) benefits. Streamlining operations, improving business practices, gaining efficiencies, and reducing the need for taxpayer support are goals which the committee not only strongly supports, but has acted upon to provide the tools to accomplish. The committee believes that if there are options for delivering these benefits that require less appropriated fund support, then they should be identified, investigated, validated and implemented. The PBO model for DeCA may be such an option.

As important as the imperative is to generate efficiencies in the delivery of these benefits, a more important imperative is the protection of these benefits for our servicepeople and their families. As the Department of Defense continues to pursue the DeCA/PBO concept, the committee expects to be a full partner in the decision-making and implementation process. As such, the committee directs the Secretary of Defense to report to the Senate Committee on Armed Services and the House Committee on National Security on any action to implement any aspect of the DeCA/PBO concept prior to its implementation.

#### Distribution Of Distilled Spirits

Section 333 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) required the computation of the full cost to the military exchanges for the distribution of distilled spirits, including the costs associated with management, logistics, administration, depreciation and utilities. The purpose of this provision was to ensure that distilled spirits are distributed in the most economical manner. The committee is interested in the extent to which this requirement has resulted in a change in distribution methods. Therefore, the committee directs the Secretary of Defense to report by December 31, 1996, on the extent to which distilled spirits sold on military installations are distributed through the exchange distribution system or through private distributors, and any costs savings which have resulted from this requirement. Additionally, the committee directs the Secretary of Defense, in the same report, to discuss the advantages and disadvantages of requiring purchases and delivery of distilled spirits, for resale on a military

installation located in the United States, to be made from a source within the state in which the military installation is located.

#### OTHER ISSUES

##### Abrams Integrated Management XXI

The committee notes with interest that the Army has adopted a comprehensive strategy for M1A1 tank fleet sustainment. To address the possibility of latent deficiencies in M1A1 tanks that are not detected during readiness inspections, but, due to the age of these tanks, could affect their operational capabilities during a conflict, the Abrams Integrated Management XXI (AIM XXI) proof of principle test program was begun in fiscal year 1996. This program would bring 17 M1A1 tanks to a public depot which, in a partnership with the private sector, would completely rebuild and update them with the latest modifications. The Army intends to place these re-built tanks at the National Training Center along with other tanks that have not received any depot level maintenance for a test and evaluation period of approximately nine months. On the basis of this test, the Army would decide whether to continue with this program.

The committee commends the Army for providing the funding in the fiscal year 1996 operation and maintenance account to begin this innovative and potentially cost effective initiative. If the proof of principle tests are successful, the committee expects the Army to provide adequate funding in fiscal year 1998 and beyond to continue the AIM XXI program.

##### Ammunition Management Program

The budget request funds the Army's Ammunition Management Program at only 74 percent of the requirement, down from the 96 percent of the requirement funded in fiscal year 1996. The impact of this funding shortfall, if not addressed, will be increased backlogs of inspections and maintenance which will degrade the confidence of ammunition stockpile managers in the readiness of the war reserve stockpile. This situation will also preclude efforts to improve the efficient management of the ammunition stockpile. Therefore, to address this shortfall the committee recommends an increase of \$50 million.

##### Army After Next

The committee is concerned about long-term direction of the Army's future modernization and innovation efforts. While it is generally supportive of the Army's "Force XXI" program, the committee notes that the process of fielding the Force XXI Army is a long and laborious one. Current Army plans will not result in the fielding of any substantial units—even for the Army's "Force Package One" rapid-response units—under the current Force XXI program until the year 2012, just at the point when major systems will be in danger of block obsolescence. Moving "Force Package Two"—the rest of the active-duty Army—to the Force XXI design would not occur until 2023.

These projections conflict with the Army's estimates on the emergence of potential "peer competitor" threats capable of challenging the position of the United States as global leader. Thus, around the year 2010, the Army foresees the possibility of a fundamental shift in the nature of land combat, yet its modernization program allows only for the partial fielding of Force XXI initiatives throughout the service.

Therefore, the committee directs the Army that, of the amounts authorized for Operations and Maintenance, Army, Force-Related Training/Special Activities under Budget Authority 1, \$5 million be made available to conduct an analysis for "The Army After Next." This will allow Army Training and Doctrine Command to investigate the possibilities of more radical change, both in strategic and operational requirements for land combat, than envisioned under Force XXI. The committee considers the small amount of funding required to conduct wargame analysis of potential concepts a wise investment to ensure that the Army's modernization program is fully responsive to future threats.

#### Base Closure Transition

The committee supports a study to determine the need for a pilot project to evaluate the personnel implications of transitioning Department of Defense employees at facilities directed to be privatized by the 1995 Base Realignment and Closure Commission. These installations include the Naval Surface Warfare Center, Louisville, Kentucky and the Naval Air Warfare Center, Indianapolis, Indiana. The Base Realignment and Closure Commission recommended that highly skilled employees be retained to facilitate the successful transition of these facilities to commercial enterprise. The committee believes that a pilot project may be useful in addressing personnel issues involved with the privatization of highly specialized military facilities.

#### Base Operations Support Costs

The committee is aware that, subsequent to the closure of the Philadelphia Naval Shipyard and Naval Station, the Navy has not adequately budgeted for the base operations support (BOS) costs of the remaining tenant commands at the Philadelphia Naval Base. The committee is concerned that the Navy has failed to identify adequate financial resources to properly fund the BOS costs at the Philadelphia Naval Base and urges the Navy to act expeditiously to resolve these BOS shortfalls and to ensure adequate funds are available in the future to support common base services.

#### Concept Development Center

The committee is concerned about the manner in which the Department of Defense, specifically the Office of the Secretary of Defense, will manage and evaluate the process of innovation tied to new technologies, operational concepts and military organizations, especially those innovations linked to information processing and "information warfare." The committee has learned that initial, experimental efforts conducted by the services are being judged by traditional measures of effectiveness. The committee is concerned

that these measures may not be appropriate for evaluating what may be a fundamental shift in the paradigm of warfare.

Therefore, the committee directs that the Department make available \$10 million of the amounts authorized for Operations and Maintenance, Defense Wide, for Washington Headquarters Services in Budget Authority 4, to establish a "Concept Development Center" (CDC) under the Office of Net Assessment. Like the RAND Corporation of the early 1950s, the CDC would facilitate the intellectual breakthroughs in operational concepts, military systems and organizations needed for future warfare. Such an office is a necessary bureaucratic device both to foster innovation and to contest established bureaucratic mechanisms which will seek to tailor revolutionary ideas to meet current paradigms of strategy, analysis, testing and evaluation. The CDC staff also would be charged with assessing the impact of innovation on Pentagon restructuring, service roles and missions, alliance relationships, defense structures and budgeting processes, and will report to the Secretary of Defense.

#### Contractor Operated Civil Engineering Supply Stores

The Contractor Operated Civil Engineering Supply Stores (COCESS) program was initiated in 1970 to improve the efficiency and effectiveness of material management, and relieve the military from maintaining large inventories of parts and supplies needed for repair and maintenance of facilities. The COCESS contractors maintain centralized stores located on military installations to provide off-the-shelf parts and supplies, similar to the commercial equivalent of a hardware store, needed for the day-to-day operations and maintenance of real property primarily on Air Force installations. The committee is concerned that after many years of successful and less costly operation of these stores by commercial contractors, the Air Force intends to return these stores to government operation without competition. The committee understands the existing contracts for these stores have been competitively awarded through the OMB Circular A-76 process with the commercial contractor consistently providing this service at a savings to the government of 10 percent or higher. At a time when there is great emphasis on outsourcing functions that are not inherently a governmental function, the committee questions the wisdom of returning these stores to government operation. Further, given the apparent and proven cost savings of this program, the committee questions the failure of the Air Force to initiate a COCESS or other similar cost savings programs at all of its U.S. installations, and also questions the failure of the other military departments to consider COCESS or other cost reduction programs.

Therefore, the committee directs the Secretary of the Air Force to provide a report to the Senate Committee on Armed Services and the House Committee on National Security not later than January 30, 1997, that details the current and future plans, to include economic analyses, for the operation of civil engineering supply stores on Air Force installations. Further, the committee directs the Secretary of the Air Force to not change the current operation of these stores, or to permit any alternative procurement methods in violation or circumvention of the tenets of any COCESS contrac-

tual agreement. In addition, the committee directs the Secretary of the Army and the Secretary of the Navy to consider the application of the COCESS program as a means to further reduce the cost of essentially non-governmental functions.

#### Department Of Defense Milk Plants

Since the end of World War II, the Department of Defense (DOD) has operated government-owned, contractor operated milk plants in Okinawa, Japan, mainland Japan, and Korea. Operation of these milk plants was deemed necessary because fresh milk and other dairy products, being highly perishable, could not be economically shipped from the United States without spoiling, and local dairy sources did not meet U.S. health standards. Recent technological advances have led to the development of extended-shelf-life milk, with a shelf-life of more than 60 days. This development provided the DOD with a viable alternative to operating the Pacific milk plants.

The Air Force, which is responsible for managing the Okinawa milk plant, decided to close the plant when the current contract expired. The Air Force decision was based on the availability of the extended-life fresh milk from the United States and was viewed as a quality of life issue. The DOD Inspector General (IG) conducted an audit and validated the Air Force decision. On March 31, 1996, the milk plant on Okinawa closed.

The committee is concerned that U.S. military personnel and their families serving in Korea and mainland Japan receive equal consideration with respect to their quality of life as it relates to access to fresh milk. The committee understands that the DOD IG is currently reviewing the requirement to operate the remaining DOD milk plant operations in Korea and Japan. Given the ability to provide U.S. produced fresh milk in an economical manner to U.S. forces on Okinawa, the committee questions the need for the remaining milk plants. Therefore, the Secretary of Defense is directed to report to the Senate Committee on Armed Services and the House Committee on National Security, no later than December 31, 1996, on the requirement for further operation of milk plants in Korea and Japan and plans to provide military personnel and their families the same quality of life considerations with respect to access to fresh milk and dairy products being afforded to U.S. personnel in Okinawa.

#### Depot-Level Maintenance And Repair

While the committee supports privatization of some depot maintenance and repair activities, it does not support the wholesale privatization of those functions. Current law (sections 2466 and 2469 of Title 10, United States Code) requires that not more than 40 percent of all funds provided to a military department for depot-level maintenance and repair may be expended in the private sector, and that prior to the movement of any workload valued at \$3 million or more presently being accomplished by a public depot, competitive procedures must be used.

After significant debate, Congress laid the groundwork for the repeal of these provisions with the enactment of section 311 of the

National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106), pending the Department of Defense (DOD) providing Congress with a new depot maintenance policy. The primary objective of this provision was to provide the DOD with increased flexibility to manage its depot-level maintenance and repair requirements while ensuring the readiness of military forces.

The requirements of section 311 included a comprehensive policy on depot maintenance activities which met certain criteria. These included a clear definition of the core workload that must be performed in public depots, providing for sufficient public depot workload to ensure cost-efficiency and technical proficiency, providing for competition for above core workloads between public and private entities to achieve cost savings, and providing for the maintenance and repair for new weapons systems defined as core in public facilities. The committee is disappointed that the DOD failed to address these and other issues. Additionally, the committee regrets that the DOD failed to provide the Congress with information regarding the detailed methodology used to determine core requirements and specific weapons systems and equipment which support mobilization, contingency and emergency scenarios under the National Military Strategy, and failed to provide mandated data on workload as measured by direct labor hours. The committee believes that the DOD response to section 311 appears to have been developed without proper consideration of future readiness implications.

Further, DOD has assumed cost savings will be achieved by privatization and outsourcing of depot-level maintenance, but has offered no concrete data to support that assertion. The only data provided to Congress on this matter shows that costs savings are achieved when there is competition between the public and private sector. In fact, in those competitions, more than 50 percent were won by the public sector. Yet, the DOD policy does not provide for such competitions. The committee believes that competition rather than direct privatization may achieve the greatest degree of potential savings.

Accordingly, the committee will consider changes to existing limitations when the DOD provides Congress with an acceptable policy for the future accomplishment of depot-level repair and maintenance.—

#### Electron Scrubber Technology

The Department of Defense (DOD) has developed electron scrubbing technology, which may be used to eliminate or reduce pollutants causing acid rain, air toxins, and volatile organic compounds from off gas generated by incinerators, including those employed in the chemical demilitarization process. This technology may also be a cost effective treatment for waste water, such as red/pink water found in trinitrotoluene (TNT) manufacturing, storage and disposal facilities. The technology involves combining electron beam flue gas scrubbing treatment with high average electron beam technology. Developmentally, electron scrubbing technology has met its technical milestones and is now ready for prototyping and demonstrations at major DOD maintenance and operations facilities, most of which face significant air and water pollution problems as a result

of military operations. The committee directs the Department to spend up to \$10 million for the purpose of demonstrating the validity of electron scrubbing technology and its utility for large scale application at military installations. The committee expects that any contracts awarded pursuant to this direction would be made on a fully competitive basis.

#### General Purpose Tents

During the initial deployment of forces to Bosnia in support of Operation Joint Endeavor, U.S. troops experienced a leaking problem with the general purpose tents being used. The apparent cause of the leakage was a design flaw that incorporated seam construction intended for cotton fabric, rather than for polyester, which has been in use since 1990 and does not have the same self-sealing properties that cotton has when exposed to moisture. The approximately 3,000 tents deployed to Bosnia were field-repaired with heat-sealed tape and enhanced with weather resistant fly covers. However, there are approximately 20,000 of these general purpose tents in the Department of Defense inventory which require a permanent fix to avoid the problems experienced by U.S. forces in Bosnia.

When deployed to the field, tents become a fundamental quality of life issue for our forces. The committee understands that the Defense Logistics Agency (DLA) is reviewing several options for addressing this leakage problem. The committee urges DLA to utilize the method that best achieves the repair of these tents in the most economical and effective manner and recommends an increase of \$5 million for this purpose.

#### Integrated Computer Framework

The committee is concerned that the Department of Defense may not be taking advantage of currently available computer software technology that could be useful in coordinating its environmental activities. Therefore, the committee directs the Department to spend up to \$5 million for the acquisition and installation of a computer software framework for defense environmental activities that has the capability to integrate, analyze and communicate cleanup cost, risk and other related information to site managers, regulatory agency personnel, the public and others involved in the cleanup decision making process. The committee expects that any contract for such a system would be awarded on a competitive basis.

#### Manganese Dust Exposure Levels

The committee is aware of the Department of Defense's (DOD) initiative to utilize commercial specifications and standards whenever possible. The committee is also aware of the American Conference of Governmental Industrial Hygienist's recommendation to lower the Permissible Exposure Level (PEL) for all forms of airborne manganese dust and fumes. Manganese is a key alloying ingredient in nearly all grades of steel and stainless steel as well as most grades of aluminum and magnesium, and as such, is used in

aircraft, ship and vehicle construction, as well as providing power systems for computers and communications equipment.

The committee is concerned that a significant lowering of the manganese dust standard may have a serious impact on DOD in the area of cost, material availability, flexibility, and productivity. Therefore, the committee urges the Secretary of Defense to consult with the Occupational Safety and Health Administration (OSHA) as it proceeds with its rulemaking process to reduce the current PEL for manganese. The Department should make efforts to avoid costly mandates where they may not be necessary. In addition, the committee recommends that the DOD provide OSHA with any existing manganese studies to include current worker exposure and protective measures currently employed, and to begin discussions with industry representatives to ascertain how industry can be helpful in determining the cost of compliance should a lower PEL be adopted by OSHA.

#### Military Traffic Management Command's Reengineering Personnel Property Initiative Pilot Program

The statement of managers accompanying the conference report on the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106), directed the Secretary of Defense to initiate a pilot program to reengineer household goods moves. Congress, the Department of Defense and the household goods moving industry recognized the requirement to take action to reform the current system in order to improve the quality of service to military personnel and their families, and, therefore, their quality of life. The conferees further directed the Secretary of Defense to report on the pilot program and to include comments from industry prior to implementation of any aspect of the pilot program.

After reviewing the required report on this matter, the committee is concerned that the Military Traffic Management Command's (MTMC) Reengineering Personnel Property Initiative Pilot Program does not satisfactorily address concerns raised by the small moving companies which comprise much of this industry. The committee understands the Department's desire to proceed with its pilot program, and remains committed to the reengineering effort. However, the committee also believes that the concerns of small businesses need to be addressed.

Therefore, the committee directs the Secretary of Defense to establish a working group of military and industry representatives from all facets of the industry to develop an alternative pilot program. The working group shall be chaired by the MTMC commander, and shall include those Department of Defense representatives he deems necessary, not to exceed six in number. Industry shall be represented by no more than six people, including one each from the American Movers Conference and the Household Goods Forwarders Association of America. The working group shall submit the alternative program, along with the current pilot program proposed by MTMC, to the General Accounting Office (GAO) by June 15, 1996 for review. The committee directs the GAO to report to the Congressional defense committees by July 15, 1996 the results of its review. The Department of Defense may not proceed



with the formal solicitation for, or implementation of, any pilot program prior to August 1, 1996.

The committee further directs that the working group established by the Secretary of Defense review the execution of the pilot program as it proceeds and recommend solutions to problems that might emerge. The committee directs GAO to monitor implementation of the pilot program, and any recommendations or alternative approaches identified by the working group, industry or others, and analyze its effectiveness in improving service to military personnel and its impact on components of the industry providing moving services to military personnel. The committee directs GAO to report to the Congressional defense committees the results of its analysis as soon as feasible.

#### Mobility Infrastructure Enhancement

The committee recommends authorization of \$100 million to improve deployment and mobility of military forces and supplies through investment in en-route infrastructure, including ammunition loading areas, cargo staging areas, pier and port facilities, railheads, aerial port facilities, fuel systems repairs, runway, taxiway, ramp repairs, and automated information systems and automatic identification technology equipment, such as radio frequency tags and bar codes, to improve intransit visibility. The funding is authorized in the operation and maintenance defense-wide accounts for high priority projects with the potential for multiple mobility improvements. The committee directs the Secretary of Defense to report on the expenditure of these funds to the Congressional defense committees prior to the allocation of these funds, and should seek the views of the Commander in Chief, U.S. Transportation Command, in determining how these funds should be applied.

#### OPERATIONAL SUPPORT AIRCRAFT

The committee is concerned that the Department of Defense (DOD) is prematurely rushing to implement a reduction of operational support aircraft (OSA) as recommended by the Commission on Roles and Missions (CORM) and reviewed by the Joint Chiefs of Staff. The committee continues to support the overall reduction in OSA aircraft and the need to establish OSA needs based on war time requirements. However, the Army appears to be making significant program cancellations and re-alignments of its aircraft without a clear understanding of the impact caused by these actions. The committee is concerned that insufficient attention has been given to current missions that are cost effective and provide significant flexibility. It also appears to the committee that the Army is retiring, replacing, or cannibalizing OSA aircraft that have just completed significant and expensive upgrades and modernization and replacing them with less capable aircraft in need of modernization.

To insure there is no premature and costly loss of government assets and capabilities due to the changes currently under consideration by the DOD, the committee directs the Secretary of Defense to provide to the Congressional defense committees, a detailed plan for the reduction and re-distribution of all OSA aircraft to include

a cost analysis and rationale for each action to be taken. Further, the committee directs the Secretary of the Army to make no changes in the Army OSA program, in existence on March 31, 1996, until the submission of the report by the Secretary of Defense.

Real Property Maintenance

The committee is disappointed in the President's request for real property maintenance (RPM). As the backlog of maintenance and repair of facilities has grown to nearly \$13 billion, the budget request for RPM continues to decrease. The RPM budget request for each military service is lower than that requested for fiscal year 1996 and ignores the priority Congress placed on RPM in adding \$700 million in additional funding last year. The committee views this situation as a serious quality of life issue which demands increased resources to reduce the backlog of maintenance and repair of facilities that are critical to force readiness and the safety of military and civilian personnel.

The budget request contained \$4.6 billion for RPM. The committee recommends an increase of \$1.0 billion, for a total of \$5.6 billion. The committee further recommends that the increase be distributed as follows:

[In millions of dollars]

Army .....	320.0
Navy .....	200.0
Marine Corps .....	180.0
Air Force .....	200.0
Army Reserve .....	20.0
Navy Reserve .....	15.0
Marine Corps Reserve .....	2.0
Air Force Reserve .....	16.0
Army National Guard .....	29.0
Air National Guard .....	18.0
<hr/>	
Total Increase .....	1,000.0

The committee directs the military services to apply the recommended increase in funding for RPM to required repair and maintenance of barracks and dormitories, critical health and safety deficiencies, and mission critical operational deficiencies.

Reserve Readiness

Reserve forces are increasingly and successfully being used to augment active duty units experiencing high operational tempo. These forces also provide critical support capabilities needed for mission accomplishment. The importance of these forces, however, is not reflected in the budget request where funding for training falls short. For example, the budget request funds Army Reserve and Army National Guard ground OPTEMPO at 61 percent and 63 percent respectively, compared to 92 percent and 80 percent respectively, in fiscal year 1996. Therefore, to alleviate these shortfalls, the committee recommends an increase of \$40 million for the Army Reserve and \$50 million for the Army National Guard.

### Standard Missile Maintenance

The committee is concerned that the Navy has not requested sufficient funds for Standard missile intermediate level maintenance to meet peacetime operational requirements. Additionally, the committee understands that the Navy is considering abandoning its current practice of maintaining a facility on each coast and consolidating all Standard missile maintenance activities at a single site. In order to ensure that the Navy has a sufficient number of Standard missiles available for deploying ships in peacetime and that adequate capacity is maintained on both coasts to support surge requirements in time of war or mobilization, the committee directs that \$8.5 million of the additional funds provided for weapons maintenance shall only be available for Standard missile intermediate level maintenance processing to be performed at both facilities.

### Total Asset Visibility Program

The committee recommends an increase of \$5.0 million in Operations and Maintenance, Army for the development of joint applications of commercial standards and practices to service logistics systems and improve the tracking of personnel, materiel, and other shipments. The committee notes the progress made in the Army's Total Asset Visibility Program and believes this initiative should be extended throughout the Department of Defense. Commercial firms such as Federal Express have pioneered the electronic tracking of parcels both to improve service and cut cost. The committee believes that adoption of similar practices and technologies throughout the Department of Defense can lead to personnel and logistics efficiency, reduced costs, and greater operational effectiveness.

### Unobligated Balances

The committee notes that the level of unobligated balances from prior year operations and maintenance appropriations continues to increase, totaling \$2.2 billion for all three military departments, as of September 30, 1995. The committee believes that most of the unobligated funds emanate from liquidation of prior years' contracts for which the amount initially obligated was in excess of requirements. For this reason, the committee recommends a reduction in operations and maintenance funding of \$50.0 million for the Army, \$ 37.5 million for the Navy, and \$37.5 million for the Air Force, to be applied to the services' contracts and services budget request. The committee expects that this reduction will result in the services focusing more attention on the estimating of their contract and services needs so that their budget requests more accurately reflect requirements.

## LEGISLATIVE PROVISIONS

## SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

## Section 301—Operation and Maintenance Funding

This section would authorize \$90.7 billion in operation and maintenance funding for the Armed Forces and other activities and agencies of the Department of Defense.

## Section 302—Working Capital Funds

This section would authorize \$947.9 million for the Defense Business Operations Fund (for DeCA) and \$1.1 billion for the National Defense Sealift Fund.

## Section 303—Armed Forces Retirement Home

This section would authorize \$57.3 million from the Armed Forces Retirement Home Trust Fund for the operation of the Armed Forces Retirement Home, including the U.S. Soldiers' and Airmen's Home and the Naval Home.

## Section 304—Transfer From National Defense Stockpile Transaction Fund

This section would authorize the Secretary of Defense to transfer not more than \$250 million from the amounts received from sales in the National Defense Stockpile Transaction Fund to the operation and maintenance accounts of the military services.

## SUBTITLE B—DEPOT-LEVEL ACTIVITIES

## Section 311—Extension of Authority for Aviation Depots and Naval Shipyards to Engage in Defense-Related Production and Services

This section would extend through fiscal year 1997 the authority provided by section 1425 of the National Defense Authorization Act for 1991 (Public 101-510) for naval shipyards and aviation depots of all the services to bid on defense-related production and services.

## Section 312—Exclusion of Large Maintenance and Repair Projects From Percentage Limitation on Contracting for Depot-Level Maintenance

This section would exclude from the restrictions contained in section 2466 title 10, United States Code, a single maintenance or repair project that represents five percent or more of the total amounts made available to a military service for depot-level maintenance and repair. When there is a large single maintenance project, such as the complex overhaul of a nuclear aircraft carrier, the size of the project alone can cause an unintended imbalance in the mix of workload between the public and private sector. Under current law, not more than 40 percent of the total funds allocated to a military service for depot-level repair and maintenance may be expended for work in the private sector. The committee is concerned that a large single project should not cause inadvertent disruptions in the mandated percentages.

## SUBTITLE C—ENVIRONMENTAL PROVISIONS

## Section 321—Repeal of Report on Contractor Reimbursement Costs

This section would repeal subsection (c) of section 2706 of title 10, United States Code. That section requires an annual report to Congress on the environmental restoration activities of the Department of Defense. Subsection (c) requires the submission of a report detailing payments made by the Secretary of Defense to contractors for the costs of environmental response actions. Compiling the data has proved unduly burdensome and costly for both contractors and the Department of Defense. Moreover, the data provided has not proved particularly useful in assessing the Department's management of its contracting process or the extent to which contractors may be seeking exorbitant or inappropriate reimbursement for response action costs.

## Section 322—Payments of Stipulated Penalties Assessed Under CERCLA

This section would authorize the payment from the Defense Environmental Restoration Account (DERA) of stipulated civil penalties assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (Public Law 96-510) at five military installations—Fort Riley, Kansas (\$34,000), the Massachusetts Military Reservations (\$55,000), F.E. Warren Air Force Base, Wyoming (\$10,000), the Naval Education and Training Center, Newport, Rhode Island (\$30,000), and the Lake City Army Ammunition Plant, Missouri (\$37,500). This section would also allow the Department of Defense (DOD) to complete environmental restoration projects in lieu of stipulated penalties at the Massachusetts Military Reservation. Civil penalties are assessed upon a failure to achieve cleanup milestones that have been established in agreements between DOD, the state, and the Environmental Protection Agency. Pursuant to these agreements, separate legislation authorizing the payment of such penalties is required.

## Section 323—Conservation and Readiness Program

This section would permit the Secretary of Defense to establish and execute a "Conservation and Readiness Program" in order to address natural resources and cultural issues affecting military installations or operations on a regional or national scale. With the disestablishment of the Legacy Resource Management Program, each military service inherited the responsibility to manage the natural and cultural resources under its jurisdiction. However, many such conservation-related activities cut across services lines and have Department of Defense-wide significance or are necessary to support joint military requirements. For example, assessing bird migratory patterns so that operational flights may avoid high bird volume transit areas at certain times of the year enhances the safety of flight operations for all the services, and it would not make sense for each service to perform its own separate study of such migratory patterns. Section 323 would allow the Department of Defense to conduct regionally significant, multi-component, operation-

ally or legally compelled natural and cultural activities in a coordinated and uniform and efficient fashion.

#### Section 324—Navy Compliance With Shipboard Solid Waste Control Requirements

The MARPOL Convention (an international treaty) requires countries who are parties to that agreement to adopt measures requiring their warships to comply with certain garbage discharge restrictions to the extent reasonable and practical. However, in the United States, the Act to Prevent Pollution from Ships (Public Law 96-478) requires Navy surface ships to comply with MARPOL special area (the Baltic Sea, the North Sea, and the Antarctic Ocean) discharge requirements by the end of 2000. These special area discharge requirements prohibit all but food waste discharges from surface vessels. The Navy is required to submit to Congress a plan for achieving compliance with this law by the end of 1996.

Analysis shows that cost of achieving full compliance with MARPOL and U.S. standards creates significant problems of expense, weight and space aboard ships. For example, the fleet-wide cost of installing incinerators would approach \$1.2 billion. Installing compactors would cost approximately \$1.1 billion and could hinder naval operations because of the need to rely on garbage collection ships. The Navy has identified the use of pulpers and shredders as the preferred alternative for special area shipboard solid waste management. This approach has the advantages of affordability (\$300 million fleet-wide) and the preservation of operational capability. In addition, this approach is consistent with American obligations under international law.

Section 324 would amend the Act to Prevent Pollution from Ships to authorize discharges resulting from the use of pulpers and shredders, consistent with the MARPOL Convention. Pulpers and shredders would be used by U.S. naval vessels in non-special areas, as well as special areas, rather than discharge unprocessed trash. All plastics and hazardous garbage materials would be returned to shore.

#### Section 325—Authority to Develop and Implement Land Use Plans for Defense Environmental Restoration Program

This section would permit the Secretary of Defense to conduct a limited pilot program to develop and implement, as a part of the Defense Environmental Restoration Program, a land use plan for up to ten defense sites where the Secretary is planning or implementing environmental restoration activities. In developing these plans, the Secretary would be required to consult with technical review committees, restoration advisory boards, local land use redevelopment authorities or other appropriate agencies knowledgeable about the site and land use planning. The committee expects that reaching agreement with local authorities about the anticipated future land use associated with contaminated sites once they are remediated should result in cleanup activities that are appropriate to that future land use and more expeditious transfer of the property upon completion of the remediation. This section would require the

submission of a report to Congress on the success of this program by December 31, 1998.

Section 326—Pilot Program to Test Alternative Technologies for Limiting Air Emissions During Shipyard Blasting and Coating Operations

The committee is aware of the development of a new technology that would allow the control of pollutant by-products of abrasive blasting and coating of Navy ships during periodic overhaul work. This section would direct the Secretary of the Navy to establish a pilot program to test this alternative technology, which is designed to capture, destroy or remove particulate emissions and volatile air pollutants that occur during abrasive blasting and coating operations at naval shipyards. The Secretary would be required to test the validity of this technology, assess its cost effectiveness and the extent to which its use would facilitate compliance with environmental laws and regulations, and report back to Congress with a recommendation about whether the technology can or should be implemented at naval shipyards on a large scale.

Section 327—Navy Program to Monitor Ecological Effects of Organotin

The Organotin Antifouling Paint Control Act of 1988 (OAPCA) (Public Law 100-333) was enacted by Congress to protect marine life by reducing the quantities of organotin, a highly toxic ingredient in antifouling paints used on Navy and other vessels, entering the waters of the United States. Despite the fact that the Act imposed a March 30, 1989 deadline on the Environmental Protection Agency (EPA) for the certification of organotin release rates and water quality criteria, such criteria have yet to be established. As a result, states and the military are left without uniform national guidance about water quality standards for organotin.

OAPCA also directed the EPA to implement a 10 year organotin monitoring program and to submit to Congress annual reports on that program. Only one report has ever been submitted. The committee is concerned with the lack of progress in meeting the requirements of the law.

This section would require the Secretary of the Navy, in consultation with the EPA, to develop and implement a program to monitor the concentrations of organotin in the water column, sediments, and aquatic organisms of representative estuaries and near-coastal waters of the United States, as described in OAPCA. The program would be designed to produce high quality data to enable the EPA to develop water quality criteria concerning organotin compounds. In addition, the Secretary of the Navy would be required to submit to Congress, no later than June 1, 1997, a report explaining the monitoring program and describing the results of the analysis performed pursuant to that program.

SUBTITLE D—CIVILIAN EMPLOYEES AND NONAPPROPRIATED FUND  
INSTRUMENTALITIES

Section 331—Repeal of Prohibition on Payment of Lodging  
Expenses When Adequate Government Quarters Are Available

This section would provide Department of Defense civilian personnel with the flexibility to make more efficient lodging decisions based on overall mission requirements by considering overall travel costs. Under current law, the DOD is prohibited from paying lodging expenses to a civilian employee who does not use adequate available government quarters while on temporary duty. The committee believes that this prohibition can actually increase DOD costs because consideration is only given to lodging costs rather than overall travel costs. There are instances when temporary duty requirements involve business on and off-base. In those instances, the cost-effective business decision, when other factors such as rental car costs are considered, may be to use commercial lodging accommodations. Additionally, in those instances where there is a mix of military and civilian personnel and group integrity is deemed important, the use of commercial lodging accommodations may be required. The provision would repeal the current restrictions and allow civilian personnel to make cost efficient decisions when on official travel.

Section 332—Voluntary Separation Incentive Pay Modification

This section would allow civilian employees who have previously received separation or incentive pay to leave federal employment to volunteer for government service without the loss of their separation or incentive pay. Under the Federal Workforce Restructuring Act (Public Law 103-226), civilian employees who receive separation or incentive pay must return these payments if they return to government employment within five years after separation. There are instances, however, where employees are asked to return to government service, on a voluntary basis, to serve as advisors or as participants on special boards or councils. These employees serve without compensation (salary) but do receive reimbursement for travel expenses and for per diem. The provision would allow such appointments and provide for the waiver of the repayment of incentive pay previously received.

Section 333—Wage-Board Compensatory Time Off

This section would provide federal managers of wage-board employees the same flexibility to use compensatory time off afforded federal managers of general schedule employees. Under current law, federal employees who are paid wages determined by prevailing rates in a particular geographical area are prohibited from receiving compensatory time off in lieu of overtime pay. Such compensatory time off has been a cost effective method for compensating federal employees paid under the general schedule. The committee believes that the provision would assist in meeting work demands while reducing costs and increasing the morale and safety of employees.



#### Section 334—Simplification of Rules Relating to the Observance of Certain Holidays

This section would allow the head of an agency within the Department of Defense to change the federal day off from Monday to an alternate day for those employees who would normally have Monday off under a compressed work schedule. Under compressed work schedules, some federal employees have Monday or Friday as a normal day off. When a federal holiday falls on a Monday, those employees who would normally have the Monday off are required to take the previous Friday off resulting in a manpower shortage on Fridays. The Department of Defense has reported that the current statutory requirements governing the observance of holidays that fall on nonworkdays of employees on compressed work schedules has seriously disrupted the operation of depots and other industrially-funded organizations. With this change, the Secretary of Defense would be able to promulgate regulations or policies to deal with such problems in all or any individual components of the Department. Other agency heads would have similar authority, but those who have experienced no problems with the status quo would not be required to alter existing procedures.

#### Section 335—Phased Retirement

This section would authorize the Department of Defense to establish a pilot program to encourage some civilians to retire in stages by changing current annuity offset rules. Under current law, financial penalties are imposed on federal civilians who wish to mix retirement with part-time federal employment. This section would allow an employee to continue to receive his or her full annuity while working 20 to 30 hours per week. The re-employed annuitant would also receive a salary without offset until reaching a maximum total income, salary plus annuity, equal to what the annuitant would have made before full-time without retiring. The pilot program would allow the period of phased retirement to be limited to no more than two years, would be limited to 50 participants at any one time, and would terminate on September 30, 2001.

#### Section 336—Modification of Authority for Civilian Employees of Department of Defense To Participate Voluntarily in Reduction in Force

This section would allow employees who are not affected by a reduction-in-force (RIF) action to volunteer to be separated in place of other employees who are scheduled for RIF separation. The provision is designed to determine whether providing employees with the opportunity to volunteer to be part of a RIF action would be an effective downsizing tool. Section 1034 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) provided this authority for a period of one year. The provision would extend this authority through September 30, 2001.

SUBTITLE E—COMMISSARIES AND NONAPPROPRIATED FUND  
INSTRUMENTALITIES

Section 341—Contracts With Other Agencies and Instrumentalities  
for Goods and Services

This section would provide authority for exchanges and morale, welfare and recreation systems (MWR) to enter into contracts or other agreements with another department, agency or instrumentality of the Department of Defense or another federal agency to provide goods and services beneficial to the efficient management and operation of exchange and MWR systems. Greater efficiencies in the operation of the military exchanges and other morale, welfare and recreation activities are required. These activities engage in commercial activities that can be more efficiently conducted if contracts and agreements are permitted among all the activities and with other federal agencies. Current law allows contracts with other agencies and instrumentalities for the benefit of the commissary system. This section would remove impediments to methods for gaining efficiencies in the exchange and MWR systems.

Section 342—Noncompetitive Procurement of Brand-Name  
Commercial Items for Resale in Commissary Stores

Brand-name, commercial items are excepted from competition in contracting requirements when their procurement is for resale in the commissary system. This section would clarify that, in order to receive the exception, the commercial item has to be regularly sold outside the commissary store under the same brand-name as it would be sold in the commissary store.

Section 343—Prohibition of Sale or Rental of Sexually Explicit  
Material

This section would prohibit the sale or rental of sexually explicit written or videotaped material on property under the jurisdiction of the Department of Defense to include commissaries, all facilities operated by the Army and Air Force Exchange Service, the Navy Exchange Service Command, the Navy Resale and Services Support Office, Marine Corps exchanges, and ship stores.

SUBTITLE F—PERFORMANCE OF FUNCTIONS BY PRIVATE-SECTOR  
SOURCES

Section 351—Extension of Requirement for Competitive  
Procurement of Printing and Duplication Services

Section 351 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) directed the Defense Printing Service (DPS) to competitively procure from private sector sources at least 70 percent of its printing and duplication work. The late enactment of Public Law 104–106 precluded full implementation of section 351. The section would extend section 351 for one additional year and would require a report on DPS compliance.

### Section 352—Requirement Regarding Use of Private Shipyards for Complex Naval Ship Repair Contracts

This section would require the Secretary of the Navy to award complex ship repairs and overhauls only to qualified shipyard contractors. This section would not apply to repairs and overhauls performed on the Pacific Coast of the United States. Currently, the Navy has a policy for the complex repair and overhaul of ships based on a Master Ship Repair Agreement (MSRA) system whereby private sector shipyards wanting to compete for these repairs are inspected and certified by the Navy as being qualified to accomplish the intended ship repairs. This pre-qualification of ship repair contractors has saved the Navy the expense of having to qualify private contractors each time it needs repairs or overhauls for its ships. The committee is supportive of this program as it has incentivised many private shipyards to make the necessary investments in infrastructure and facilities, such as dry-docks, additional pier space to accommodate large ships, and crew support facilities. The committee believes these upgraded shipyards will ensure a ready access to capable and qualified repair facilities during times of emergency.

The committee is concerned that the Navy will soon revise its requirements for MSRA shipyards, allowing private shipyards who do not have the extensive facilities and capabilities to compete for complex overhauls. The committee believes that legislatively establishing the current Navy policy for the establishment of MSRA requirements will provide stability to the Navy ship repair and overhaul program.

### SUBTITLE G—OTHER MATTERS

### Section 360—Termination of Defense Business Operations Fund and Preparation of Plan Regarding Improved Operation of Working-Capital Funds

This section would terminate the operations of the Defense Business Operations Fund (DBOF) effective October 1, 1998. It also would require the Secretary of Defense to submit to the Congress a plan to improve the management and performance of the industrial, commercial, and support activities currently managed by the DBOF not later than September 30, 1997.

The committee takes this strong action in order to focus the attention of the Department of Defense (DOD) upon serious problems created for operational commanders and government owned DBOF service providers by the current system. While the committee is fully supportive of the concept of providing full visibility of the total costs of industrial and support services, some consistent level of activity by service providers must be maintained in order to provide stability to both providers and customers. The committee strongly urges DOD to develop a plan which replaces the DBOF with a successor activity to provide such stability while protecting unique capabilities critical during war or mobilization.

### Section 361—Increase in Capital Asset Threshold Under Defense Business Operations Fund

This section would raise the capital asset threshold in a Defense Business Operations Fund (DBOF) activity from \$50,000 to \$100,000. Currently, there is a difference in the capital asset threshold between DBOF funded activities and operation and maintenance funded activities. Historically, these thresholds have been standardized in order to simplify training and management requirements. The Department of Defense Appropriations Act for Fiscal Year 1996 (Public Law 104-61) established the capital asset threshold, the maximum unit cost of an item that can be purchased using operation and maintenance appropriations, at \$100,000. The higher threshold reflects the impact of inflation upon equipment and software purchases. The provision would standardizes the capital asset threshold for DBOF and operations and maintenance activities at \$100,000.

### Section 362—Transfer of Excess Personal Property To Support Law Enforcement Activities

This section would provide permanent authority for the Department of Defense (DOD) to provide excess personal property to state level law enforcement agencies. This property includes vehicles, helicopters, weapons, ammunition and other property that is needed by law enforcement agencies. Section 1208 of the National Defense Authorization Act for fiscal year 1990 and 1991, (Public Law 101-189) established a one year program to provide excess personal property to law enforcement agencies for use in drug enforcement activities. This provision was extended until September 30, 1997 by section 1005 of the National Defense Authorization Act for Fiscal Year 1991, (Public Law 101-510).

The committee believes that this program has been successful and notes that the overall program responsibility was recently moved from the DOD Drug Policy Office to the Defense Logistics Agency (DLA). The committee is pleased to note that several programmatic changes have been made by DLA that appear to strengthen the overall program. As this programs appears to be beneficial to many law enforcement agencies, the committee recommends that the program be made permanent and that it be expanded to include all law enforcement activities with a priority for drug enforcement activities.

### Section 363—Storage of Motor Vehicles in Lieu of Transportation—

This section would provide storage, at government expense, of privately-owned vehicles for service members when there are restrictions on the normal shipment of these vehicles, and would also provide storage of vehicles for service members who are deployed between 30 and 180 consecutive days. When a service member is transferred to an overseas location and is authorized to ship his privately-owned vehicle to that location, there are times when the location the service member is being transferred to prohibits the entry of the particular vehicle, or requires extensive modifications be made to the vehicle. In these cases, the government does not pay for the storage of the service members vehicle if he elects not

to ship or modify the vehicle. Additionally, when a service member is deployed for an extended period of time, usually more than one month and less than six months, there currently are no provisions for the storage of privately-owned vehicles. The committee is aware that frequently, especially for single service members, privately-owned vehicles have been vandalized and/or stolen while they are on these extended deployments.

#### Section 364—Control of Transportation Systems in Time of War

This section would shift the responsibility for all systems of transportation during the time of war from the Secretaries of the Army and the Air Force to the Secretary of Defense. Current law provides that during times of war, the Army and the Air Force assume control independently of transportation systems for its service members, munitions, and equipment, exclusive of the other services. For efficiency purposes, the Department of Defense has established the United States Transportation Command (USTRANSCOM) as the single manager for transportation. The committee believes that the provision is in keeping with the single manager for transportation concept.

#### Section 365—Security Protection at Department of Defense Facilities in National Capital Region

This section would permit the Defense Protection Service (DPS) to provide emergency protection and security services to sensitive defense activities in the National Capital Region (NCR). Currently, the DPS provides security services for the Pentagon. If emergency protection and security services are required at any of the other sensitive defense activities in the NCR, the Department of Defense is required to meet these needs on a case-by-case, patchwork basis by a variety of legal methods. One of these methods is obtaining special deputation of DPS officers by the US Marshal Service. Another is by requesting delegation of authority for specific functions from the Administrator of General Services. Each time these services are required, substantial administrative expenses and process are involved. The committee is concerned that the present situation is not conducive to emergency responses and urgently required security requests by NCR defense activities. The provision is revenue neutral and would improve responsiveness in providing emergency security assistance in the NCR.

#### Section 366—Modifications to Armed Forces Retirement Home Act of 1991

This section would amend the Armed Forces Retirement Home Act of 1991 (Public Law 101-510) to update the terms of office for members of the armed forces or federal civilians who are appointed as members of the Retirement Home Board, authorize the disposal of real property, and establish annual evaluation procedures for the directors of the individual retirement homes.

Section 367—Assistance to Local Educational Agencies That Benefit Dependents of Members of the Armed Forces and Department of Defense Civilian Employees

This section recommends the authorization of \$58 million for educational assistance to local education agencies where the standard for the minimum level of education within the state could not be maintained because of the large number of military connected students or the effects of base realignments and closures.

The Department of Education impact aid program provides supplementary funds to school districts nationwide to support the education of over 540,000 military dependents. The quality of the education within the school districts that receive impact aid is directly dependent on the payments from the program. The committee notes that the level of impact aid benefits has been eroded by inflation and that school districts impacted by military connected students receive only 40 percent of the impact aid that would be paid if the program were fully funded.

The committee supports the recent effort by the Secretary of Defense to seek greater support for the impact aid program by the Department of Education. The committee believes that the ultimate responsibility for providing support for the education of the nation's children rests with the Department of Education. The committee recognizes there are unique problems within the military impact aid program and this section would address those concerns. However, the committee does not support an increased level of support for the program beyond that already addressed in this section.

Section 368—Retention of Civilian Employee Positions at Military Training Bases Transferred to National Guard

This section would require the Secretary of Defense to retain civilian employee positions at installations being transferred to the National Guard during fiscal year 1997 to provide transitional support to active and reserve component training missions on the installations. The maximum number of employees retained at each installation would not exceed 20 percent of the federal civilian workforce employed at the installation as of September 8, 1995. The requirement to maintain a civilian employee position would terminate upon departure or retirement of the employee filling the retained position, or upon certification by the Secretary of Defense that the position is no longer required to support a training mission on the installation.

Section 369—Expansion of Authority To Donate Unusable Food

This section would expand the list of eligible recipients for donations of unusable food items from the Department of Defense to include state and local governments, many of whom operate their own shelters and food kitchens to assist local efforts to feed homeless citizens. The section would also allow the Defense Logistics Agency (DLA) to participate in this program. Currently, section 2485 of title 10, United States Code, does not include state and local governments among the entities eligible to receive donations of unusable and surplus food items such as meals-ready-to-eat (MREs), and only allows the individual military departments to do-

nate unusable food. This section would allow DLA to donate MREs and other excess food items from various Defense agencies to cities and states who, in turn, could distribute them to homeless individuals and families.

#### MILITARY PERSONNEL OVERVIEW

The committee believes that the military personnel budget submitted by the President reflects the growing stress of attempting to fund a military strategy to fight and win two Major Regional Contingencies (MRCs) without the commitment to provide the funding necessary to implement it. As a result, the Administration's budget request shortchanges the military personnel accounts and denies, delays or diminishes manpower, compensation, and quality of life initiatives known by the administration to be so critical to promoting and protecting the quality force needed for a smaller military to win decisively on the battlefield. The overall effect of an underfunded defense budget is a repeated inability by the Administration's military and civilian leaders to keep the promises they have made.

The most glaring example of this can be found in the statements of numerous Administration witnesses before the committee. While touting that the nine-year military personnel drawdown was nearly over, these witnesses also acknowledged that the President's budgets for 1998 and 1999 were likely to require Army manpower reductions of at least 20,000, and Air Force reductions of at least 6,000 below the end-strength floors required by law and recommended by the Administration's Bottom Up Review (BUR).

Other trends also illustrate the committee's concern regarding the inadequacy of the overall military personnel budget request. For example, while the committee is gratified that the President, for the first time, is requesting a military pay raise that keeps pace with inflation, the committee is disappointed that the proposed pay raise appears to be funded at the expense of one of the Administration's most visible and enlightened 1996 quality of life initiatives: The much touted Secretary of Defense commitment to a six-year effort to reduce out-of-pocket housing expenses by at least one per cent annually. Unfortunately for the 70 percent of military members and their families who reside off base in local communities and depend on their basic allowance for quarters to at least keep pace with housing cost increases, the fiscal year 1997 defense budget request largely reneges on that commitment.

Similarly, despite a vocal commitment to improving quality of life, the Department remains unable due to lack of funds to relieve the out-of-pocket expenses incurred by service members who are reimbursed for only two of the three dollars they expend during permanent change of station (PCS) moves.

An inadequate fiscal year 1997 budget request also undercuts the Department's oft-stated commitment to quality health care. The internal Department struggle to find modernization funding resulted in nearly a \$500 million shortfall in the Defense Health Program. Such a shortfall, if left unchanged, would guarantee that most space-available care for military retirees at military treatment facilities would disappear.

In contrast to public claims by the Department that the fiscal year 1997 budget preserves readiness, the Army personnel budget, for example, is underfunded for the second year in a row by more than \$100 million. To find internal savings to make up the difference, the Army, as it did in 1996, proposes to delay non-commissioned officer (NCO ) promotions causing readiness levels in Army divisions to drop. Also, the Army would increase the rate of officer separations and delay promotions, thereby exacerbating a 30% officer shortage that Congress identified last year. In addition, the Army would also delay paying 1996 Congressional initiatives in housing and special pays for recruiters.

Another indicator of the Administration's inadequately funded personnel accounts is the absence of initiatives to address long-standing major problems confronting personnel managers within the Pentagon. For example, even as the United States increases the use of the reserve components to augment and supplement the active forces in a range of operations, the level of full-time manning in the reserve components remains insufficient to provide adequately for reserve readiness.

The committee fears that the "robbing peter to pay paul" budget philosophy pursued by the Administration will ultimately destroy the morale of service members and their families, lead to a hemorrhage of quality career members and a decline in the quality of recruits. In the end, without Congressional action to intercede, the committee is concerned that the Administration unwillingness to adequately fund military personnel needs will ultimately undermine readiness by setting the military on the same course to a hollow force as was experienced in the late 1970s.

The committee has acted to reverse the major shortfalls in the Administration's fiscal year 1997 military personnel budget request. Among the committee initiatives are:

- (1) A 4.6% increase in the Basic Allowance for Quarters in lieu of the 3% increase sought in the President's budget, and the establishment of a floor on variable housing allowance payments to protect the adequacy of housing for junior enlisted families in high cost areas.
- (2) Restrictions on end-strength reductions below the floors set in 1996.
- (3) A package of enhanced reimbursements for permanent change of station moves that reduce out of pocket expenses.
- (4) Restoration of the nearly \$500 million shortfall in the Defense Health Fund.

Details of these and other initiatives are contained in the report that follows related to the military personnel titles of the bill.



## TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

### ITEMS OF SPECIAL INTEREST

#### Air National Guard Fighter Aircraft

The committee directs the Secretary of the Air Force to increase the Air National Guard personnel end strength authorizations (576 part-time personnel, 249 active guard/reserves, 343 military technicians) above the budget request and recommends an increase of \$9 million to the personnel authorization to provide Air National Guard fighter squadrons with 15 primary authorized aircraft (PAA) per squadron vice the requested 12.

#### Army Military Personnel Account Shortfall for Fiscal Year 1997

To help rectify a nearly \$500 million shortfall, the Congress approved an \$130 million addition to the Army military personnel accounts in the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106). Much to its dismay, the committee again finds itself confronted with serious underfunding in the Army. Despite efforts to find internal savings and efficiencies, the Army's fiscal year 1997 military personnel budget request is approximately \$190 million short of required levels. As a result, the Army declined to fund a range of quality of life and recruiting initiatives authorized by Congress last year, and has opted for reduced readiness in a number of active duty divisions because of an inability to promote sufficient non-commissioned officers. Moreover, the Army chose to accelerate officer reductions and slow the pace of promotions, thereby exacerbating officer manning shortages that the committee identified during fiscal year 1996 as being as high as 30 percent across the Army.

In order to minimize the readiness impact of continued Army military personnel account shortfalls, and to provide the Army the ability to fund key quality of life and recruiting initiatives, the committee directs the Secretary of the Army to increase the Army military personnel account and recommends an increase of \$148 million over the President's budget request.

#### Army Reserve Full Time Manning Increase

In recognition of the expanded role of the Army Reserve in the early-deploying contingency forces and the chronically low levels of full time support within the Army Reserve, the committee directs the Secretary of the Army to increase the number of Active Guard and Reserve (AGR) by 254 personnel and recommends an increase of \$8 million above the President's request for reserves on active duty to support the reserves. With this increase, the committee believes that the Army Reserve will better be able to support increased operations tempo and readiness requirements.

#### Navy Maritime Patrol Aircraft

The committee directs the Secretary of the Navy to increase the number of Navy P3C maritime patrol aircraft squadrons by two (1

active, 1 reserve) above the 12 active and 8 reserve squadrons requested in the President's budget. As a consequence, the committee directs the following increases: Navy active personnel accounts (End Strength: 418 personnel, and \$7 million); Naval Reserve personnel accounts (End Strength: 97 Training and Administration of the Reserves (TAR) personnel, 266 part-time personnel, and \$3 million).

#### Reserve Component Individual Training Funds

One of the overriding lessons learned from the experience of reserve components during Operation Desert Storm was the fundamental requirement that individuals be properly trained in their particular military occupations, and that non-commissioned officers (NCO) receive the required professional development. Reserve component individual training remains significantly underfunded in the President's budget request. Therefore, the committee directs the Secretary of the Army to increase funding by \$31 million over the President's budget request for national guard personnel account to fund schools and special training for military occupational skill training, new equipment training for the Multiple Launch Rocket System and Bradley Fighting Vehicle training, as well as NCO professional development. In addition, the committee directs the Secretary of the Army to increase funding within the Army Reserve personnel account to provide troop program unit professional development training, as well as individual skills training, by \$30 million.

### LEGISLATIVE PROVISIONS

#### SUBTITLE A—ACTIVE FORCES

##### Section 401—End Strengths for Active Forces

This section would authorize end strengths for active forces as indicated in the table below:

**FY 97 END STRENGTH - ACTIVE FORCES**

Service	Fiscal Year 1996 Program	Fiscal year 1997		Change from Fiscal Year	
		Request	Recommendation	1997 request	1996 program
Army	495,000	495,000	495,000	0	0
Navy	424,500	406,900	407,318	418	17,182
Marine Corps	174,000	174,000	174,000	0	0
Air Force	388,200	381,100	381,100	0	7,100
<b>Total</b>	<b>1,481,700</b>	<b>1,457,000</b>	<b>1,457,418</b>	<b>418</b>	<b>(24,282)</b>

##### Section 402—Permanent End Strength Levels to Support Two Major Regional Contingencies

The committee was disturbed to learn that the Secretary of Defense is now planning end strength levels for active forces in fiscal year 1998 and beyond that are well below the floors mandated by

Congress in the fiscal year 1996 Defense Authorization Act (Public Law 104–106). In mandating these floors at the end strengths developed as a result of the Administration's Bottom Up Review (BUR), Congress sought to ensure that the military manpower levels remained at the absolute minimums necessary to implement national military strategy. In addition, Congress sought to retain sufficient manpower so that the military services could more adequately manage the negative effects of high operations and personnel tempos. Finally, the Congress sought to ratify the message that the Administration and the military services had repeatedly conveyed to service members and their families: The nine-year drawdown that had eliminated more than 600,000 active duty personnel was over. Without that ratification, Congress believed that a continuing, open-ended free-fall of active end strength would exacerbate tensions and uncertainties within the force and lead to serious negative consequences for recruiting and retention.

For these reasons, the committee finds it difficult to understand why the Secretary of Defense has consented to allow the Air Force, beginning in fiscal year 1998, to drop 6,000 below the mandated BUR end strength level. Equally mystifying to the committee is the Secretary of Defense's plan to underfund the Army manpower accounts by nearly \$300 million in fiscal year 1998 and \$230 million in fiscal year 1999. Such underfunding would require the Army to reduce end strength by at least 20,000, unless the Army can find internal savings and efficiencies to buy back the manpower. The committee finds such a strategy as unrealistic because it would require, by Congressional Budget Office estimates, the Army to find savings in excess of \$770 million over two years. Therefore, in an effort to provide Congress a full opportunity to examine the rationale for any end strength reductions below the BUR levels, this section would require that annual defense budget requests submitted to Congress must provide at least enough funding to maintain the minimum active end strengths prescribed in the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106). In addition, no funds appropriated to the Department of Defense could be used to implement a reduction in the mandated end strengths unless specifically authorized by law.

Section 403—Authorized Strengths for Commissioned Officers on Active Duty in Grades of Major, Lieutenant Colonel, and Colonel and Navy Grades of Lieutenant Commander, Commander, and Captain

The President's budget request included a provision that would modify section 523 of title 10, United States Code to raise the grade ceilings of active duty Army, Air Force, and Marine Corps majors and lieutenant colonels and active duty Navy lieutenant commanders, commanders, and captains relative to the total number of commissioned officers on active duty. The committee recognizes that there has been an increase in requirements for officers in grades O–4, O–5, and O–6 since the tables were implemented in 1980. Further, the committee notes that the increase in officer requirements, when coupled with the force reductions since 1990, has limited the ability of services to comply with statutory requirements for promotion timing and opportunity rates.

Sections 402 and 403 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337) authorized the Army and the Marine Corps, respectively, to temporarily vary from end strength limitations for majors and lieutenant colonels. Similarly, section 402 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) authorized the Navy and the Air Force to vary from end strength limitations for lieutenant commanders, commanders, and captains, in the case of the Navy, and majors and lieutenant colonels, in the case of the Air Force.

This section would permanently raise the grade ceilings of active duty Army, Air Force, and Marine Corps majors and lieutenant colonels and active duty Navy lieutenant commanders, commanders, and captains relative to the total number of commissioned officers on active duty, as requested by the President.

#### SUBTITLE B—RESERVE FORCES

##### Section 411—End Strengths for Selected Reserve

This section would authorize selected reserve end strengths as indicated in the table below:

**FY 97 END STRENGTH - SELECTED RESERVE**

Service	Fiscal Year 1996 Program	Fiscal Year 1997		Change from Fiscal year	
		Request	Recommendation	1997 request	1996 program
ARNG	373,000	366,758	366,758	0	(6,242)
USAR	230,000	214,925	215,179	254	(14,821)
USNR	98,894	95,941	96,304	363	(2,590)
USMCR	42,274	42,000	42,000	0	(274)
ANG	112,707	108,018	108,843	825	(3,864)
USAFR	73,969	73,281	73,281	0	(688)
Coast Guard	8,000	8,000	8,000	0	0
<b>Total</b>	<b>938,844</b>	<b>908,923</b>	<b>910,365</b>	<b>1,442</b>	<b>(28,479)</b>

##### Section 412—End Strengths for Reserves on Active Duty in Support of the Reserves

This section would authorize the end strengths of reserves on active duty in support of the reserves as indicated in the table below. These end strengths are included within the total end strengths authorized for the selected reserve above.

## FY 97 END STRENGTH - RESERVES ON ACTIVE DUTY IN SUPPORT OF RESERVES

Service	Fiscal Year 1996 Program	Fiscal Year 1997		Change from Fiscal Year	
		Request	Recommendation	1997 request	1996 program
ARNG	23,390	22,798	22,798	0	(592)
USAR	11,540	11,475	11,729	254	189
USNR	17,551	16,506	16,603	97	(948)
USMCR	2,559	2,559	2,559	0	0
ANG	10,066	10,129	10,378	249	312
USAFR	628	625	625	0	(3)
<b>Total</b>	<b>65,734</b>	<b>64,092</b>	<b>64,692</b>	<b>600</b>	<b>(1,042)</b>

## Section 413—End Strengths for Military Technicians

This section would authorize military technician end strength as indicated in the table below:

## FY 97 END STRENGTH - MILITARY TECHNICIANS

Service	Fiscal Year 1996 Program	Fiscal Year 1997		Change from Fiscal Year	
		Request	Recommendation	97 Request	96 Program
ARNG	25,550	25,500	25,500	0	(50)
USAR	6,630	6,799	6,799	0	169
ANG	22,906	22,881	23,224	343	318
USAFR	9,802	9,704	9,802	98	0
<b>Total</b>	<b>64,888</b>	<b>64,884</b>	<b>65,325</b>	<b>441</b>	<b>437</b>

The committee notes that the above authorizations include both dual-status and single-status technicians. As redefined in section 1214 of this act, only those federal civilian employees hired under title 5 or 32, United States Code, who are required to maintain a dual status as drilling reserve component members as a condition of their federal employment shall henceforward be considered military technicians for the purpose of annual authorizations. Thus, this section would also require the Secretary of Defense to provide in subsequent annual budget requests military technician end strengths that delineate the numbers of both single- and dual-status technicians. Subsequent military technician authorizations and floors shall only be based on the number of dual status technicians.

## SUBTITLE C—AUTHORIZATION OF APPROPRIATIONS

## Section 421—Authorization of Appropriations for Military Personnel

This section would authorize \$70,206 million to be appropriated for military personnel, an increase of \$423.2 million from the budget request.

## TITLE V—MILITARY PERSONNEL POLICY

### ITEMS OF SPECIAL INTEREST

#### Collection of Comparison Data on Gender-Neutral Training

The National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) required the Secretary of Defense to ensure that entrance into any military occupational career open to both men and women be evaluated on the basis of common, relevant performance standards without different standards or evaluation on the basis of gender. Congressional concern focused then, and continues to focus, on the question of whether standards are being reduced in order to move women into roles that traditionally have been closed to them.

In response to growing Congressional concerns about maintaining adequate performance standards to ensure the safe and effective accomplishment of demanding combat or combat-related missions only recently opened to women, the committee requested the Comptroller General of the United States to assist in determining how the increasing role of women is being managed by each of the services. Unfortunately, efforts to evaluate the services' use of gender-neutral performance standards and the effectiveness of coed basic training have been hindered by the Department of Defense and each of the services' substantial lack of comparison data. The dearth of information is so significant it almost implies an intention to dissuade comparison of the performance of integrated units with those of non-integrated units.

In response to the concerns raised by the services' apparent lack of efforts to collect effective data to support their contentions that training standards have not been compromised, the committee directs Secretary of Defense to establish uniform requirements for collecting and evaluating data on the performance of recently integrated units, coed basic training and aviation training. To facilitate comparison between integrated and non-integrated units, the information collected shall include performance data on non-integrated training and operational units.

#### Guidance to Commanders on Unexplained Absences of Personnel

The committee is concerned that unit commanders are not routinely seeking the assistance of professional criminal investigators when evaluating the circumstances surrounding unexplained absences of service members under their command. Particularly in cases in which reliable individuals with exemplary service records disappear without explanation, common sense would seem to dictate that commanders should do more than handle the case administratively as though it were a routine unauthorized absence. The committee's investigation suggests that unit commanders who fail

to involve criminal investigators at the beginning of cases in which the circumstances surrounding an unexplained disappearance are suspicious run the risk of losing important investigative leads and of not discovering or preventing criminal activity that could result in harm to their subordinates. The committee notes that existing regulatory guidance for commanders does not even mention the option of enlisting professional investigative help for cases of this nature.

The committee directs the Secretary of Defense to review the regulations of the Department of Defense and the military departments applicable to this problem. The committee further directs that the Secretary require, as necessary, amendments to those regulations urging commanders to seek the assistance of professional criminal investigators when the commander's preliminary investigation suggests that a service member's absence is inconsistent with the member's prior record or behavior, or when the commander does not develop sufficient information upon which to make an informed judgment about the nature of the absence. Additionally, the committee directs the secretaries of the military departments to modify the curricula of unit commander training programs to ensure that commanders and those selected to become commanders understand the importance of seeking professional investigative assistance in appropriate cases.

#### Increased Funding for Off-Duty Education

The committee, responding to letters from both the Chief of Staff of the Air Force and the Commandant of the Marine Corps which identified service funding needs, recommends the addition of \$4.5 million in off-duty education funds for the U.S. Marine Corps, and \$9.5 million in tuition assistance for the U.S. Air Force.

#### Increased Funding for Recruiting

For the last several years, the committee has taken a range of action, including substantial increases over the requested amounts for recruiting advertising funds, to improve the ability of the military services to recruit quality people in sufficient numbers. The committee attributes the ability of the services to meet recruiting goals in a very difficult market in no small part to increased advertising that has helped to mitigate the public perception that the military was no longer hiring. Nevertheless, the committee believes a targeted effort is required to address areas of concern conveyed to the committee by the services. Therefore, the committee directs the Secretary of the Army and the Secretary of the Navy to increase funding for recruiting and advertising above the amount requested in the President's budget by \$11 million for the U.S. Army Reserve and by \$4.7 million for the U.S. Marine Corps, respectively.

#### Minority Representation in Special Operations Forces

The committee is aware that there may be a significant underrepresentation of minorities in certain areas of the special operations forces of the Department of Defense. The committee desires to understand better the reasons for and implications of any under-

representation. Therefore, the committee directs the Secretary of Defense to assess the racial representation, both officer and enlisted, in the special operations forces of each of the military departments. In addition, if the Secretary determines that a significant racial imbalance exists, the committee directs the Secretary to report the reasons for the imbalance to the Congress, together with a plan to correct the imbalance.

#### New Parent Support Program

The National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) added \$25.6 million to fund the New Parent Support Program (NPSP). The statement of managers accompanying the conference report (H. Rept. 104–450) on the act explained that the conferees took this action because they “consider the . . . NPSP critical to the readiness and retention of quality people.” The statement of managers also stated that, “if the Department or a service attempt to reduce, divert, or reprogram the . . . NPSP funding for some other purpose, the conferees would consider such an action to be in direct contravention of congressional intent.” Despite this unequivocal guidance, the committee understands that the Secretary of Defense reduced NPSP funding as part of internal Department reprogramming efforts. Moreover, the fiscal year 1997 budget request contained no funding for the NPSP.

Both these actions show contempt for Congressional intent, and help to highlight the inability of the Department leadership, in the face of inadequate defense budgets, to fulfill promises to protect the quality of life of service members and their families. To correct the funding shortfall, the committee authorizes an increase of \$20 million for NPSP, and directs that it be allocated as follows: Army, \$7.8 million; Navy, \$5.5 million; Marine Corps, \$2.9 million; Air Force, \$3.8 million. In addition, the committee unequivocally restates its previous position that the NPSP funds shall not be diverted, reduced or reprogrammed and strongly urges the Department not to allow another violation of Congressional intent.

#### Personnel Tempo

The committee is concerned that marked increases in the time key units are spending away from home on deployments—commonly called PERSTEMPO—is undermining morale and readiness. In testimony before the committee, General Dennis J. Reimer, Chief of Staff, United States Army, stated “Excessive time away from home is often cited by quality professionals as the reason for their decision to leave the military. . . .” Yet, recent reports by the General Accounting Office (GAO) and the Defense Science Board Task Force on Quality of Life found that Department of Defense (DOD) systems are not adequate to measure PERSTEMPO’s full scope and impact, and DOD does not have a clear policy to provide the guidance needed for its long term management.

For example, unit officials and combatant commanders in chief told GAO that while many personnel were coping with the divorces, missed birthdays and holidays, and other hardships, some may have reached their saturation point. Any further increases in PERSTEMPO could create significant retention, substance abuse,



and family problems. In addition, DOD officials acknowledged that many commanders believed that turning down deployments would reflect negatively on their units and/or their own careers, and others may have been competing for deployments to underscore the value of their units during the current drawdown. However, these concerns generally did not manifest themselves in the statistics GAO reviewed. Many of the statistics DOD compiles are not useful for analyzing the impact of PERSTEMPO on high-deploying units because they are not collected consistently across the services or are compiled only at major command levels. Similarly, while DOD has taken a number of actions to study and mitigate the impact of high PERSTEMPO, it has not directed the services to have goals or policies to limit PERSTEMPO, and the services—with the exception of the Navy—have no clear regulations on this issue. There is also no DOD-wide definition of a deployment, and credit for deployments is granted inconsistently across the services.

These reports provided a variety of recommendations. For example, the Defense Science Board recommended that DOD issue a single, simple formula for counting deployed time: one day away equals one day away. GAO recommended that DOD develop the data needed to improve its research on the effects of PERSTEMPO, and issue regulations to guide service management of PERSTEMPO, including whether each service should have goals or policies stipulating the maximum amount of time units and/or personnel may be deployed. DOD's position on many of these issues is not clear to the committee. Accordingly, the committee directs the Secretary of Defense to report to the Senate Committee on Armed Services and the House Committee on National Security on the policies DOD plans to establish to better monitor and manage high PERSTEMPO, no later than December 31, 1996.

#### Reduction in Permanent Change of Station Moves

The committee is encouraged that each of services has conducted in-depth analyses of their respective permanent change of station (PCS) programs and launched independent initiatives to reduce the number of PCS moves. The committee believes that a reduction in PCS moves will not only reduce military personnel costs, but will also enhance morale by increasing stability in the force that would be much welcome to service members and their families. The committee was most impressed with the Navy's program to encourage sailors to homestead at locations where the service member can serve more than one tour of duty. The committee also believes that the Secretary of Defense should take action to develop and manage a joint service program to share information about initiatives that successfully reduce the number of PCS moves.

Accordingly, the committee directs the Secretary of Defense to consolidate military service data on efforts to reduce the number of PCS moves and to study the feasibility of developing a joint system to share information about initiatives that successfully reduce the number of PCS moves. The committee directs the Secretary of Defense to report the consolidated data and the findings of the feasibility study to the Congress not later than September 30, 1997.

The Secretary is also directed to include in the report information on locations within the contiguous United States where service

members are mandatorily moved after a specified maximum tour. The committee is concerned that such maximum tours detract from efforts to reduce the number of PCS moves and stabilize the force. For example, the committee is aware of service policies that require members to leave the Washington D.C. region after a specified tour has been served. The report should identify locations and units with maximum tours and provide the rationale to support such tours.

#### Report on Sentence Enhancements for Hate Crimes

The committee has concerns regarding crimes against persons or property committed in the military motivated by the victim's status as categorized by the Hate Crimes Statistics Act (Public Law 101-275). The U.S. Supreme Court, in *Wisconsin v. Mitchell*, ruled that in the case of a crime where the person or property was intentionally selected because of the victim's status or the status of the owner or occupant of a property, the sentence for the underlying crime may be enhanced.

The committee directs the Secretary of Defense to study the efficacy of sentence enhancement as it would apply to service members if such enhancements as allowed under *Wisconsin v. Mitchell* were incorporated into the Uniform Code of Military Justice, and to submit to Congress the results of this study no later than February 1, 1997.

#### Retention Standards for Permanent Medical Nondeployables

The committee notes that there are considerable differences in the retention standards for permanent medical nondeployables employed by the military departments for medical conditions other than HIV-positive status. Of the 5,734 permanent medical nondeployables currently serving on active duty (other than HIV) reported to the committee in June 1995, only 237 (4 percent) were assigned to the Navy and Marine Corps. Of the remaining 5,497, 1,883 (33 percent) were on active duty in the Air Force and 3,614 (63 percent) were on active duty in the Army. The committee is very concerned that the differences in retention standards demonstrated by these statistics is creating inequities as to the treatment of similarly situated service members and their families.

Accordingly, the committee directs the Secretary of Defense, in coordination with the secretaries of the military departments, to study the retention standards being employed by the military departments and report the results of the study to the Congress not later than March 31, 1997. The report shall, at a minimum, address the differences in retention standards, the reasons given by the military departments to justify the differences, an assessment of the scope of inequitable treatment of service members by the military departments, and the position of the Secretary of Defense regarding his willingness to continue to allow the services to employ different retention standards for permanent medical nondeployables.

Survey of Attitudes Towards Expansion of Roles of Women in  
Combat and Combat Related Military Skills

The committee believes that before the Secretary of Defense undertakes any further attempts to move women into new direct ground combat specialties, to which they have not heretofore been permitted, the impact of such an effort should be thoroughly evaluated. Therefore, the committee directs the Secretary of Defense to obtain an independent study on this impact by a federally funded research and development center (FFRDC) and to report the results of this study to Congress by March 1, 1997.

The study shall include, but not be limited to, a written, anonymous survey based on a statistically-valid sample of all military personnel, including company grade officers, field grade officers and senior non-commissioned officers in both direct ground combat units such as infantry, armor, artillery, special operations and combat engineering, and combat support units to assess the potential impact of assigning women to combat and other specialties traditionally closed to them. The study should address the impact of such an effort on unit readiness, cohesion, morale, recruiting and retention.

Furthermore, the committee directs the Secretary of Defense to report to the Congressional defense committees by January 1, 1997, on the Department's plans to advance the assignment of women in direct-combat and direct-combat support roles, and report on the rationale of excluding "risk of capture" as a criteria for determining assignment of women to both combat and non-combat positions.

The committee also directs the Secretary to obtain an independent study by an FFRDC evaluating the performance of each military service in integrating women into military occupations previously closed until the enactment of the National Defense Authorization Act for Fiscal Year 1992 (Public Law 102-190), the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160), and the Secretary's January 1994 action rescinding the Department's "risk rules" governing the assignment of women to non-combat military positions.

As part of the study, the FFRDC shall evaluate the effect on defense readiness and morale of integrating women into newly-opened occupations and positions as well as factors affecting the pace at which the military services are integrating women.

The Secretary shall report to the Congressional defense committees on the finding of this study no later than March 1, 1997.

## LEGISLATIVE PROVISIONS

### SUBTITLE A—PERSONNEL MANAGEMENT

#### Section 501—Authorization for Senior Enlisted Members to Reenlist for an Indefinite Period of Time

Currently, title 10, United States Code, authorizes the service secretaries to periodically reenlist military personnel, including senior non-commissioned officers (NCO) for periods of at least two but not more than six years. Thus, several reenlistments are necessary to complete a 20-year or longer career. This section would

permit the secretaries of the military departments to reenlist NCOs with 10 or more years of service for indefinite periods of time.

#### Section 502—Authority to Extend Entry on Active Duty Under Delayed Entry Program

At present, the secretaries of the military departments can the delay for up to a year the entry to active duty of a person who has signed an enlistment contract. Thus, the Delayed Entry Program typically permits high school students to be contracted at the end of their junior year and to enter active duty upon graduation from high school. If for some reason (delay in graduation, for example) active duty entry is delayed beyond one year, the enlistment contract must be renegotiated. This section would permit the secretaries of the military departments, on a case-by-case basis, to extend to 18 months the maximum period that a person can remain in the Delayed Entry Program.

#### Section 503—Permanent Authority for Navy Spot Promotions for Certain Lieutenants

This section would make permanent the authority for the Navy to temporarily promote certain lieutenants in skills for which there is a shortage of qualified officers.

#### Section 504—Reports on Response to Recommendations Concerning Improvements to Department of Defense Joint Manpower Process

In November 1995, the Department of Defense Inspector General issued a highly critical report as a result of its inspection of the Department of Defense joint manpower process. The report raised serious questions regarding the department's ability to effectively determine, validate, approve and manage military and civilian manpower requirements and resources in joint organizations. The section would require the Secretary of Defense to provide a semi-annual report to Congress on the status of actions taken to implement the Inspector General recommendations. The section would also require that the General Accounting Office assess the adequacy and completeness of the Department's corrective actions and report to Congress not later than one year after enactment of this act.

#### Section 505—Frequency of Reports to Congress on Joint Officer Management Policies

The current provisions of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433), require the Secretary of Defense to make semi-annual reports to Congress on promotion rates of officers who are serving in, or have served in, joint duty assignments. This section would amend the requirement so as to provide for an annual report.

The committee notes that this change implements a recommendation of the Department of Defense Inspector General contained in a November 1995 report on the joint officer management process. That report also found that the Secretary of Defense, starting with the fiscal year 1993 report on joint officer promotions, had

discontinued providing complete promotion statistics for all categories of officers as required by the law. The committee directs that, beginning with the first annual report under the revised requirement, the Secretary of Defense report the full range of data required by law.

Section 506—Repeal of Requirement That Commissioned Officers Be Initially Appointed in a Reserve Grade

This section would remove the barrier to officers receiving initial appointments in the Regular Army, Regular Navy, Regular Air Force and Regular Marine Corps by repealing subsection (e) of section 532 of title 10, United States Code as added by section 501 of the National Defense Authorization Act for Fiscal Years 1992 and 1993.

Section 507—Continuation on Active Status for Certain Reserve Officers of the Air Force

This section would authorize the Secretary of the Air Force to retain beyond dates of mandatory retirement for years of service up to 50 reserve officers who are designated judge advocates. This authority would expire on September 30, 2003.

SUBTITLE B—RESERVE COMPONENT MATTERS

Section 511—Individual Ready Reserve Activation Authority

Under current law the President may involuntarily recall to active duty, at times other than during war or national emergency, up to 200,000 reservists for up to 270 days from units of the Selected Reserve. This authority is known as the Presidential Selective Reserve Call-up (PSRC). However, under PSRC, individuals who are members of the Individual Ready Reserve (IRR) cannot be recalled to active duty.

During Operation Desert Storm, the lack of authority to recall members of the IRR as part of the PSRC compelled the mobilization of portions of late-deploying selected reserve units in order to fill manpower shortfalls in early deploying units. This strategy had two major disadvantages. First, unit cohesion of the later deploying units was damaged. Second, the military services, particularly the Army, faced the significant challenge of having to rebuild the late deploying units upon their mobilization.

This section would build on the lessons learned from Operation Desert Storm by authorizing the President, under PSRC, to recall up to 30,000 members of a new category of the IRR that would be created by this section. The new category of the IRR would consist of those personnel, in the military skills and occupations designated by the Secretary of Defense, who had volunteered prior to leaving active duty to become part of this new IRR category. Such volunteers could remain in the new IRR category for no longer than 24 months and could be provided such benefits (less pay and training) as the Secretary of Defense deemed appropriate.

#### Section 512—Training for Reserves on Active Duty in Support of the Reserves

This section would clarify that a reservist on active duty in support of the reserves may receive training and professional development in the same manner as any other member on active duty. Current law limits such a reservist to only receiving periodic refresher training.

#### Section 513—Clarification to Definition of Active Status

This section would expand the definition of the term “active status” in section 101(d)(4) of title 10, United States Code to include both officers and enlisted members of the reserve components.

#### Section 514—Appointment Above O-2 in the Naval Reserve

This section would permit members of the Naval Reserve who are selected for commissioned service as part of the Seaman to Admiral Program to be promoted above the grade of lieutenant (junior grade) even though they have not completed the baccalaureate degree requirements which normally must be met by the time Naval Reserve officers are considered for promotion to lieutenant (O-3).

#### Section 515—Report on Number of Advisers in Active Component Support of Reserves Pilot Program

Section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190), as amended, requires the Secretary of the Army, after September 30, 1996, to assign no fewer than 5,000 active component advisers to the reserve components. This section would require the Secretary of Defense to determine the appropriate number of active component advisers and recommend changes to Congress.

#### Section 516—Sense of Congress and Report Regarding Reemployment Rights for Mobilized Reservists Employed in Foreign Countries

Approximately 2,000 members of the U.S. reserve components now live in foreign countries and work for U.S. or foreign companies. If mobilized, these people would not qualify for the reemployment rights extended to other mobilized reservists by chapter 43 of title 38, United States Code, known as the Uniformed Services Employment and Reemployment Rights Act. This section would express the sense of Congress about the lack of reemployment rights facing these reservists and direct the Secretary of Defense, together with the Secretaries of State and Labor, to provide the Congress with recommendations to alleviate the reemployment problems of this group of reservists.

SUBTITLE C—JURISDICTION AND POWERS OF COURTS-MARTIAL FOR  
THE NATIONAL GUARD WHEN NOT IN FEDERAL SERVICE

Section 531—Composition, Jurisdiction and Procedures of Courts-  
martial

This section would amend section 326 of title 32, United States Code, to clarify the composition, jurisdiction and procedures of courts-martial for the National Guard when those components are not in federal service. This section would clarify that such courts-martial do not have jurisdiction over service members who may be tried pursuant to section 802 of title 10, United States Code. National Guard courts-martial would be required to substantially follow the forms and procedures required in courts-martial in the active components. Finally, this section would clarify that the jurisdiction and powers of National Guard courts-martial not in federal service are established by state law.

Section 532—General Courts-martial

This section would amend section 327 of title 32, United States Code, to provide for the convening of a general court-martial for the National Guard not in federal service in a manner more like courts-martial conducted in the active components. State adjutants-general, in addition to the President and state and territorial governors, would be authorized to convene general courts-martial. In addition, punishments that could be imposed by such courts-martial would be modernized to increase authorized fines, allow bad conduct discharges to be adjudged, clarify that all enlisted personnel may be reduced in rank by a general court-martial, and allow confinement for not more than 180 days to be adjudged. Finally, this section would authorize the adjudication of punitive discharge only in cases in which counsel was detailed to represent the accused and a military judge was detailed to the trial. As is the case in courts-martial conducted pursuant to title 10, United States Code, a verbatim record of trial would be required in cases in which the adjudged sentence includes a punitive discharge.

Section 533—Special Courts-Martial

This section would amend section 328 of title 32, United States Code, to modernize the punishments that may be imposed by National Guard special courts-martial conducted when those components are not in federal service. In addition, this section would clarify that these special courts-martial may try a commissioned officer. Finally, this section would incorporate the same requirements for the imposition of a National Guard bad conduct discharge as is the case for those adjudicated by active component special courts-martial.

Section 534—Summary Courts-Martial

This section would amend section 329 of title 32, United States Code, to modernize the punishment authority of summary courts-martial conducted by the National Guard when those components are not in federal service. The limit on fines that may be imposed

by these courts-martial would be increased. In addition, this section would clarify that all enlisted members, not just noncommissioned officers, may be reduced in rank and that a summary court-martial may not try a commissioned officer. As is the case with respect to summary courts-martial convened under title 10, United States Code, an accused would have the right to object to trial by summary court-martial. In that event, a special or general court-martial could be convened.

#### Section 535—Repeal of Authority for Confinement in Lieu of Fine

This section would repeal section 330 of title 32, United States Code. That section permits a court-martial to sentence an accused to confinement in lieu of a fine at the rate of one day for each dollar of the authorized fine. This procedure is obsolete and does not comport with modern court-martial practice.

#### Section 536—Approval of Sentence of Bad Conduct Discharge or Confinement

Section 536 would amend section 331 of title 32, United States Code, by adding a requirement that the governor of a state or territory approve a sentence that includes a bad conduct discharge or confinement of three months or more before that sentence may be executed. Under current law, governors approve only sentences that include a dismissal or dishonorable discharge.

#### Section 537—Authority of Military Judges

This section would amend section 332 of title 32, United States Code, to authorize military judges to compel the attendance of the accused, witnesses, or the production of documents at National Guard courts-martial. Current law vests this authority only in the president of a court-martial or a summary court officer. The inclusion of military judges is consistent with modern court-martial practice.

#### Section 538—Statutory Reorganization

This section would administratively reorganize title 32, United States Code, by creating a new Chapter 4 of that title. Chapter 4, titled Courts-Martial for the National Guard when not in Federal Service, would consolidate all those sections of title 32 related to the military justice process for the National Guard into a single chapter, making reference and use by practitioners easier.

#### Section 539—Effective Date

This section would cause the amendments made by this subtitle to be effective upon the date of enactment of this Act, except that for an offense committed before that date, the maximum punishment would be the maximum punishment in effect at the time of the commission of the offense.



Section 540—Conforming Amendments to Uniform Code of Military Justice

This section would make a clarifying amendment to sections 820 and 854 of title 10, United States Code.

SUBTITLE D—EDUCATION AND TRAINING PROGRAMS

Section 551—Extension of Maximum Age for Appointment as a Cadet or Midshipman in the Senior Reserve Officers' Training Corps and the Service Academies

This section would increase the maximum age for appointment in the Senior Reserve Officers' Training Corps (ROTC), permitting the appointment of persons under 27 years of age (vice under-25 years of age). The section would also permit former enlisted members who had served on active duty to be appointed in the Senior ROTC program even though they were older than 27, so long as on the date of their commissioning they would be under 30 years of age. Current law requires such persons to be under 29 when commissioned.

With regard to the service academies, this section would increase the maximum allowable age at entry from 22 to 23.

Section 552—Oversight and Management of Senior Reserve Officers' Training Corps Program

This section would clarify existing law with regard to the operation of Senior Reserve Officers' Training Corps (ROTC) programs. It would give priority for enrollment in ROTC to students who were qualified for advanced training, and would prohibit anyone who was ineligible for advanced training from participating in practical military training, field training, or practice cruises, unless the ineligibility was waived by the service secretary. The section would also permit civilians attending ROTC or other course of military instruction to wear military uniforms only when the individual service regulations specifically authorize such wear.

Section 553—ROTC Scholarship Student Participation in Simultaneous Membership Program

This section would direct the Secretary of Defense to establish a program to permit ROTC scholarship cadets to serve simultaneously as a member of a Selected Reserve unit. At present, such simultaneous membership is precluded by Department policy.

Section 554—Expansion of ROTC Advanced Training Program to Include Graduate Students

This section would modify section 2107, title 10, United States Code, to permit the initial award of Reserve Officers' Training Corps (ROTC) scholarships to people who already have received a baccalaureate degree, provided the recipient executes the required contractual commitments, including enrollment in the ROTC advanced course.

Section 555—Reserve Credit for Members of Armed Forces Health Professions Scholarship and Financial Assistance Program

This section would amend title 10, United States Code, to provide discretionary authority to the secretaries of the military departments to award service credit toward a non-regular retirement for certain members of the armed forces health professions scholarship and financial assistance programs.

Section 556—Expansion of Eligibility for Education Benefits to Include Certain Reserve Officers' Training Corps (ROTC) Participants

This section would expand the eligibility for the Montgomery GI Bill education benefits to include ROTC scholarship students who received scholarships with values of less than \$2,000 annually.

Section 557—Comptroller General Report on Cost and Policy Implications of Permitting up to Five Percent of Service Academy Graduates To Be Assigned Directly to Reserve Duty Upon Graduation

This section would require the Comptroller General to analyze and report to Congress the cost and policy implications of requiring that up to five percent of the graduating class of each of the service academies to serve in the reserve components, and that there be a corresponding increase in the number of ROTC graduates each year placed on active duty.

SUBTITLE E—OTHER MATTERS

Section 561—Hate Crimes in the Military

This section would direct the Secretary of Defense to require each of the military services to conduct human relations training designed to promote a thorough awareness of equal opportunity issues, as well as a sensitivity to "hate group" activity. It would also require the Secretary to ensure that prospective recruits, both officer and enlisted, understand the full implications of the oath of office or oath of enlistment in terms of the equal protection and civil liberties protection of the Constitution. Finally, this section would require the Secretary to conduct an annual survey on race relations, gender discrimination and hate group activity.

Section 562—Authority of a Reserve Judge Advocate To Act as a Notary Public

This section would amend section 1044a of title 10, United States Code, to authorize all judge advocates of the military services, adjutants, assistant adjutants, and other service members designated by regulation to act as notaries public, without regard to whether they are on active duty or are performing inactive duty for training. Under current law, reserve component judge advocates and other authorized personnel such as adjutants do not have the general powers of a notary public unless they are on active duty or are performing inactive duty for training. However, National Guard and reserve judge advocates frequently are asked to perform notar-

ial acts, both on and off duty, in preparing other reserve component service members for mobilization or deployment. If civilian authorities question a notary's authority or duty status in order to assure compliance with section 1044a before accepting a power of attorney, will or other notarized document, service members often have no way of learning the whereabouts of the individual who notarized a document and cannot provide information on that person's duty status, resulting in rejection of the document. This section would authorize appropriate personnel to have the general powers of a notary public regardless of duty status, resulting in greater uniformity and flexibility among the services and eliminating litigation, particularly in cases involving will contests.

Section 563—Authority to Provide Legal Assistance to Public Health Service Officers

This section would amend section 1044 of title 10, United States Code, to authorize active duty or retired officers of the commissioned corps of the Public Health Service and their dependents to be eligible for legal assistance at military installations. These individuals perform valuable public service and often serve in remote localities such as Indian reservations where legal advice on personal affairs may not be readily obtained. This section would allow these persons to receive legal advice at military bases, subject to the availability of legal staff resources.

Section 564—Excepted Appointment of Certain Judicial Non-Attorney Staff in the United States Court of Appeals for the Armed Forces

This section would amend Article 143(c) of the Uniform Code of Military Justice (section 943(c) of title 10, United States Code) to allow judges of the United States Court of Appeals for the Armed Forces to make excepted service appointments to non-attorney positions on the personal staff of a judge. Under current law, only attorney positions with the court are excepted from the competitive service. Non-attorney positions established on a judge's personal staff would include such positions as confidential assistant, secretary, paralegal, and law student intern.

Section 565—Replacement of Certain American Theater Campaign Ribbons

This section would authorize the Secretary of the Army to replace upon request the American Theater Campaign Ribbon awarded to certain veterans of World War II

Section 566—Restoration of Regulations Prohibiting Service of Homosexuals in the Armed Forces

This section would rescind the current Department of Defense policy and relative directives and regulations concerning homosexuality in the armed forces and related Department of Defense and military department regulations and would reinstate the regulations that were in effect on January 19, 1993. The provision would also require the Secretary of Defense to resume the ques-

tioning of potential new entrants into the armed forces about homosexuality and would repeal a provision included in section 571 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) that expressed the Sense of Congress that the questioning of potential new entrants about homosexuality could be resumed upon the decision of the Secretary of Defense. The provision would also clarify that in the event of a perceived conflict between the reinstated regulations and section 654 of title 10, United States Code, the provision of law, including application of well-settled rules of statutory construction, shall be given effect.

The committee notes that an April 5, 1996 decision by the United States Court of Appeals for the Fourth Circuit in the case of Paul G. Thomasson, Lieutenant, United States Navy, *Plaintiff-Appellant*, v. William J. Perry, Secretary of Defense; John H. Dalton, Secretary of the Navy, *Defendants-Appellees*, included a concurring opinion written by Judge Luttig (Five of the remaining twelve judges joined Judge Luttig in his opinion). The following quotes are taken from Judge Luttig's opinion.

"Despite Congress' clear mandate requiring the discharge of all known homosexuals, the Department of Defense has, by its regulatory redefinition of the statutory term 'propensity,' created what is in effect a sanctuary for known homosexuals whom the military determines are not *likely* to engage in homosexual acts."

"The requirement that, in order to be discharged, one must at least demonstrate a likelihood to engage in homosexual acts exists only in a regulation promulgated by the Administration, ostensibly in implementation of the statute."

"Through this regulation the Administration has effectively secured the very policy regarding military service by homosexuals that it was denied by the Congress."

"Rather than continue to indulge the politically expedient fiction that the congressionally-mandated policy bars from service only those known homosexuals who are likely to engage in homosexual acts—a fiction that both parties urge upon us because it serves their mutual interest in creating a sanctuary for homosexuals within the military—I would simply invalidate the Administration's regulation as in excess of its statutory authority."

The committee believes that Judge Luttig has presented a compelling argument to reinstate the regulations that were in effect on January 19, 1993. The committee considers the failure to reinstate the January 19, 1993 regulations as a betrayal of the policy and principles that were so clearly specified by the Congress in section 654 of title 10, United States Code.

#### Section 567—Reenactment and Modification of Mandatory Separation From Service for Members Diagnosed With HIV-1 Virus

This section would restate, with modifications, section 567 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) to require the separation of members determined to be HIV-positive. The modifications include the following:

(1) In lieu of requiring separation of HIV-positive service members not later than the last day of the sixth month following determination that the service member is HIV-positive, they would be required to separate not later than the last day of the second month following determination that the service member is HIV-positive.

(2) In lieu of requiring separation of previously identified HIV-positive service members not later than the last day of the sixth month following the date of enactment of the provision, they would be required to separate not later than the last day of the second month following the date of enactment of the provision.

(3) In lieu of authorizing the retention of HIV-positive service members within two years of retirement eligibility, this provision would require separation of HIV-positive service members with less than 15 years of service as of the date the service member is determined to be HIV-positive. This provision would not address the authority to provide the service member the same medical benefits as would be provided to a member granted a disability retirement.

The committee recommends separation within 60 days of the determination that the service member is HIV-positive because such period is more consistent with the separation notice provided to many service members who are involuntarily separated for other reasons. The committee recommends that service members with 15 or more years of service be excluded from the requirement to be separated because it would maximize the training and experience that these service members possess at a point in their careers when the need to deploy is generally diminished.

The committee believes that it is important to provide separating HIV-positive service members with the full complement of benefits associated with disability retirement. In particular, the committee is concerned that separating HIV-positive service members receive monthly incomes and individual and family medical benefits to assist in their transition from active duty. The committee believes that the most appropriate method for achieving these objectives is to mandate disability retirement for separating HIV-positive service members under sections 1201 and 1204 of title 10, United States Code. Accordingly, the committee directs the Secretary of Defense to designate a disability rating of 30 percent for separating HIV-positive service members, unless the service member is otherwise entitled to a higher rating. The committee also directs the Secretary of Defense to deem separating service members determined to be HIV-positive as meeting all other requirements for disability retirement under section 1201 or 1204 of title 10, United States Code, as applicable to the member.

## TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

### ITEMS OF SPECIAL INTEREST

#### Foreign Language Proficiency Pay

The committee and the House Permanent Select Committee on Intelligence both believe in the importance of recruiting and maintaining qualified linguists in the military services. The committees understand that proficiency pay, tied to achievement of agreed upon standards of competence, is an important ingredient in the linguistic readiness of both the active and reserve components.

Three years ago, the committee considered, but did not adopt, a proposal to increase the maximum monthly amount of foreign language proficiency pay to \$450 from \$150. If implemented today, such an increase would cost the Department of Defense between \$18 million and \$24 million, according to the Congressional Budget Office. With such a price tag, the committee believes that any proficiency pay initiative must be incorporated into a comprehensive language program that has the necessary recruiting, training, and career development infrastructure, as well as the management oversight, to ensure any new financial incentives accomplish the intended effect. Although there have been positive developments in the Department of Defense language programs, the committee believes that the programs are not yet mature.

Should progress continue and should the Secretary of Defense propose a comprehensive plan for an increase, including credible cost estimates and objective data, the committee will be prepared to give it fair consideration. —

#### Privately Owned Vehicle Mileage Allowances During Permanent Change of Station Moves

The committee is concerned that the mileage allowances set by the Administrator of General Services for reimbursement of federal civilian employees and military personnel for use of privately owned vehicles during permanent change of station moves cause most employees to personally absorb a portion of the cost of transporting their own vehicle. The committee recommends that the rates be increased to more appropriate levels such as the rates for use of privately owned vehicles accepted by the Internal Revenue Service.

Accordingly, the committee directs the Secretary of Defense, in coordination with the Administrator of General Services, to study the appropriateness of increasing the rate per mile allowance for use of privately owned vehicles in lieu of actual expenses during permanent change of station moves. The study shall also address

the requirement to provide a mechanism for the annual increase in the rate to compensate for increases in costs caused by inflation. The Secretary of Defense shall report the results of the study to the Congress not later than the September 30, 1997.

#### Special Duty Assignment Pay for Army Special Operating Forces

The committee understands that the Secretary of the Army and the Commander, U.S. Special Operations Command, have reached an agreement that will permit, for the first time, payment of special duty assignment pay (SDAP) to certain enlisted members of U.S. Army Special Operations Command beginning in fiscal year 1998. The agreement is contingent upon U.S. Army Special Operating Command providing all funding for the new payments in fiscal years 1998 through 2003.

The committee strongly endorses this agreement, believing that the Army special operating forces, like the special operating forces of the other services, should receive the SDAP. Therefore, the committee authorizes a \$6.4 million increase in the Army's military personnel authorization, and directs that the Army begin paying SDAP in fiscal year 1997.

### LEGISLATIVE PROVISIONS

#### SUBTITLE A—PAY AND ALLOWANCES

##### Section 601—Military Pay Raise for Fiscal Year 1997

This section would provide a 3.0 percent military pay raise as proposed in the President's budget. The committee welcomes the Administration's first request in four years for a pay raise that keeps pace with inflation as measured by the Employment Cost index. The committee hopes that this request is motivated by a genuine concern for the welfare of military members and their families and not the enhancement of the Administration's image in an election year.

This committee notes that the President's budget request did not include an increase in the Basic Allowance for Quarters above the level of the pay raise as was included in the President's fiscal year 1996 budget request. The committee is disappointed that the Secretary of Defense has elected to defer his promise to continue a six year program to incrementally reduce out-of-pocket housing expenses for members and families from the 20.6 in 1995 to the Congressionally established objective of 15 percent. Accordingly, this section would provide a 4.6 percent increase in the basic allowance for quarters to fully fund a one percent reduction in out-of-pocket housing expenses to 18.2 percent in fiscal year 1997.

##### Section 602—Availability of Basic Allowance for Quarters for Certain Members Without Dependents Who Serve on Sea Duty

This section would include the following actions:

- (1) A repeal of the current prohibition against authorizing a single service member continuous basic allowance for quarters and variable housing allowance when they execute a permanent change of station to a unit already deployed at sea.

(2) An authorization for quarters ashore or basic allowance for quarters for service members in the grade of E-5 without dependents while they are assigned to sea duty.

(3) An authorization for the senior member of a married couple comprised of two military members to receive basic allowance for quarters at the without dependents rate when both service members are assigned to sea duty.

#### Section 603—Establishment of Minimum Monthly Amount of Variable Housing Allowance for High Housing Cost Areas

This section would require the Secretary of Defense to establish a minimum amount of variable housing allowance to ensure all members are compensated at a level that is sufficient to acquire safe and adequate housing in high cost areas.

#### SUBTITLE B—BONUSES AND SPECIAL AND INCENTIVE PAYS

##### Section 611—Extension of Certain Bonuses for Reserve Forces

This section would extend the authority for the selected reserve reenlistment bonus, the selected reserve enlistment bonus, the selected reserve affiliation bonus, the ready reserve enlistment and reenlistment bonus, and the prior service enlistment bonus until September 30, 1998.

##### Section 612—Extension of Certain Bonuses and Special Pay for Nurse Officer Candidates, Registered Nurses, and Nurse Anesthetists

This section would extend the authority for the nurse officer candidate accession program, the accession bonus for registered nurses, and the incentive special pay for nurse anesthetists until September 30, 1998.

##### Section 613—Extension of Authority Relating to Payment of Other Bonuses and Special Pays

This section would extend the authority for the aviation officer retention bonus, special pay for health care professionals who serve in the selected reserve in critically short wartime specialties, reenlistment bonus for active members, enlistment bonuses for critical skills, special pay for enlisted members of the selected reserve assigned to certain high priority units, special pay for nuclear qualified officers extending the period of active service, and nuclear career accession bonus. The provision would also extend the authority for repayment of educational loans for certain health professionals who serve in the selected reserve and the nuclear career annual incentive bonus until October 1, 1998.

##### Section 614—Special Incentives to Recruit and Retain Dental Officers

This section would amend title 37, United States Code, to increase the amount of special pay for dental officers, to establish an entitlement to special pay for reserve dental officers consistent with special pay entitlements for physicians, and to establish an



accession bonus for dental officers. Additionally, this section would require the Secretary of Defense to report to Congress on the feasibility of increasing dental participation in the Armed Forces Health Professions Scholarship and Financial Assistance Program.

The military services continue to have severe problems with retention and recruitment of dentists. The significant decrease in retention, especially in the first 10 years of service, has occurred due to the steady decline in their military compensation relative to civilian earnings. In 1986, dentist earnings ratio (military/civilian) was 68 percent and retention through the first 10 years was 42 percent. By 1994, the ratio decline to 49 percent and retention is now 32 percent. Concurrently, recruitment has dropped from 75 percent to 38 percent attainment.

Furthermore, prior to 1980, dentists serving in the military reserves received a prorated portion of "special pay" when performing annual training (AT), active duty for training (ADT), or active duty for special work (ADSW). However, at the present time, reserve dentists can only receive special pay if called to active duty for more than 30 consecutive days. Reserve physicians currently receive special pay when on AT, ADT or ADSW. Without this provision, authorized billets for reserve dentists will continue to be unfilled.

#### SUBTITLE C—TRAVEL AND TRANSPORTATION ALLOWANCES

##### Section 621—Temporary Lodging Expenses of Member in Connection With First Permanent Change of Station

The temporary lodging expense allowance partially offsets the cost of temporary lodging, meals, and incidental expenses for members and their families arriving at a new duty station. Currently, service members traveling to their first permanent duty station are not authorized to receive temporary lodging expense allowance. This section would authorize service members traveling to their first permanent duty station to receive a temporary lodging expense allowance.

##### Section 622—Allowance in Connection With Shipping Motor Vehicle at Government Expense

Current law only authorizes service members an allowance to reimburse the cost for one leg of a trip to either deliver a privately owned vehicle for transportation at a port of embarkation or to pick up a vehicle at a port of debarkation. This section would authorize an allowance to reimburse members for round-trip costs that are incurred in delivering a vehicle for transportation or picking up a vehicle after transportation.

##### Section 623—Dislocation Allowance at a Rate Equal to Two and One-Half Months Basic Allowance for Quarters

This section would increase the amount of dislocation allowance paid to service members to partially offset otherwise non-reimbursable costs incurred during permanent change of station moves from two months of basic allowance for quarters to two and one half months basic allowance for quarters.

Section 624—Allowance for Travel Performed in Connection With  
Leave Between Consecutive Overseas Tours

This section would authorize service members assigned to critical operational missions, as determined by the secretary concerned, to defer government funded travel between consecutive overseas assignments until one year after their assignment to the critical operational mission is terminated. The committee is concerned that this provision apply to service members serving in the Former Yugoslavia during Operation Joint Endeavor. Accordingly, the provision would apply to members of the uniformed services participating, on or after November 1, 1995, in critical operational missions designated by the Secretary of Defense.

SUBTITLE D—RETIRED PAY, SURVIVOR BENEFITS, AND RELATED  
MATTERS

Section 631—Increase in Annual Limit on Days of Inactive Duty  
Training Creditable Towards Reserve Retirement

Current law now limits the annual amount of retirement points that a reservist can earn as a result of inactive training to 60. In 1988, the Department of Defense's Sixth Quadrennial Review of Military Compensation (QRMC) determined that at least 95 percent of the members in the selected reserve lose at least three points per year because of the 60 point limit. The sixth QRMC recommended that the annual limit be increased to 75. This section would implement that recommendation. In addition, it would direct the Secretary of Defense to evaluate the other recommendations of the sixth QRMC and to report to Congress with regard to their adoption.

Section 632—Authority for Retirement in Grade in Which a Mem-  
ber Has Been Selected for Promotion When a Physical Disability  
Intervenes

This section would permit service members who have been selected for promotion to the next higher grade to be retired at that higher grade if a physical disability that intervenes between selection for promotion and retirement is the only reason preventing eventual promotion.

Section 633—Eligibility for Reserve Disability Retirement for Re-  
serves Injured While Away From Home Overnight for Inactive-  
Duty Training

Section 702 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) authorized for reservists the same death and disability benefits as active duty members during off-duty periods between successive inactive duty training periods performed at locations outside the reasonable commuting distance from the member's residence. This section would authorize disability retirement benefits to reservists serving under the same conditions as those defined in the section cited above.

**Section 634—Retirement of Reserve Enlisted Members Who Qualify for Active Duty Retirement After Administrative Reductions in Enlisted Grade**

This section would permit a reserve enlisted member who qualifies for an active duty retirement and who is reduced in grade for reasons other than misconduct to retire in the highest enlisted grade held. Such a person's retired pay would be based on the highest grade held, rather than the base pay of the lower grade held at retirement.

**Section 635—Clarification of Initial Computation of Retiree Colas After Retirement**

This section would make a technical correction to the method used to calculate the initial cost-of-living adjustment for new retirees whose retirement pay was calculated using the average of the highest 36 months of basic pay.

**Section 636—Technical Correction to Prior Authority for Payment of Back Pay to Certain Persons**

This section would make a technical correction to section 634 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) to clarify the level of compensation to be paid to certain veterans.

**Section 637—Amendments to the Uniformed Services Former Spouses' Protection Act**

This section would amend the Uniformed Services Former Spouses' Protection Act (Public Law 97-252) to simplify the processing of court orders related to retirement pay by allowing court orders to be delivered by facsimile, electronic transmission, or by mail instead of only by certified mail or registered letter, or in person. The section would also clarify that the Secretary of Defense could not accept a court order from a state that modifies a previous court order from another state unless the court issuing the modifying court order has jurisdiction over both the military member and the spouse or former spouse.

**Section 638—Administration of Benefits for So-Called Minimum Income Widows**

The committee has noted that payments to widows of military retirees under the minimum income widows program have been disrupted because of difficulty in coordinating minimum income widows program payments from the Department of Defense with payments from pension programs for widows of veterans paid by the Department of Veterans' Affairs.

This section would transfer the responsibility for making payments under the minimum income widows program to the Department of Veterans' Affairs. The Department of Defense would reimburse the Department of Veterans' Affairs for all costs associated with assuming responsibility for making such payments, including increased administrative costs. The committee believes that moving

all related widows pension programs under a single agency will eliminate inter-agency coordination problems.

Section 639—Nonsubstantive Restatement of Survivor Benefit Plan Statute

This section would restate the Military Survivor Benefit Plan statute (subchapter II of chapter 73 of title 10, United States Code) in its entirety. This restatement is nonsubstantive and is intended to provide greater readability, clarity and organizational sense in the statute. The restatement would include amendments to the statute through the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106). Changes to current law that would be made by this section are technical in nature and consist principally of the use of headings, indentations, and the subdivision of existing sections. In order not to disturb or render inaccurate statutory references and citations in existing regulations, court decisions, and legal opinions, the order and numerical distribution of sections would not change. However, the order of paragraphs in the definition section (section 1447 of title 10, United States Code) would be altered to put the definitions in a more logical order.

SUBTITLE E—OTHER MATTERS

Section 651—Technical Correction Clarifying Ability of Certain Members To Elect Not To Occupy Government Quarters

This section would clarify the authority for the Secretaries of the military departments to deny the election not to occupy inadequate government quarters made by a service member in the grade of E–6.

Section 652—Technical Correction Clarifying Limitation on Furnishing Clothing or Allowances for Enlisted National Guard Technicians

This section would correct an erroneous reference included in section 1038 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106).

## TITLE VII—HEALTH CARE PROVISIONS

### OVERVIEW

The committee has determined that the President's request for fiscal year 1997 did not provide adequate funding for the Defense Health Program (DHP)—it left it under-funded by nearly a half billion dollars. Without relief, there will be a serious degradation in the Department's ability to meet the medical needs of military beneficiaries, particularly military retirees who faithfully served their government with the understanding that their medical requirements would be adequately met.

The committee understands that in an effort to identify additional funding for a decimated Army modernization program, unrealistic "savings" from the implementation of utilization management were factored into the DHP budget. This short-sighted, ill-conceived action seriously shortchanges the DHP and ultimately military personnel and their families, both active and retired. This disingenuous effort will result in disastrous consequences to the military health services system and its ability to meet the medical needs of all those entitled to care if not addressed by this Congress.

The significant shortfall in the Defense Health Program reflects not only a serious lack of commitment to important quality of life issues—service members consistently rank medical care as a top quality of life issue—but rather, it is indicative of a budget request not fully supportive of national defense needs. The need for this "steal from the healthy to heal the weak" approach to budgeting clearly emphasizes the Administration's poor support of modernization efforts in recent years. If adequate efforts had been made to address the Department's modernization needs, the DHP would not have to be robbed to fill in the substantial gaps being experienced in military modernization.

The committee is very concerned that the DHP not be viewed by the Department's leadership as a potential source of funding for programs under-funded in the President's budget. The DHP provides a critical benefit to millions of men and women who devotedly serve or have served our country. Therefore, the committee strongly urges the Secretary of Defense to ensure that the DHP is fully funded in fiscal year 1998 and the future year defense plan.

### ITEMS OF SPECIAL INTEREST

#### Army Medical Command (MEDCOM) Network—Information Technology

The committee recognizes the potential benefits that better information technology can provide to the delivery of effective health care. The core thrust of the MEDCOM network is to ensure 24-hour-a-day, seven-days-a-week support to the users of the health

information system and to support network enhancements, network security and disaster recovery efforts. The committee supports the Department's execution of the program in fiscal year 1997 to overcome the noted shortfalls and to serve as a model for DOD and other federal agencies.

#### Chiropractic Health Care Demonstration Program

The committee commends the Department of Defense for establishing the Chiropractic Health Care Demonstration Program (CHCDP) at 10 military installations, and for the work of the Oversight Advisory Committee in ensuring that the demonstration has been well designed and implemented. Twenty chiropractors and 20 chiropractic assistants are providing treatment for those eligible beneficiaries who select chiropractic care for spine-related neuromusculoskeletal complaints. Early indications are that chiropractic care is proving to be a popular option for beneficiaries at the demonstration sites. A comprehensive evaluation plan has been developed to assess the feasibility and advisability of providing chiropractic care within the military health services system. The demonstration will continue through fiscal year 1998. The committee strongly encourages the Department of Defense to continue its positive work with the CHCDP and the Oversight Advisory Committee.

#### Comptroller General Study on the Department of Defense Family Member Dental Plan

The Department of Defense Family Member Dental Plan, which provides comprehensive dental benefits to family members of active-duty military personnel, has been a very popular and successful plan. However, the contract for the program recently was awarded to a new provider who began administering this benefit on February 1, 1996.

Since the change in contractors occurred, the committee has heard concerns from military beneficiaries and dental providers about the ability of the new contractor to effectively establish a network adequate to support the needs of military active-duty dependents. Additionally, concerns have been raised about the manner in which the program is being administered.

In response to these concerns, the committee directs the Comptroller General of the United States to evaluate the family member dental plan and to report its findings to the committee by February 1, 1997. The evaluation should:

- (1) assess the ability of the contract provider to establish an adequate dental provider network;
- (2) evaluate the administration of the plan to include the claims processing systems and its effectiveness, marketing efforts and the accuracy of dental provider lists;
- (3) review the Department's oversight responsibilities and ability to ensure contract requirements are being sufficiently met.
- (4) analyze the appropriateness of the provider reimbursement rate structure.—

The family member dental plan is a well-received, much-needed quality of life benefit. The committee remains committed to ensuring its successful continuation.

#### Congressional Budget Office Scoring of Medicare Subvention Demonstration Program

The committee believes that legislation introduced in the House to conduct a demonstration of the concept of Medicare reimbursement to the Department of Defense for care provided to military Medicare-eligible beneficiaries is a critical step toward ensuring that the health care promised to our military retirees is available when they need it. This legislation would require the demonstration to be budget neutral and has been coordinated with the Department of Defense and the Health Care Financing Administration.

However, despite provisions in the legislation designed to ensure the demonstration is budget neutral, the Congressional Budget Office (CBO) continues to score it with substantial direct-spending implications. The committee understands that these direct spending estimates are based upon the scoring of a demonstration “concept” using unsubstantiated assumptions.

Therefore, the committee directs the Congressional Budget Office to:

- (1) score the specific Medicare subvention demonstration bills introduced by Mr. Hefley (H.R. 3142) and Mr. Watts (H.R. 3151);
- (2) provide specific justification for any direct-spending implications identified in the score;
- (3) evaluate the impact that “fencing” the Medicare dollars to ensure the Department cannot use the money for other purposes would have on the scoring of the demonstration program;
- (4) assess the impact on scoring the legislation, of a provision that would direct the Comptroller General of the United States to conduct an independent audit of the demonstration.
- (5) provide recommendations to the Congress regarding the specific measures required in the proposed legislation to alleviate the direct-spending implications.

Making sure the medical needs of the millions of men and women who have served and who continue to serve are adequately met is of tremendous importance to this committee. The committee believes Medicare subvention may be a cost-effective method for meeting this need and therefore strongly supports a demonstration program to test this concept.

#### Global Infectious Disease Surveillance Program

The committee recognizes the need to minimize the negative effect that infectious diseases have on the combat readiness of the military force. Therefore, the committee encourages the Department of the Army to develop a global infectious disease surveillance and response program. This type of program could minimize the impact of disease on operational readiness by rapid communication of systematically gathered information and prompt intervention through a coordinated response program.

### Pacific Medical Network

The committee urges the immediate completion of the Pacific Medical Network (PACMEDNET) telecommunications test-bed program to develop an inclusive transportable computerized patient records and a network to transmit medical information which are indispensable capabilities of the Composite Health Care System (CHCS). Testing of evolutionary medical information technology which can be usefully integrated into CHCS should continue and work should be done to achieve the capability to transmit computer-based medical information between the systems of the Department of Defense and the Department of Veterans Affairs which will facilitate the resource sharing encouraged by the committee.

### Provider Workstation

The committee recognizes the importance of implementing a computer-based patient record (CPR) in the Department of Defense. Data derived from the CPR is critical to the success of TRICARE by assuring the delivery of the highest quality care at the lowest possible operational cost. The committee is aware of and encouraged by the prototype development of the Provider Workstation (PWS) at the Air Force Medical Center located at Scott Air Force Base (AFB), Illinois. The committee strongly urges the Department to build quickly on the successes at Scott AFB and rapidly incorporate the concepts validated under PWS into military health services system information systems.

### TRICARE Alternative Financing

The committee believes that the alternative financing concept for the TRICARE program should be fully developed and tested in one TRICARE region prior to being implemented program-wide. While the concept potentially offers a more appropriate and cost-effective approach to financing the TRICARE program in each of the sizable managed-care regions, there are many questions about the concept that remain unanswered. The committee believes the concept needs to be fully developed into an effective operational plan before attempting to implement it nationwide. Therefore, the committee directs the Secretary of Defense to further develop and test the concept in one yet-to-be-procured TRICARE region, as originally planned, and for lessons learned to be incorporated prior to implementing alternative financing in additional TRICARE regions.

Congressional concerns about the TRICARE program have centered around the pace under which the program is being implemented. Many have expressed concern that the Department is implementing the program so fast that lessons learned are not being incorporated into successive TRICARE regional contracts. The committee is concerned that rushing to refit any TRICARE contract with an untested, under-developed concept could adversely affect the success of the entire TRICARE program.

### TRICARE Prime Portability

The committee strongly believes that as the TRICARE program is implemented nationwide, beneficiaries should have seamless en-



rollment in the health maintenance organization (HMO) option, TRICARE Prime, of the program. Currently, active-duty beneficiaries who accompany their sponsor on a permanent change of station from one TRICARE region to another must disenroll from their current region and may not enroll in the new region until the sponsor has reported at the new duty station. Such beneficiaries are liable for the high deductibles and copayments of the TRICARE Standard (fee-for-service) option while in transit or on leave status.

Further, retirees are unable to enroll family members residing in a different region than the retiree under the family enrollment fee. Retirees with college student dependents or dependent children from a prior marriage may actually have to pay two family enrollment fees to cover their dependents.

Therefore, the committee strongly encourages the Secretary of Defense to publish policies to ensure that TRICARE Prime enrollees may transfer their enrollment from one TRICARE region to another in any area where the TRICARE program has been implemented. Additionally, the committee directs the Secretary to modify the TRICARE program to ensure that a sponsor with dependents who reside in one or more TRICARE regions different from the TRICARE region of the sponsor, shall pay no more than a single family enrollment fee to secure TRICARE coverage of the sponsor's entire family.

## LEGISLATIVE PROVISIONS—

### SUBTITLE A—HEALTH CARE SERVICES

#### Section 701—Medical and Dental Care for Reserve Component Members in a Duty Status

This section would amend section 1074(a) of title 10, United States Code, to clarify the medical and dental care members of the reserve are entitled to while in a duty status or traveling directly to and from their duty location. The amendment defines the entitlement to medical and dental care for reserve component members in a specific military duty status and the authority to continue such care until the member is returned to full military duty, or if unable to return to military duty, the member is processed for disability separation. It clarifies that members on active duty, active duty for training, annual training, full-time National Guard duty or traveling directly to or from such duty may request continuation on active duty while hospitalized, and that all members receiving care are eligible to apply to receive pay and allowances.

### SUBTITLE B—TRICARE PROGRAM

#### Section 711—Definition of TRICARE Program

This section would define the Department's managed-care TRICARE program.

### Section 712—CHAMPUS Payment Limits for TRICARE Prime Enrollees

This section would permit health care providers who are not participating in the TRICARE network to be paid higher amounts than now permitted in the limited circumstances in which they might provide care to TRICARE Prime, the health maintenance organization (HMO) option, enrollees. This section would protect TRICARE Prime enrollees from “balance billing” by such providers. As is standard for HMOs, enrollees receive most care from network providers, but in limited circumstances receive covered services from non-participating providers. This section also would apply in cases where enrollees are referred to a non-network provider because no network provider is available.

### Section 713—Improved Information Exchange Between Military Treatment Facilities and TRICARE Program Contractors

This section would require the Secretary of Defense to field a uniform version of the Composite Health Care System (CHCS) throughout the military health services system. It also would require the Department to amend one TRICARE regional contract to require the TRICARE contractor to use government furnished CHCS software for military treatment facility (MTF) provider appointments and to record TRICARE MTF enrollment. The committee believes that a successful TRICARE program must fully incorporate the successful features of CHCS to ensure an effective two-way exchange of information between the MTF and TRICARE civilian care contractors.

## SUBTITLE C—UNIFORMED SERVICES TREATMENT FACILITIES

### Section 721—Definitions

This section would define various terms pertaining to the Uniformed Services Treatment Facilities.

### Section 722—Inclusion of Designated Providers in Uniformed Services Health Care Delivery System

This section would provide for the inclusion of the Uniformed Services Treatment Facilities (USTFs) in the health care delivery system of the uniformed services. It would establish the terms under which the USTFs would become designated providers of managed health care services to military beneficiaries and would require the USTFs to comply with the administrative requirements established by the Secretary of Defense for health care providers.—

### Section 723—Provision of Uniform Benefit by Designated Providers

This section would require the designated providers that would be established under section 722 of this act to implement the TRICARE uniform benefit, including the uniform cost-sharing requirements, upon implementation of TRICARE in the designated provider’s region or October 1, 1996, whichever date is later.

#### Section 724—Enrollment of Covered Beneficiaries

This section would limit the number of beneficiaries enrolled in managed care programs of the designated provider in fiscal year 1997 to the number enrolled as of October 1, 1995. It also would provide the Secretary of Defense with the authority to waive the enrollment limit to accommodate enrollment of active-duty dependents. Additionally, this section would establish a permanent limitation on the number of enrollees in the programs of the designated providers, would prohibit the disenrollment of current participants except in certain, specified cases and would establish additional enrollment criteria for designated providers.

#### Section 725—Application of CHAMPUS Payment Rules

This section would amend title 10, United States Code, to clarify a provision in the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) to ensure that it applies to military beneficiaries, rather than active-duty members. It would also clarify that the Civilian Health and Medical Care Program of the Uniformed Services (CHAMPUS) rules may apply even in situations when the health care provided to military beneficiaries is not provided outside the Uniformed Services Treatment Facility's catchment area.

#### Section 726—Payment for Services

This section would require the payments made to the designated provider to be full-risk capitation based on the utilization experience of enrollees and competitive market rates for equivalent health care services. It also would limit payments to a designated provider to no more than the government would pay if enrollees received their care through the TRICARE program or through Medicare.

#### Section 727—Repeal of Superseded Authorities

This section would repeal previous Uniformed Services Treatment Facilities (USTFs) legislative provisions effective October 1, 1997, the date on which the USTFs would become “designated providers” under the TRICARE program.

#### SUBTITLE D—OTHER CHANGES TO EXISTING LAWS REGARDING HEALTH CARE MANAGEMENT

#### Section 731—Authority To Waive CHAMPUS Exclusion Regarding Nonmedically Necessary Treatment in Connection With Certain Clinical Trials

This section would amend section 1079(a) of title 10, United States Code, to permit the Secretary of Defense, pursuant to an agreement with the Secretary of Health and Human Services, to waive the exclusion of non-medically necessary treatment with respect to clinical trials sponsored or approved by the National Institutes of Health. Participation in these clinical trials will improve access to promising therapies for CHAMPUS-eligible beneficiaries when their conditions meet protocol eligibility criteria.

**Section 732—Authority To Waive or Reduce CHAMPUS Deductible Amounts for Reservists Called to Active Duty in Support of Contingency Operations**

This section would amend section 1079(b) of title 10, United States Code, to provide the Secretary of Defense the authority to waive or reduce CHAMPUS deductible amounts in the case of the dependents of a member of a reserve component of the uniformed services who is on active duty under a call or order to active duty of less than one year. This provision would eliminate an existing inequity in the treatment of reserve component personnel and avoid unusual out-of-pocket costs, disruption of continuity in care, impaired access and problems with beneficiary satisfaction for activated reservists.

**Section 733—Exception to Maximum Allowable Payments to Individual Health-Care Providers Under CHAMPUS**

This section would amend section 1079 of title 10, United States Code, to provide the Secretary of Defense the authority to authorize the commander of a military treatment facility, a TRICARE lead agent, or a civilian, at-risk health care contractor to modify the CHAMPUS payment limitations to ensure the availability of care for military beneficiaries.

In many rural or semi-rural communities, limited managed care providers limit the application principles. The CHAMPUS Maximum Allowable Calculation (CMAC) level, which frequently is viewed as too low, becomes a major stumbling block to securing contract providers for TRICARE Prime, the HMO option, and TRICARE Extra, the preferred provider organization. For those providers who refuse participation in TRICARE, reimbursement then reverts to the standard CHAMPUS rate which can be higher than the CMAC level for some services. Given the limited availability of certain providers in selected rural and semi-rural regions, some flexibility in paying more than CMAC within the TRICARE system would facilitate the availability and accessibility of health care services, while at the same time implementing managed-care utilization and quality assurance measures.—

**Section 734—Codification of Annual Authority to Credit CHAMPUS Refunds to Current Year Appropriation**

This section would amend chapter 55 of title 10, United States Code, to make permanent the authority outlined in section 8144 of the Department of Defense Appropriations Act for Fiscal Year 1995 (Public Law 103-335), which allows the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) to credit refunds and similar collections to the current-year appropriations and thus be available to pay current-year obligations.

**Section 735—Exceptions to Requirements Regarding Obtaining Nonavailability-of-Health-Care Statements**

This section would amend title 10, United States Code, to prohibit the requirement for non-availability statements for outpatient services for military beneficiaries who chose the TRICARE Stand-

ard (fee-for-service) option. The committee believes that beneficiaries who decline enrollment in the HMO option of the TRICARE program do so in order to retain their freedom of providers, at a much greater cost to them in the form of deductibles and copayments. The requirement for obtaining non-availability statements may compromise these beneficiaries' freedom of choice, as well as their continuity of care when an extensive outpatient procedure is required. Additionally, beneficiaries unable to enroll in the HMO option of TRICARE, either because of space limitations or non-availability in an area, should not have their choices further limited by the requirement for a non-availability statement.

#### Section 736—Expansion of Collection Authorities From Third-Party Payers

This section would amend title 10, United States Code, to adopt several refinements to the Third Party Collection Program under which military medical facilities collect from third-party payers for health care services provided to beneficiaries who are also covered by the third-party payers' plans, and to the related CHAMPUS Double Coverage Program, under which CHAMPUS is secondary payer to other health plans that also cover CHAMPUS beneficiaries. These refinements are consistent with the long-standing Congressional policy of containing health care spending by assuring that third-party payers, who generally have collected full premiums for coverage of insured persons who are also DOD beneficiaries, do not shift their costs to the federal taxpayers.

#### SUBTITLE E—OTHER MATTERS

#### Section 741—Alternatives to Active Duty Service Obligation Under Armed Forces Health Professions Scholarship and Financial Assistance Program and Uniformed Services University of the Health Sciences

This section would amend title 10, United States Code, to establish new alternatives in cases of members of the Health Professions Scholarship and Financial Assistance Program who do not, or cannot, complete their active-duty service obligations. Currently, the only alternative, assignment to a health professional shortage area designated by the Secretary of Health and Human Services, has never been used because neither the Department of Defense nor the Department of Health and Human Services has an effective mechanism to administer such an alternative obligation.

This section would establish four options for alternative obligations for the member:

- (1) a reserve component assignment of a duration twice as long as the remaining active-duty obligation;
- (2) service as a health professional civil service employee in a facility of the uniformed services;
- (3) transfer of the active-duty service obligation to an equal obligation under the National Health Services Corps;
- (4) repayment of a percentage of the total cost incurred by the Department under the program equal to the percentage of

the member's total active-duty service obligation being relieved, plus interest.

Section 742—Exception to Strength Limitations for Public Health Service Officers Assigned to the Department of Defense

This section would amend section 207, title 42, United States Code to exclude commissioned officers of the Public Health Service (PHS) assigned to duty in the Department of Defense from being counted when computing the maximum number of commissioned PHS officers authorized by law. This would facilitate a continuation of the long-standing practice of assigning a number of PHS officers to duty with the Department of Defense.

Section 743—Continued Operation of Uniformed Services University of the Health Sciences

The National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) directed the Secretary of Defense to budget for ongoing operations at the Uniformed Services University of the Health Sciences (USUHS). This section restates that directive.

The service surgeons general have consistently reported on the importance of USUHS in effectively training military physicians to meet both peacetime and wartime medical readiness requirements. The committee believes USUHS is vital to the medical readiness training of a substantial number of military health-care providers and therefore strongly supports the continued operation of USUHS. Congress clearly stated its support of USUHS through actions taken in both the National Defense Authorization Act for Fiscal Year 1996 and the Department of Defense Appropriations Act for Fiscal Year 1996 (Public Law 104-61).

However, the committee recently learned that the Department of Defense has been directed to not budget for the continued operation of the Uniformed Services University of the Health Sciences after fiscal year 1997. The Administration's decision to not budget for USUHS is yet another example of its inadequate commitment to ensuring the total readiness of the U.S. armed forces.

Section 744—Sense of Congress Regarding Tax Treatment of Armed Forces Health Professions Scholarship and Financial Assistance Program

The Department of Defense has approximately 4,000 medical, dental, optometric, psychology and nurse anesthesia students enrolled in the Armed Forces Health Professions Scholarship Program. Prior to 1986, DOD payments for tuition and related expense to and on behalf of program participants were tax exempt. Only the monthly stipend was, and continues to be, treated as taxable income subject to withholdings and student payment of individual tax liability. However, as a result of section 117, title 26, United States Code, which was amended by the Tax Reform Act of 1986, DOD payments for tuition and related expenses became taxable income subject to withholdings.

This section would express the sense of Congress that the Secretary of Defense should continue to work with the Secretary of the Treasury to seek relief from this problem from the Internal Reve-

nue Service. The decision to tax health professions scholarships seems to be based on a selective interpretation of the law.

Section 745—Report Regarding Specialized Treatment Facility Program

This section would require the Secretary of Defense to provide Congress with a report on the impact of reducing the catchment areas for specialized treatment facilities from 200 miles to 100 miles.

## TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

### ITEMS OF SPECIAL INTEREST

#### Implementation of Acquisition Reform Legislation

In a span of two legislative years, Congress has enacted three major acquisition reform initiatives: the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355), the Federal Acquisition Reform Act of 1996 (Division D of Public Law 104–106) and the Information Technology Management Reform Act of 1996 (Division E of Public Law 104–106). This assertive legislative effort reflects a recognition by the Congress of the urgent need to simplify, streamline and reduce the cost associated with the federal acquisition process. The Committee on National Security and the Committee on Government Reform and Oversight, in particular, have aggressively pursued such reforms to maximize the return on each taxpayer dollar used to procure the billions in goods and services the federal government procures annually.

The committee strongly believes that the burden for continuing this effort has now shifted to the executive branch as it begins the lengthy and complex process of implementing the many statutory changes contained in the aforementioned legislation. The committee notes that this legislation, in general, intentionally refrained from prescriptive statutory direction in order to maximize flexibility and effective regulatory implementation. Therefore, the committee strongly urges the appropriate agencies of government to take maximum advantage of the flexibility and opportunity provided by this legislation during the process of developing and implementing the necessary regulations and guidance.

#### Truth in Negotiations Act Audit Rights

The National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) eliminated certain rights by the government to audit information to be supplied by commercial suppliers in lieu of certified cost or pricing data. In taking this action, Congress clearly and willfully did not intend that this statutory change permit federal agencies to subsequently determine through agency supplements to the Federal Acquisition Regulation whether and to what extent post award audit access is appropriate on commercial item contracts. The committee strongly reiterates previously stated congressional intent that the only remaining authority for the government to pursue such information is the authority of the General Accounting Office to audit contractor records.



### Tungsten Anti-Tank Penetrators

The committee is aware that the Department of Defense entered into an agreement with the Federal Republic of Germany in 1979 concerning requirements for the next generation combat tanks. This agreement has led to the manufacture by Germany of tungsten anti-tank penetrator components for use in M1 Abrams anti-tank munitions manufactured in the United States. The committee is concerned with the potential impact that this arrangement could have on an important segment of the North American munitions industrial base. Therefore, the committee strongly urges the Secretary of Defense to review this situation and reconsider whether U.S. manufactured tungsten anti-tank penetrators should be used once the agreement between the United States and Germany expires in 1997.

## LEGISLATIVE PROVISIONS

### SUBTITLE A—ACQUISITION MANAGEMENT

#### Section 801—Authority to Waive or Modify Certain Requirements for Defense Acquisition Pilot Programs

This section would expand existing authorities provided to the Secretary of Defense to waive or modify certain acquisition laws in executing programs designated under the defense acquisition pilot program. The committee is aware of the initial results realized through the streamlined acquisition procedures utilized for those programs designated under the defense acquisition pilot program. The committee is pleased with the reported cost savings and urges the Department to continue aggressively pursuing this pilot effort to validate further reform concepts for possible broader application to the defense acquisition process.

#### Section 802—Exclusion From Certain Post-Education Duty Assignments for Members of Acquisition Corps

This section would authorize the Secretary of Defense to exclude from the mandatory joint duty requirement military members of the acquisition corps who have graduated from the senior acquisition course at the Industrial College of the Armed Forces (ICAF). Such exemption would be permitted if these officers are assigned to critical acquisition positions upon graduation. The committee recognizes the conflict that exists between the dual imperatives of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433) and the Defense Acquisition Workforce Improvement Act (title XII of Public Law 101-510) in how ICAF graduates should be assigned. The committee's action, however, should in no way be interpreted as a reduction of commitment to the joint officer management provisions of the Goldwater-Nichols Act.

#### Section 803—Extension of Authority to Carry Out Certain Prototype Projects

This section would reauthorize and expand to the military services the authority provided by section 845 of the National Defense

Authorization Act for Fiscal Year 1994 (Public Law 103-160) to allow additional flexibility in the acquisition of prototype technologies and systems.

#### Section 804—Increase in Threshold Amounts for Major Systems

This section would update the existing statutory threshold for the definition of “major systems” to fiscal year 1990 constant dollars from fiscal year 1980 dollars. It would also allow the Secretary of Defense to further adjust this definition threshold to reflect inflation after notification to the Congressional defense committees. These changes would conform the definition for “major systems” to that used for “major defense acquisition program” in title 10, United States Code.

#### Section 805—Revisions in Information Required to be Included in Selected Acquisition Reports

This section would adjust and improve the terminology and references used in the acquisition reporting process of major defense acquisition programs. The provision would add “procurement unit cost” as an additional reporting element of the selected acquisition report to provide a more meaningful measure of recurring unit cost. The provision would also eliminate the reporting element for completion status for a program since, as presently defined, it provides statistical measures of marginal utility for program oversight.

#### Section 806—Increase in Simplified Acquisition Threshold for Humanitarian or Peacekeeping Operations

This section would expand the current authority that doubles the simplified acquisition threshold for purchases made outside of the United States in support of a contingency operation to humanitarian and peacekeeping operations. The committee takes this action not as an endorsement of the expansion of these kind of operations by the Department of Defense, but as a recognition of the utility and benefit of allowing the Department additional contracting flexibility when engaged in such operations abroad.

#### Section 807—Expansion of Audit Reciprocity Among Federal Agencies to Include Post-Award Audits

The committee recognizes the need to avoid duplicative contract audit requirements arising from federal, state, and local government agencies. In order to reduce administrative burdens and duplication of efforts by different governmental entities, this section would expand upon current statutory authorities in two ways. First, it would extend audit reciprocity considerations to post-award audit to expedite the contract close out process and the issuance of final contract payments. Secondly, it would require the Office of Management and Budget to issue guidance to ensure that state and local entities accept cognizant federal agency audits in order to minimize duplication of effort and reduce cost for contractors engaged in contracting at various levels of government.

#### Section 808—Extension of Pilot Mentor-Protege Program

This section would extend the authority for the Department of Defense to conduct the Pilot Mentor-Protege program through fiscal year 1997.

#### SUBTITLE B—OTHER MATTERS

#### Section 821—Amendment to Definition of National Security System Under Information Technology Management Reform Act of 1995

This section would expand the definition of national security systems items waived for the purposes of application of the centralized management provisions of the Information Technology Management Reform Act of 1996 (Division E of Public Law 104–106) to include all classified systems.

#### Section 822—Prohibition on Release of Contractor Proposals Under Freedom of Information Act

This section would exempt contractor proposals provided to the federal government from release under the Freedom of Information Act (Public Law 89–554). The committee is aware that the current Freedom of Information Act (FOIA) process imposes a significant administrative burden on federal agencies receiving requests for release of contractor proposals even though most if not all of the information is exempt under the FOIA process. This provision is intended to allow federal agencies to dispense with the lengthy line-by-line reviews which are presently required to arrive at the non-disclosure determination for this material. The committee does not intend for this provision to affect information available to be placed under a General Accounting Office protective order pursuant to section 3553(f) of title 31, United States Code.

#### Section 823—Repeal of Annual Report by Advocate for Competition

This section would repeal the requirement for agency competition advocates to submit an annual report to agency senior procurement executives.

#### Section 824—Repeal of Biannual Report on Procurement Regulatory Activity

This section would repeal the requirement for the Administrator for Federal Procurement Policy to publish a semiannual regulatory activity report on procurement regulations. The committee recognizes that much of the information contained in this report can already be found in the Unified Agenda of Federal Regulations published semiannually in the Federal Register by the Office of Management and Budget.

#### Section 825—Repeal of Multiyear Limitation on Contracts for Inspection, Maintenance, and Repair

This section would repeal the current statutory limitation on multiyear contracts for inspection, maintenance, and repair functions allowing the multiyear policy provisions of the Federal Acqui-

sition Streamlining Act of 1994 (Public Law 103–355) to govern such contracts.

**Section 826—Streamlined Notice Requirements to Contractors and Employees Regarding Termination or Substantial Reduction in Contracts Under Major Defense Programs**

This section would streamline and simplify the notification process resulting from termination or substantial reduction in defense contract funding required by the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (Division D of Public Law 102–484). The committee understands that the current process is unnecessarily cumbersome and complex. This provision would modify the notification process to occur upon actual contract termination or substantial reduction rather than prematurely during the budget process as currently required.

**Section 827—Repeal of Notice Requirements for Substantially or Seriously Affected Parties in Downsizing Efforts**

This section would repeal the requirement for the Secretary of Defense to notify federal, state, county, local and labor officials if the annual budget of the President submitted to Congress, or long-term guidance documents, or public announcements of base or facility closures or realignments, or cancellation or curtailment of a major contract will have a serious and substantial effect. The committee concurs with the Administration’s assessment that this statutory requirement is overly prescriptive, confusing, and unnecessary.

**Section 828—Testing of Defense Acquisition Programs**

This section would modify existing statutes governing live fire testing of major defense systems to provide additional flexibility without compromising the benefits accrued through a responsible testing program.

**Section 829—Dependency of National Technology and Industrial Base on Supplies Available Only From Foreign Countries**

This section would direct the Department of Defense to conduct an assessment of the degree of dependency on foreign sources for key components of defense systems.

**Section 830—Sense of Congress Regarding Treatment of Department of Defense Cable Television Franchise Agreements**

Section 823 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) directed the Chief Judge of the United States Court of Federal Claims to transmit to Congress a report answering certain questions concerning the treatment of cable television franchise agreements under part 49 of the Federal Acquisition Regulation (FAR) and the Communications Act of 1934. The report is to be submitted no later than August 10, 1996.

Section 831—Extension of Domestic Source Limitation for Valves  
and Machine Tools

This section would delay the expiration of the current statutory domestic source restriction for valves and machine tools from October 1, 1996 to October 1, 2001.

## TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

### ITEMS OF SPECIAL INTEREST

#### Unified Command Plan

The committee is aware of the recent changes to the Unified Command Plan (UCP) which resulted in changes in the geographic area of responsibility for the U.S. Southern Command (SOUTHCOM) and the U.S. Atlantic Command (USACOM). In particular, the committee notes that the proposed UCP changes would shift the responsibility for the Gulf of Mexico, the Caribbean Sea and the island nations within these regions from USACOM to SOUTHCOM. The committee considers these proposed changes to be significant and wishes to have a better understanding of all possible implications. Therefore, the committee directs that the General Accounting Office (GAO) conduct a review of the issues reported by USACOM to the Secretary of Defense and to the Committee on National Security at its hearing of March 28, 1996 regarding the proposed UCP changes. A report on the GAO's findings and conclusions should be provided to the committee no later than January 1, 1997.

### LEGISLATIVE PROVISIONS

#### Section 901—Additional Required Reduction in Defense Acquisition Workforce

This section would require a reduction in the number of personnel assigned to defense acquisition organizations of 25,000 during fiscal year 1997. This provision results from the committee's ongoing effort to reduce the size and cost associated with the Department's significant administrative overhead. The committee is disturbed that the Department has failed to produce the report required by section 906 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) regarding downsizing and restructuring options for the defense acquisition infrastructure. The committee strongly believes that the Department must aggressively pursue such structural changes in order to reduce the significant overhead cost associated with the procurement of defense goods and services.

#### Section 902—Reduction of Personnel Assigned to Office of the Secretary of Defense

This section would clarify that the 25 percent, five year reduction in personnel assigned to the Office of the Secretary of Defense required by section 901 of the National Defense Authorization Act for

Fiscal Year 1996 (Public Law 104–106) must be implemented on an annual basis. The committee notes with concern that the Department has yet to submit the report and recommendations required by section 901 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) regarding the downsizing and restructuring of the Office of the Secretary of Defense.

**Section 903—Report on Military Department Headquarters Staffs**

This section would require the Secretary of Defense to conduct a comprehensive assessment on the management and functional responsibilities of the offices of the military department secretaries and chiefs of staff. This provision also results from the committee's ongoing effort to reduce the size and cost associated with the Department's significant administrative overhead.

**Section 904—Extension of Effective Date for Charter for Joint Requirements Oversight Council**

This section would delay the effective date of the statutory charter for the Joint Requirements Oversight Council (JROC) from January 1, 1997 to January 1, 1998. The committee notes with concern the difficulties it has encountered in receiving the most cursory information associated with analysis performed by the JROC resulting in decisions to terminate or rephase military programs. Repeated attempts by the committee to conduct legitimate program oversight have been frustrated by consistent refusal by the Joint Staff to provide the committee with supporting rationale for recent decisions on theater missile defense and unmanned aerial vehicle programs. While the committee recognizes that direct involvement in acquisition program decisions is a relatively new role for the Joint Staff, the committee is nevertheless committed to pursuing all necessary information to carry out its constitutional oversight responsibilities. As such, the committee urges the Chairman of the Joint Chiefs of Staff to promptly revisit this matter and engage the committee in a dialogue to avoid similar occurrences in the future.

**Section 905—Removal of Secretary of the Army From Membership on the Foreign Trade Zone Board**

This section would repeal the requirement for membership by the Secretary of the Army on the Foreign Trade Zone Board. Participation on the Board is no longer necessary as a result of the changing nature of foreign trade zones and the fact that current issues facing the Board rarely involve engineering or construction issues of interest to the U.S. Army Corps of Engineers.

**Section 906—Membership of the Ammunition Storage Board—**

This section would amend section 172(a) of title 10, United States Code, to permit qualified civilian employees of the Federal Government to serve as board members on the ammunition storage board which is currently named the Department of Defense Explosives Safety Board. Section 172(a) limits the board membership to "officers" who, in accordance with the definition set forth in section 101(b)(1), must be commissioned or warrant officers and not civil-

ian employees. This limitation restricts the secretaries of the military departments from selecting the most qualified person available to represent their departments. To ensure the secretaries have the flexibility to be represented by the most qualified professional, the option to select civilian board members must be available to them.

Section 907—Department of Defense Disbursing Official Check  
Cashing and Exchange Transactions

This section would permit Department of Defense disbursing officials to provide check cashing services and exchange services to U.S. chartered federal credit unions serving U.S. military personnel and their dependents in foreign countries where military banking facilities are not available.



## TITLE X

### COUNTER-DRUG ACTIVITIES

#### Overview

The budget request contained \$782.0 million for Department of Defense counter-drug activities. This represents a net decrease of \$32.3 million from the fiscal year 1996 appropriated level of \$814.3 million. To ensure that the Department of Defense effort in this important national priority is not diminished, the committee recommends an increase of \$40.0 million for fiscal year 1997 counter-drug activities for a total authorization of \$822.0 million allocated as follows:

[In thousands of dollars]	
FY97 Drug Interdiction & Counter-Drug Request .....	\$782,019
Source Nation Support .....	153,961
Dismantling Cartels .....	57,055
Detection and Monitoring .....	232,129
Law Enforcement Agency Support .....	254,979
Demand Reduction .....	83,895
Recommended Increases:	
Laser Strike (Project #9497) .....	10,000
Riverine Operations (Project #9201) .....	4,900
Southwest border support (Project #9499) .....	2,500
Signal intelligence equipment (Project #1313) .....	3,000
SOUTHCOM support (Project #9497) .....	1,500
Enhanced JTF-6 DLEA support (Project #2435) .....	5,000
Gulf States Counterdrug Initiative (Project #7406) .....	4,800
Multi-Jurisdictional Task Force (Project #7408) .....	1,000
Spare TARS (Project #4110) .....	3,800
C-26 reconnaissance upgrade (Project #7403) .....	3,500
Recommendation .....	822,019

#### Items of Special Interest

##### *National guard counter-drug program*

The committee continues to strongly endorse the contributions of the National Guard to the defense counter drug program. The unique role and status of the National Guard in the war on drugs makes the men and women of the National Guard an invaluable asset to the overall effort. National Guard counter drug activities take place in every state and virtually every community of the United States. Accordingly, with the exception of the increases noted above, the committee recommends the requested authorization for the fiscal year 1997 National Guard counter drug program and fully expects the Department to execute the program at this level of authorization. The committee strongly believes that the National Guard component of the defense counter drug program should be properly resourced to ensure the continued successful contribution of the National Guard to this national priority.

*C-26 aircraft photo reconnaissance upgrades*

The committee is aware of a shortfall in funding for the National Guard C-26 aircraft photo reconnaissance and infrared surveillance upgrade program. Therefore, the committee recommends an increase of \$3.5 million to restore the number of aircraft involved in the C-26 photo reconnaissance upgrade program to its previous level.

*Gulf states counterdrug initiative*

The committee continues to support the Gulf States Counterdrug Initiative (GSCI) and is pleased to note that the budget request contains \$3.2 million for this initiative. However, the committee is concerned that this funding level does not adequately cover the required costs for the Regional Counterdrug Training Academy, integrating the state of Georgia into the program and other priority initiatives. Therefore, the committee recommends an increase of \$4.8 million over the requested amount. The committee notes that none of these funds should be utilized for construction or other infrastructure related costs. The committee strongly believes that funds provided for this program should remain focused on training and improving command, control, communications and computer (C4) capabilities.

*Southwest border fence project*

The committee continues to have a strong interest in facilitating support for the border fence project along the San Diego-Tijuana border area in Southern California. The committee is aware of the efforts of JTF-6 and the California National Guard in sustaining an adequate level of support to enhance this important barrier. The committee notes the growing support in Congress and within the Administration for upgrading the existing fence to a more capable design and endorses the decision to fund this effort from within the immigration control budget. However, to ensure that the existing program to extend the length of fence coverage is not unnecessarily interrupted, the committee recommends that, of the amounts authorized for Law Enforcement Agency Support, \$5.0 million be made available for continued support of this national project. Further, the committee believes that improvements to the San Diego fence should receive priority consideration as Congress entertains Administration proposals to utilize up to \$250 million in fiscal year 1996 Department of Defense funds for the national counternarcotics effort.

## OTHER MATTERS

## Defense Information Systems Network (DISN)

The committee continues to strongly support the Department's efforts to upgrade its information technology infrastructure by rapidly transitioning to the Defense Information Systems Network (DISN). While the committee had hoped that the Department would have had the full DISN program in place and operational by now, the committee expects implementation of the DISN program to move forward expeditiously to ensure widespread availability of

state-of-the-art telecommunications for military users. Accordingly, the committee expects that the fifteen month extension of the current Defense Commercial Telecommunications Network (DCTN) end no later than the planned date of May, 1997.

To facilitate the rapid migration of the Department's vast collection of telecommunication systems into DISN, the committee directs the military services to finalize plans to extend DISN operational concepts within their base infrastructure and within operationally deployed forces. The committee notes that DISN implementation must reflect the end-to-end nature of the program and elimination and migration of legacy systems in order to for the program to attain its full potential. Further, the committee believes that the aggressive integration of land, space, and deployable assets is essential to this strategy and should receive priority consideration during future budgeting and implementation decisions.

#### Military Affiliate Radio System

The committee notes that the Military Affiliate Radio System (MARS) provides the Department of Defense and U.S. armed forces with an auxiliary and emergency communications capability on a local, national, and international basis as an adjunct to normal communications. It has also been used to handle morale and quasi-official record and voice communications traffic for the armed forces and authorized U.S. government civilian personnel stationed throughout the world. The MARS program operates at little cost to the government and has provided the U.S. armed forces with a reserve of qualified and well-trained radio communications personnel, including civilian "affiliates" who volunteer their time to provide a valuable service to U.S. troops and their families at home or overseas. The committee further notes that the Army MARS support plan for Operation Joint Endeavor was held in abeyance due to the use of other communications means to meet morale support requirements for U.S. armed forces deployed in Bosnia. However, these other means may take time to establish, may not always be reliable or available, or may result in out-of-pocket costs to U.S. service personnel. Because of this, the committee supports the continuation and expanded use by all services of an active MARS program.

#### National Defense University Chinese Translations

The committee understands that the Director, Office of Net Assessment has acquired and translated open source articles and journals written by People's Liberation Army (PLA) military officers and officials. These articles provide important insights into the PLA's vision of the future of warfare, including the meaning of the revolution in military affairs. The committee further understands that the National Defense University (NDU) Press is planning to publish one or more books containing these articles, in the interest of broadening understanding of Chinese military thinking. The committee strongly supports this initiative, and directs the President, National Defense University to ensure that these important papers are published in a timely manner.

### Supercomputer Exports and Proliferation

The committee continues to be troubled by the Administration's relaxation of export controls on sensitive items with military application and reiterates the directive contained in the statement of managers accompanying the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) directing the Secretary of Defense to submit a report on the Administration's relaxation of export restrictions on supercomputers. The conferees expressed concern regarding the potential impact of the Administration's decision on United States nonproliferation efforts and the ability of the United States to maintain its military technological edge. Specifically, the Secretary was directed to submit a report that "describes the impact of the export decision on the ability of nations to acquire and use high-performance computing capabilities to develop advanced conventional weaponry, weapons of mass destruction, and delivery vehicles." This report has not been submitted and is now overdue. The committee calls on the Secretary to submit the required report as soon as possible.

#### White House Communications Agency

The committee is aware of ongoing work by the Committee on Government Reform and Oversight, the Department of Defense Inspector General and the General Accounting Office to review the operations of the White House Communications Agency (WHCA). The committee is concerned that although funded exclusively through DOD appropriations of over \$100 million a year, WHCA has functioned outside DOD operational control and with little or no Defense Department oversight.

Operating under the direction of the White House, WHCA's budget requests have gone largely unreviewed, its annual performance plan has failed to meet DOD requirements, its acquisition planning has fallen short of the Federal Acquisition Regulation standards resulting in wasteful purchases, and the agency's staffing needs have not been adequately supported or justified. In addition, the agency's functions and activities appear to have expanded greatly beyond its initial mission of providing communications support to the President in his role as commander-in-chief.

While the need for reform is clear, the committee is encouraged by the recent indications by the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence, the Director of the Defense Information Systems Agency, and the Commander of WHCA of a willingness to undertake corrective actions. Together with the Committee on Government Reform and Oversight, the committee will pursue a further review of the agency's operations in the coming year to ensure that necessary reforms are adopted.

### LEGISLATIVE PROVISIONS

#### SUBTITLE A—FINANCIAL MATTERS

#### Section 1001—Transfer Authority

This section would permit the transfer of amounts of authorizations made available in Division A of the bill for any fiscal year to

any other authorization made available in Division A upon determination by the Secretary of Defense that such a transfer would be in the national interest. The provision would provide the authorization for reprogramming involving the transfer of authorization between amounts authorized as set out in bill language.

The authority to transfer could only be used to provide authorization for higher priority items than the items from which authorization was transferred and could not be used to provide authorization for an item that was denied authorization by the Congress. The Secretary of Defense would be required to notify Congress promptly of transfers. The total amount of transfers would be limited to \$2 billion. Historically, the transfer authority authorized has changed as follows:

Fiscal year:	<i>Billions</i>
85-88 .....	\$2.00
89-91 .....	3.00
92 .....	2.25
93 .....	1.50
94-96 .....	2.00

#### Section 1002—Incorporation of Classified Annex

This section would incorporate the classified annex prepared by the Committee on National Security into the National Defense Authorization Act for Fiscal Year 1997.

#### Section 1003—Authority for Obligation of Certain Unauthorized Fiscal Year 1996 Defense Appropriations

This section would authorize certain fiscal year 1996 programs that received appropriations but no authorization.

#### Section 1004—Authorization of Prior Emergency Supplemental Appropriations for Fiscal Year 1996

This section would extend authorization to those items appropriated by the fiscal year 1996 emergency supplemental appropriations legislation.

#### Section 1005—Format for Budget Request for Navy/Marine Corps and Air Force Ammunition Accounts

This section would require the Secretary of Defense to request funding for Navy/Marine Corps and Air Force ammunition in separate appropriation accounts.

#### Section 1006—Format for Budget Requests for Defense Airborne Reconnaissance Program

The Defense Airborne Reconnaissance Program (DARP) budget currently consolidates all research and development projects within one program element and all procurement programs within four generic procurement line item numbers in the Air Force and Defense-wide procurement accounts. Therefore, to overcome this lack of budget justification presentation detail and provide the Congressional defense committees sufficient information to conduct appropriate oversight, the committee recommends a legislative provision

(sec. 1006) that directs the Secretary of Defense to identify all DARP research and development projects and procurement programs by unique program element numbers and procurement line items, respectively, in all future budget requests beginning with fiscal year 1998.

#### SUBTITLE B—REPORTS AND STUDIES

##### Section 1021—Annual Report on Operation Provide Comfort and Operation Enhanced Southern Watch

This section would require an annual report on the conduct of Operations Provide Comfort and Enhanced Southern Watch over and within Iraq. Sections 1004 and 1005 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) conditionally authorized funding operations Provide Comfort and Enhanced Southern Watch over and in Iraq pending a report by the Department of Defense establishing the fundamental objectives and parameters of these ongoing operations. Despite this requirement and the fact that funding for these operations is being diverted from military service operational readiness accounts, the Department has not yet provided these reports.

In response to the Department's casual response to the preparation and release of these reports and the enlarged scope of the operations in question, the committee recommends a provision (sec. 1021) that would require the Department to provide Congress with a consolidated annual report on Operation Provide Comfort and Operation Enhanced Southern Watch, for as long as the operations continue.

##### Section 1022—Report on Protection of National Information Infrastructure

Section 1053 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) established a requirement for a report from the President on national policy concerning protection of the national information infrastructure (NII) from strategic attack, and on the future role of the National Communications System (NCS) in implementing a strategy to protect the NII.

To date, Congress has not received the required report and overall it is clear that the Administration's response to this statutory requirement has been lackluster at best. One encouraging development is the recent creation of a White House task force to establish policies for indications and warning, protection, assessment, and reconstitution with respect to a strategic attack on key sectors of the U.S. infrastructure through the nation's networked information systems.

Therefore, the committee recommends a provision (sec. 1022) that would define what Congress expects from the President out of this task force process. The committee stresses that this effort cannot be regarded narrowly as a problem of counter-terrorism, law enforcement, emergency preparedness, intelligence, or national defense. Rather, it is a problem in all of those domains, requiring central direction and coordination. The committee also believes that the mandated NCS assessment has concluded correctly that

the focus for analysis and corrective action should be on the telecommunications, transportation, finance, power, and energy sectors of the U.S. national infrastructure.

Section 1023—Report on Witness Interview Procedures for  
Department of Defense Criminal Investigations

The committee continues to receive allegations of illegal, unnecessary and inappropriate harassment and intimidation of individuals by the criminal investigative agencies of the Department of Defense. Such allegations deeply concern the committee. Therefore, this section would require the Comptroller General to survey and report on the policies and practices of the military criminal investigative agencies with respect to the manner in which interviews of witnesses and suspects are conducted, the views of persons who were subjects and witnesses in military investigations, as well as the degree to which actual practice deviates from Department policy. Furthermore, the section would require the Comptroller General to report on a range of potential corrective actions that have been suggested to the committee.

SUBTITLE C—OTHER MATTERS

Section 1031—Information Systems Security Program

Judging by the results of the large and steadily growing volume of studies originating within the Department of Defense and its various scientific advisory boards, and by the recommendations and testimony of DOD's functional managers for information systems and information security, the Department is devoting woefully insufficient resources to protecting the Department's information systems.

The problem is a familiar one. Despite widespread recognition of a problem, there are no volunteers to provide funds to correct it. The senior DOD leadership is reluctant to impose a solution to a non-traditional threat, particularly when functional managers and information systems developers present plans that would require funding from outside their own budgets, and therefore entail difficult tradeoffs. In other words, the military services, and the managers of the logistics, medical, personnel, transportation, finance, and other functions within DOD have thus far chosen to maximize capabilities rather than sacrifice capabilities slightly in order to ensure minimum critical requirements are met in wartime conditions.

As a result, over the last two years, the DOD leadership has added only modest resources for information security. The level of funding was not based on a rigorous analysis of requirements, nor were funds limited because advocates failed to make a strong case for additional resources. Rather, the allocation appears to have been determined by the amount of funds that could be easily extracted from the overall budget for command, control, and communications after the normal budget review process.

The potential consequences are that DOD may not be able to generate, deploy, and sustain military forces during a major regional conflict in the event of information warfare attacks on critical support functions controlled by networked computers. According

to various studies within DOD, including several recent Defense Science Board reviews, such a threat could be mounted by virtually any nation or even sophisticated non-governmental organizations, with inexpensive, commercially available equipment. Past and present Directors of the National Security Agency have expressed grave concerns about this emerging threat and likened it to “an electronic Pearl Harbor.”

The committee strongly believes that additional investments in information security are required given the growing dependence on networked computer systems. Therefore, in order to assure that DOD will sustain additional investments in future budget submissions, the committee recommends a provision (sec. 1031) that would require the Secretary of Defense to allocate an additional half-percent of the total appropriations for the defense information infrastructure (DII) to security each year through the remainder of the Future Years Defense Plan, for a total allocation of approximately 4.0 percent in fiscal year 2001. These funds are in addition to the funds available to the National Security Agency and the Defense Advanced Research Projects Agency for information security technology. This provision would also require a report from the Secretary annually through 2001 that describes specific, measurable goals and objectives, the progress made over the previous year in reaching them, and plans for the coming fiscal year.

The committee would of course prefer that the Secretary of Defense develop a detailed information systems security investment plan and submit annual funding requests to the Congress. In the absence of executive branch leadership, however, the committee has no choice but to impose a specified funding allocation.

#### Section 1032—Aviation and Vessel War Risk Insurance

This section would authorize the Department of Defense to transfer funds to the Department of Transportation in the event of a loss incurred incident to aviation insurance issued by the Federal Aviation Administration pursuant to title 49, United States Code, or vessel war risk insurance issued by the Maritime Administration pursuant to title 46, United States Code, when reimbursement is required by those statutes or implementing agreements. In the case of a reimbursement required as the result of an aviation incident, reimbursement to the Secretary of Transportation is required within 30 days following the presentment of a valid claim to the Administrator of the Federal Aviation Administration. For vessel war risk claims, such reimbursement shall be made not later than 90 days following adjudication of the claim by the Administrator of the Maritime Administration. Because of the inability of the Department of Defense to promptly indemnify for claims arising out of activities or operations requested by the Department of Defense, a number of air carriers have withdrawn from the Civil Reserve Air Fleet (CRAF). Without continued significant participation by a number of carriers in the CRAF program, the ability to provide adequate airlift during critical periods will be in jeopardy.



## Section 1033—Aircraft Accident Investigation Boards

As a result of concerns about military flight safety raised by the committee, the General Accounting Office (GAO) produced a report in February 1996 entitled "Military Aircraft Safety: Significant Improvements Since 1975" (GAO/NSIAD-96-69BR). The report concluded that since 1975, the annual number of serious DOD aviation accidents and the resulting fatalities and destroyed aircraft has declined significantly. In fiscal year 1995, DOD reported its safest year in its aviation history in both the total number of Class A mishaps and the number per 100,000 flying hours. Even though fiscal year 1995 was the safest year, the services still sustained 76 class A mishaps resulting in 85 fatalities and 67 destroyed aircraft. In fiscal year 1995, aircraft accidents cost the Department of Defense \$1.3 billion in equipment losses and claims of damages against the government.

As a result of the report, the committee believes there are several areas within the flight safety program where improvements could be made. First, the findings of the GAO review and an Air Force Blue Ribbon Panel on flight safety suggest that mishap investigation boards are perceived as lacking the necessary independence from the operational chain of command with management responsibility for the aircrew, support personnel, and aircraft involved in the accident. The GAO has made recommendations in the past to address concerns about accident investigation board independence and some changes have been made as a result. For example, the Air Force has recently changed its policy to require a representative from the Air Force safety center be included as a voting member of mishap investigation boards and to limit the authority to change mishap investigation board reports to the board members.

Accordingly, this section would require the secretaries of the military departments to appoint a minimum of one representative of the service's safety center as a voting member on all accident investigation boards and to appoint a majority of the membership of accident investigation boards from units outside the chain of command of the unit involved in the mishap. The secretaries of the military departments are also encouraged to issue regulations specifying that the authority to change accident investigation board reports be vested only in the membership of the accident investigation boards.

Second, the committee believes that the Secretary of Defense should take action to develop and manage a joint service effort to address flight safety issues which have application across service lines. For example, with human error reported as a contributing factor in about 70 percent of aircraft accidents, it may be appropriate for DOD to take the lead in assuring that the services jointly address the problem.

The committee directs the Secretary of Defense to study the feasibility of operating a joint service program to address safety issues which have application across service lines and report the findings of the study to the Congress not later than March 31, 1997. At a minimum, the study should include an assessment of a joint program to require a standardized process for reporting and assessing

the causes of accidents, disseminating universal lessons learned to help prevent accidents, and developing new approaches to reduce the incidence of recurring safety problems, such as human error.

Finally, the committee recommends that the Secretary of Defense coordinate a review of the training of aviation managers, aircrew, and maintenance personnel to reduce the incidence of human error in flying operations by modifying aspects of training content, technique, and approach.

#### Section 1034—Authority for Use of Appropriated Funds for Recruiting Functions

This section would authorize the secretaries of the military departments to expend appropriated funds for small meals and snacks during recruiting functions.

#### Section 1035—Authority for Award of Medal of Honor to Certain African American Soldiers Who Served During World War II

This section would authorize the Secretary of the Army to award the Medal of Honor to African American former service members who have been found by the Secretary of the Army to have distinguished themselves by gallantry above and beyond the call of duty while serving in the United States Army during World War II.

#### Section 1036—Compensation for Persons Awarded Prisoner of War Medal Who Did Not Previously Receive Compensation as a Prisoner of War

This section would require the secretaries of the military departments to pay subsistence and other allowances authorized to be paid to prisoners of war interned by a government of a nation with which the United States has been at war to former service members who were awarded the Prisoner of War Medal as a result of being interned by a nation with which the United States was not at war. The provision would establish a one year period for the submission of applications from former service members who believe they are eligible.

#### Section 1037—George C. Marshall European Center for Strategic Studies

This section would authorize the Secretary of Defense to accept contributions of money or services from any foreign nation intended to defray the cost of, or enhance the operations of the George C. Marshall European Center For Strategic Studies. The Secretary would be required to notify the Congress if total contributions of money exceed \$2,000,000 in any fiscal year. This provision would also authorize the Secretary of Defense to approve the participation of a European or Eurasian nation in Marshall Center programs if the Secretary determines, in cooperation with the Secretary of State, that such participation is in the national interest of the United States and would materially contribute to reform of the electoral process or development of democratic institutions.

Section 1038—Participation of Members, Dependents, and Other Persons in Crime Prevention Efforts at Installations

This section would require the Secretary of Defense to promulgate regulations to require service members, dependents, civilian employees and defense contractors working on a military installation to report to military law enforcement officials any criminal activity, to include pilferage, grand theft auto, underage drinking, embezzlement and rape or sexual assault, which occurs on a military installation. It also would require the Secretary of Defense to report to Congress by February 1, 1997, on efforts to implement this provision.

Section 1039—Technical and Clerical Amendments

This section would make a number of minor technical and clerical amendments.

Section 1040—Prohibition on Carrying Out SR-71 Strategic Reconnaissance Program During Fiscal Year 1997

This section would prohibit the Secretary of Defense from obligating any funds during fiscal year 1997 to operate the SR-71 strategic reconnaissance program. The committee is concerned that this program, while continuing to provide a unique capability, has outlived its affordability. Further, the committee notes that the Department of Defense has long sought to cease the operation of this aircraft and has been precluded from doing so by Congressional direction. The committee intends for this provision to serve as emphatic direction to the Department to cease the operation of this unaffordable intelligence collection program.

The committee notes the recent letter from the Deputy Secretary of Defense informing the committee of the decision to terminate fiscal year 1996 SR-71 operations. The committee supports the Department's decision. While the Deputy Secretary's letter implied that this action was taken based on conflicting Congressional direction, the committee believes that it is fully consistent with the Department's position, as reflected by the lack of funding for this program in the President's fiscal year 1997 budget request.

## TITLE XI—COOPERATIVE THREAT REDUCTION

### OVERVIEW

The budget request contained \$327.9 million for cooperative threat reduction (CTR) activities, including \$177.5 million for destruction and dismantlement, \$119.5 million for fissile materials and nuclear weapons safety and storage, and \$30.9 million for other program support. The committee reiterates its support for the accelerated dismantlement and destruction of strategic offensive weapons in Russia, Ukraine, Kazakhstan, and Belarus.

The committee recommends a total of \$302.9 million for CTR activities in fiscal year 1997, a reduction of \$25.0 million from the requested amount. The committee recommends the requested amount for strategic offensive arms elimination activities in Russia, strategic nuclear arms elimination in Ukraine, fissile material storage containers in Russia, weapons storage and security in Russia, and defense and military-to-military contacts. The committee recommends the following reductions to the requested amounts: chemical weapons destruction (\$4.0 million); fissile material storage facility (\$20.0 million); and other program support (\$1.0 million). The discussion below provides additional rationale for these reductions as well as other matters of interest and concern to the committee.

### ITEMS OF SPECIAL INTEREST

#### Lack of Updated, Multi-Year Program Plan

Section 1205 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) directed the Secretary to submit, together with the President's budget submission, an annual report on the Department's plans and funding required for the CTR program. This section also directed the Comptroller General to issue a report on the Secretary's report. The purpose of this reporting requirement for a multi-year program plan was to provide the Congress with greater visibility into the Department's long-term programmatic strategy and the resources required to implement that strategy. Unfortunately, the Department has failed to submit this report. Therefore, it is difficult for the committee to assess overall program costs and commitments, schedules, and milestones, and whether or how the funds requested for fiscal year 1997 fit into those plans. The committee once again directs that the Secretary promptly submit the requested multi-year plan.

The committee also directs that future CTR multi-year plans should identify and explain significant cost, schedule, or scope changes from the preceding year's plan, and identify known uncertainties affecting project cost estimates and schedules. Finally, in order to better assess the impact of the CTR program on reducing the threat, the committee directs the Secretary of Defense, on an

annual basis beginning with the multi-year plan submitted with the President's fiscal year 1998 budget request, to include an assessment of the program's political and practical impact. This assessment shall include a listing of the number of missiles and launchers destroyed, the number of warheads safely stored, the quantities of chemical weapons destroyed, and the degree to which these actions resulted in an acceleration as compared to the schedule such activities would have otherwise occurred in the absence of U.S. assistance, as well as other appropriate measures of effectiveness that will allow the Congress to assess specific progress in the program.

#### Chemical Weapons Destruction

The budget request included \$2.2 million to initiate dismantlement of a chemical weapons production facility at Volgograd, Russia. The committee is concerned about establishing a precedent for a new U.S. commitment and program to assume responsibility for destroying Russian chemical weapons production facilities, especially given that Russia has both the resources and the technical capability to destroy such facilities. The committee believes that Russia should take immediate steps to destroy such facilities as a gesture of goodwill. Therefore, the committee denies the request to initiate this project.

The budget request also included \$3.3 million for the chemical weapons destruction support office in Moscow. The committee is not convinced of the need for such significant annual funding for what is essentially a clearinghouse for information on the chemical weapons destruction project. Therefore, the committee recommends \$1.5 million for this activity, a reduction of \$1.8 million from the request, and directs the Department to scale back the planned costs and operations of the support office to the minimum essential level.

The Department has assured the committee that no fiscal year 1997 funds will be used to initiate actual construction activities associated with a pilot chemical weapons destruction plant. The funding recommended by the committee is based on this assurance, and therefore the committee expects that the fiscal year 1997 funds recommended herein will be used solely for planning and design activities.

The committee also has a number of concerns regarding this project. First, although Russia recently completed and provided to the United States a comprehensive chemical weapons destruction implementation plan, questions regarding cost estimates, timelines, and overall credibility of that plan remain to be resolved. Second, the Department's plan for this project has been modified several times over the past year. Thus, the committee is unable to ascertain whether an appropriate U.S.-Russian cost-sharing arrangement has been finalized and, if so, what the U.S. responsibilities and obligations are for this project. Likewise, the committee is unable to determine whether the latest programmatic and technical milestones are in fact achievable. Third, the committee is aware of, but unable to assess any progress for, the Administration's effort to convince other nations to contribute funding for Russian chemical weapons destruction. Fourth, Russia has yet to ratify the

Chemical Weapons Convention, has made no specific commitment to the United States to carry out the terms and conditions of the U.S.-Russia bilateral chemical weapons destruction agreement, signed in 1990, and may still be developing offensive chemical weapons.

In the absence of these details, and given the magnitude of the potential U.S. cost-share for this project (estimates range from several hundred million dollars to approximately \$1.0 billion), the committee cannot endorse proceeding with the actual construction of a chemical weapons destruction facility.

#### Fissile Material Storage Facility

The budget request included \$66.0 million for fissile material storage activities in Russia. The committee understands the Department plans to notify the committee of its intention to take \$20.0 million in excess, prior-year funds for the fissile material storage facility and reallocate those funds for another CTR project. The committee directs that the \$20.0 million in available, prior-year funds for the fissile material storage facility be applied toward fiscal year 1997 fissile material storage activities. As a result, the fiscal year 1997 budget request can be reduced by this same amount without impacting program content. Therefore, the committee recommends \$46.0 million, a reduction of \$20.0 million, for this project in fiscal year 1997.

The committee is aware that the U.S. government has insisted in negotiations with Russia that this new facility meet or exceed Western standards for safe and secure warhead and weapon component storage, and that Russia store all or the vast majority of its excess weapons-grade fissile material and warhead components there. Correspondingly, the U.S. government has sought to negotiate detailed and binding agreements with the Russian government on the quantity and type of components and fissile material that will be stored in the facility, and on the irreversibility of the dismantlements. However, the Russian Ministry of Atomic Energy (Minatom) has been unwilling to provide firm commitments on these points. In addition, the U.S. government has insisted on inspection provisions that would allow the United States to confirm that it is being used for its intended purpose, and to verify that the weapons components or fissile material placed there is not later used for weapons construction. Minatom has refused to agree to this demand as well. Other concerns with this project have been raised as well. For example, a recent Harvard University study noted that "The storage facility will not begin operations until 1998 at the earliest, which raises questions about the wisdom of spending the largest single amount of money devoted to fissile material security from a very limited budget on a project that does nothing to meet the immediate needs for secure storage."

Based on these concerns, the committee directs that none of the fiscal year 1997 funds made available for fissile material storage may be obligated or expended until 15 days after the Secretary provides the congressional defense committees with a status report on the issues and concerns raised in the preceding paragraph.

Finally, as with the chemical weapons destruction facility, the Department's plan for assisting in the design and construction of

a fissile material storage facility in Russia has undergone significant changes recently, thereby making the description of this project contained in the 1995 multi-year plan no longer valid, according to DOD officials. Therefore, it is impossible for the committee to determine what obligations the United States now plans to assume for this project, the total project cost and planned completion date, and whether or how fiscal year 1997 funds fit into the overall plan. The committee notes again this situation could be rectified by prompt submission of the multi-year program plan.

#### Program Overhead

The budget request included \$20.9 million for other assessments/administrative costs. The committee recommends \$19.9 million, a reduction of \$1.0 million, for these activities. The reduction is made without prejudice, but expects the Department to identify efficiencies in program management and support services and contracts.

#### Concerns Regarding Presidential Certification

Section 211 of the Soviet Nuclear Threat Reduction Act of 1991 (Public Law 102-228) requires that, as a condition of eligibility for U.S. assistance under the CTR program, the President must submit an annual certification that a proposed recipient country is "committed to" certain minimal actions and standards. For example, the President must certify that the proposed recipient country is committed to: making a substantial investment of its resources for dismantling or destroying such weapons; forgoing any military modernization program that exceeds legitimate defense requirements and forgoing the replacement of destroyed weapons of mass destruction; forgoing any use of fissionable and other components of destroyed nuclear weapons in new nuclear weapons; facilitating U.S. verification of weapons destruction; and complying with all relevant arms control agreements. The most recent certification was issued March 13, 1996, by the Secretary of State on the President's behalf.

The committee strongly believes that the Russian Federation should promptly fulfill its obligations to honor all legal and political commitments to fully implement relevant arms control accords, including the Intermediate-Range Nuclear Forces (INF) Treaty, the Conventional Forces in Europe (CFE) Treaty, the Strategic Arms Reduction Treaty (START I), and agreements regarding chemical and biological weapons.

The committee is frustrated that the Congress has yet to receive the Arms Control and Disarmament Agency's report to Congress on adherence to and compliance with arms control agreements, which is required to be submitted not later than January 31 of each year under which separate judgments are to be made regarding Russian compliance with relevant arms control accords.

The committee believes that any certification judging Russia's commitment to complying with all relevant arms control agreements should be based on Russian actions, not rhetoric. The committee strongly believes it is not sufficient to refer to statements of Russian President Yeltsin and senior-level Russian policy offi-

cials as the sole evidence of Russia's compliance with arms control accords. In this regard, the committee notes that there is continuing evidence that the commitments made by President Yeltsin have not been implemented by the Russian Ministry of Defense.

To this end, the committee expresses deep concern that the preponderance of the March 13, 1996 report referenced above raises numerous concerns and issues regarding Russian activities that are inconsistent with its obligations under various relevant arms control accords, and in one case outright noncompliance. Yet, in the face of such overwhelming evidence of Russian misbehavior and intransigence, Russia is still judged to be committed to complying with its arms control obligations.

In this regard, the committee expects the Administration, as it deliberates on the 1997 certification for Russia, to ensure that such certification outlines a list of concrete steps and actions taken by Russia to fulfill its obligations under relevant arms control accords.

#### LEGISLATIVE PROVISIONS

##### Section 1101—Specification of Cooperative Threat Reduction Programs

This section would specify CTR programs.—

##### Section 1102—Fiscal Year 1997 Funding Allocations

This section would allocate fiscal year 1997 funding for various CTR purposes and activities.

##### Section 1103—Prohibition on Use of Funds For Specified Purposes

This section would prohibit the use of CTR funds for specified purposes.

##### Section 1104—Limitation on Funds

This section would prohibit obligation or expenditure of fiscal year 1997 CTR funds until 15 days after various reports are submitted to Congress.

##### Section 1105—Availability of Funds

This section would make fiscal year 1997 CTR funds available for obligation for three fiscal years.



## TITLE XII—RESERVE FORCES REVITALIZATION

### LEGISLATIVE PROVISIONS

#### SUBTITLE A—RESERVE COMPONENT STRUCTURE

##### Section 1211—Reserve Component Commands

This section would establish separate reserve commands and commanders for the Army, Navy, Marine Corps and Air Force reserves. The section would also delineate the forces to be assigned to each reserve command, as well as prescribe the subsequent assignment of the reserve forces to the commanders-in-chief (CINCs) of the joint combatant commands.

##### Section 1211—Reserve Component Chiefs

This section would establish separate offices of the military reserve chiefs as part of the staffs of the senior military headquarters of each of the services. In addition, the section would also prescribe the appointment criteria and procedures, and term of office for the reserve chiefs, and would also assign budget, annual reporting, and other management responsibilities to the reserve component chiefs.

##### Section 1213—Review of Active Duty and Reserve General and Flag Officer Authorizations

This section would require the Secretary of Defense to conduct a comprehensive review of the existing statutory reserve and active general and flag officer authorizations and report to Congress any recommendations for revisions to those authorizations, as well as recommendations for the statutory designation of other general and flag officers as part of the commands created in sections 1211 and 1212 of this title. The section would also require the Secretary to report on whether reserve component general and flag officers should be exempt from existing active duty general officer ceilings.

##### Section 1214—Guard and Reserve Technicians

This section would redefine military technicians as federal civilian employees hired under titles 5 and 32, United States Code, who are required to maintain dual-status as drilling reserve component members as a condition of their federal employment. The section would mandate that military technicians be authorized and accounted for as a separate category of civilian employees who are exempt from general civilian personnel reductions in the Department of Defense. The section would permit military technicians reductions only if the reductions were related to force structure changes.

Section 1215—Technical Amendment Reflecting Prior Revision to  
National Guard Bureau Charter

This section would make a technical amendment to section 641 of title 10, United States Code to correct an erroneous reference.

SUBTITLE B—RESERVE COMPONENT ACCESSIBILITY

Section 1231—Report to Congress on Measures Taken to Improve  
National Guard and Reserve Ability to Respond to Emergencies

This section would require the Secretary of Defense to report comprehensively on the measures taken or planned to improve the timeliness, adequacy and effectiveness of reserve component responses to domestic emergencies. The section would also require the Secretary of Defense to assess the recommendations of the 1995 RAND report, “Assessing the State and Federal Missions of the National Guard.”

Sections 1232 Through 1234—Reporting Requirements

These sections would require the Secretary of Defense to report to Congress on tax incentives for employees of members of the reserve components, on income programs for activated reservists, and on small business loans for reservists released from active duty following contingency operation.

SUBTITLE C—RESERVE FORCES SUSTAINMENT

Sections 1251 Through 1256—Improvements to Reserve  
Component Quality of Life and Benefits

These sections would require the Secretary of Defense to propose legislation on the tax deductibility of some unreimbursed expenses incurred by reservists, as well as legislative changes which would reduce the disparity of benefits between the active and reserve components. These sections would also authorize the Secretary of Defense to pay transient housing charges or provide lodging in kind for reservists in certain training situations.

## TITLE XIII—MATTERS RELATING TO OTHER NATIONS

### ITEMS OF SPECIAL INTEREST

#### Arms Control Implementation

The Administration's fiscal year 1997 budget requests \$282.3 million for arms control implementation programs. The committee notes that a number of arms control agreements have not yet been ratified or entered into force. For example, the Chemical Weapons Convention has been signed by both Russia and the United States, but neither country has ratified it and it lacks ratification by the requisite number of countries to enter into force. The START II Treaty has been ratified by the United States, but not by Russia. And the Comprehensive Test Ban Treaty is currently under negotiation. Delays in the entry into force of these treaties will likely allow some reduction in the amount of funding authorized for these arms control implementation programs. Accordingly, the committee will continue to monitor developments in these arms control areas with a view toward possible further adjustments to the Administration's budget request.

#### Chemical Weapons Convention

The Chemical Weapons Convention (CWC) prohibits the production, stockpiling, and use of chemical weapons. Last year, the Congress expressed its sense that the United States and Russia, both signatories to the agreement, should ratify it promptly. However, the treaty has not yet entered into force to date for lack of the requisite number of ratifications.

The committee supports the ratification and full implementation by all parties of the convention, as negotiated. However, the committee remains concerned that Russia continues to engage in chemical weapons activities inconsistent with the accord. In addition, Iran, a signatory to the convention, has been characterized by one U.S. official as having "the most active chemical weapons program" in the Third World. And a number of states that possess active chemical weapons programs, such as Libya, are not signatories to the accord. For example, the Secretary of Defense and the Director of Central Intelligence have confirmed that Libya is engaged in the construction of an underground chemical weapons facility carved into a mountain near Tarhunah. This extensive project demonstrates the Libyan commitment to the acquisition of a significant chemical weapons capability and raises questions about the ability of arms control agreements like the Chemical Weapons Convention to substantively impair the ability of rogue regimes to acquire these types of weapons of terror.

The committee believes the continued proliferation of chemical weapons capabilities raises serious issues with respect to the CWC, and directs the Secretary of Defense to submit a report to the Congressional defense committees no later than December 31, 1996, in both classified and unclassified form, that addresses the impact of the CWC on both the ability of U.S. forces deployed abroad to execute their missions and on the chemical weapons programs of other countries. The report should include:

- (1) an identification of the types of weapons or chemical agents that can and cannot be used by U.S. forces and under what circumstances;
- (2) an assessment of the impact of the CWC on the chemical weapons — programs of other signatory states;
- (3) an assessment of whether the obligations contained within the CWC can be met by other signatory states within the time frames established by the Convention;
- (4) an identification of states that are not signatories and an assessment of the impact of the CWC on the chemical weapons programs of those states;
- (5) a description of efforts being undertaken to enlarge the number of — signatories; and
- (6) a description and analysis of efforts by Libya to construct an underground chemical weapons facility at Tarhunah.

#### Comprehensive Test Ban

The committee is concerned with the Administration's inclination to reach a conclusion this year of an international treaty banning all nuclear tests based on the rationale that it would strengthen U.S. efforts to halt the spread of nuclear weapons. The committee is troubled by this assumption. Several Third World nations that either presently have a nuclear capability or may be capable of assembling nuclear weapons on short notice have reached this level of development despite never having conducted a nuclear test of which the West is aware. In fact, the relatively crude weapons Third World countries are likely to develop may not require any nuclear testing.

In addition, many experts believe that a Comprehensive Test Ban Treaty (CTBT) is unlikely to ever be effectively verifiable. Countries intent on cheating could identify and implement evasive measures that would make it virtually impossible for U.S. sensors to detect low-yield tests. This thesis is given additional credibility by reports that the Russians may have recently conducted a nuclear test, in violation of their self-imposed moratorium, at their nuclear test site on Novaya Zemlya. The Secretary of Defense has stated that there is "some ambiguity in the evidence" and that the intelligence community has "some people saying yes and other people saying maybe."

In the committee's view, nuclear testing is needed to assure the safety, reliability, and effectiveness of U.S. nuclear weapons in the future. Despite progress in non-nuclear testing technology and applications, nuclear testing will ultimately be required to refine and validate these "non-testing" technologies if the United States hopes to have confidence in them as viable alternatives to actual testing. Moreover, as confidence in the effectiveness of the U.S. nuclear ar-

senal declines, so does its credibility. If the credibility of the nuclear guarantee to U.S. allies is called into question, those allies may seek to develop their own nuclear capabilities.

With these concerns in mind, the committee directs the Secretary of Defense, in consultation with the Secretary of Energy and the Director of Central Intelligence, to submit a report to the Congressional defense committees no later than December 31, 1996 describing the ability of the United States to monitor a CTBT and to detect low-yield nuclear tests. The report should also assess whether or not the Russians have conducted any nuclear tests since their self-imposed moratorium in 1992 and should detail any difficulties in making such determinations.

#### Department of Defense Activities With China

The committee recognizes that U.S.-China civilian-military and direct military-military contact are key components of the U.S. strategy of "comprehensive engagement" toward China. The committee also recognizes that as China continues to develop its armed forces, it could potentially evolve into a more direct threat to the national security of the United States and American interests in the Asia-Pacific region. Therefore, the committee finds it necessary to pursue a fuller understanding of all Department of Defense interaction with the Chinese government and military organizations. Particularly, the committee seeks a full accounting and detailed presentation of:

- (1) Department of Defense interaction with the People's Republic of China, including meetings, training, military technology-sharing or other related events which took place during the period spanning fiscal years 1994-1996, and those proposed for fiscal years 1997 and 1998;
- (2) the rationale for any information or technology sharing which took place during or as a result of any of the previously identified forms of interaction;
- (3) costs incurred or other support provided by the Department of Defense for the aforementioned cooperative initiatives and related programs during the fiscal years 1994-1996, and costs and funding mechanisms anticipated for future or related activities;

Accordingly, the committee directs the Secretary of Defense to provide a classified and unclassified report to the congressional defense committees not later than February 1, 1997.

#### Operation Joint Endeavor in Bosnia

Since the original commitment by the Administration to deploy United States armed forces as part of the multinational peace implementation force (IFOR) in Bosnia, the committee has been concerned over the strategic rationale for American participation on the ground in Bosnia and the prospects for ultimate success of the NATO-led peace mission. As part of its oversight responsibilities, the committee held numerous hearings on the Bosnia deployment, taking testimony in open and closed sessions from Administration witnesses, former ambassadors, current and former senior military officials, and expert scholars and academics. In addition, the com-

mittee has received regular briefings from the Administration on the military and political situation in the former Yugoslavia.

In the committee's view, the decision to deploy American ground troops as part of the peace implementation force lacked compelling strategic rationale. Nevertheless, once the deployment began, the committee's concerns shifted to the operational impacts of the mission. Specifically, the committee remains concerned on a number of fronts. First and foremost has been the safety and security of U.S. armed forces as they enforce the military aspects of the Dayton peace agreement. Second, the committee has been concerned that the military mission of IFOR not be transformed into a civilian "nation-building" exercise, as was the case in Somalia. Third, the committee sought to ensure that the Department of Defense has a sound and clearly articulated exit strategy for withdrawing U.S. ground forces at the end of the one-year deadline imposed by the Administration. In these areas, the results have so far been decidedly mixed, and many of the committee's concerns have not been alleviated.

The committee is extremely proud of the dedication and professionalism with which the American men and women in uniform have performed their missions in the former Yugoslavia. U.S. armed forces have worked under challenging political, military, and environmental conditions and have performed admirably. The committee takes pride in recognizing that the performance of U.S. armed forces in the former Yugoslavia demonstrates that the U.S. military is second-to-none. However, the committee is concerned that American soldiers still face threats to their safety, including threats from the presence of armed Islamic fundamentalists in Bosnia. The presence of these mujahedeen forces is a clear violation of the Dayton agreement. Moreover, the committee is disturbed that the Administration, by tacitly approving the shipment of Iranian arms through Croatia to the Bosnian Muslims during the time that the UN arms embargo was in effect, may have allowed these Islamic fundamentalists, including Iranian Revolutionary Guards and intelligence services, to establish a solid foothold in Bosnia and on the European mainland.

While most of the military aspects of the Dayton agreement have been fulfilled, persistent violations of the accord continue to raise questions about the commitment of the parties to a just and lasting peace and to the endurance of the peace process after U.S. ground forces are withdrawn. For example, unauthorized checkpoints continue to impede freedom of movement, arson and looting are widespread, numerous violations of the zone of separation have occurred, soldiers and heavy weapons have not been withdrawn to barracks and storage sites as required, air defense weapons remain unaccounted for, prisoners of war continue to be held by all parties, and the incidences of civilian disturbances between Bosnian Serbs, Croats, and Muslims are increasing.

In addition, IFOR troops are increasingly being tasked with duties that are more appropriately left to civilian authorities. NATO troops have been called on to put out fires set by arsonists, IFOR has provided escort and security to investigators of the War Crimes Tribunal as they search mass gravesites, and NATO spokesmen have declared that the focus of the IFOR mission is changing in a

way that will allow greater military involvement in support of the civilian rebuilding of Bosnia. In the committee's view, this comes dangerously close to the kind of "mission creep" that the Department of Defense has assured the committee it will not permit. With the implementation of the civilian aspects of the Dayton accord running significantly behind schedule, the committee believes that clearer "rules of the road" need to be formulated by the Department in order to prevent U.S. armed forces from becoming too heavily involved in nation-building endeavors in Bosnia.

Significantly, the Administration's exit strategy for U.S. ground forces remains unclear. The Administration has on numerous occasions sought to assure the committee that U.S. troops would not remain in Bosnia beyond one year. In testimony before the House International Relations Committee on April 23, 1996, Under Secretary of State for Political Affairs, Peter Tarnoff, stated under oath that "our policy . . . is to have all U.S. forces out on or about the 14th of December." When asked if there was any plan to delay the withdrawal, he responded, "There is none whatsoever." At the same time, however, the committee's repeated requests for an explanation of the Administration's exit strategy have produced nothing more than seemingly reflexive references to the calendar. A date for withdrawal, however, does not a strategy make.

It is increasingly becoming apparent to the committee that U.S. ground forces will, in fact, remain in Bosnia well beyond the one-year timetable stated by the Administration and on which significant Congressional support for the operation was originally conditioned. The committee notes that within days of Secretary Tarnoff's assurances, the Department of Defense announced its decision to maintain a "significant force" in Bosnia for "a month, maybe longer" after the December 1996 deadline for withdrawal. It therefore appears that the successful fulfillment of IFOR's military mission is an insufficient reason for keeping to the planned U.S. force withdrawal schedule. Moreover, the Administration appears no closer either to formulating a coherent and rational exit strategy or to deciding when initial U.S. troop withdrawals should commence.

In light of these developments, the committee directs the Secretary of Defense to submit a report to the Congressional defense committees within 60 days of the enactment of this Act that fully explains the Administration's Bosnia exit strategy. This report should fully address the Department's plans to withdraw U.S. ground forces according to the original timetable, outline the conditions under which that planned withdrawal may be delayed, and for how long, clearly describe the Department's guidelines for avoiding "mission creep," and discuss the conditions whereby U.S. troops have been, are, and would be used to accomplish, or assist in the accomplishment of, various civilian and humanitarian tasks. This report should be prepared in both classified and unclassified form.

#### Russian Missile Detargeting

During his State of the Union Address on January 23, 1996, President Clinton stated, "For the first time since the dawn of the nuclear age, there are no Russian missiles pointed at America's children." President Clinton similarly claimed in 1994 that the so-

called “detrargeting agreement” of January 14, 1994 has effectively halted the targeting of Russian nuclear missiles against the United States. The detrargeting agreement, officially the Moscow Declaration, was a statement signed by Presidents Clinton and Yeltsin that provides: “. . . for the detrargeting of strategic nuclear missiles under their respective commands so that by not later than May 30, 1994, those missiles will not be targeted.”

Both Russian and American experts overwhelmingly hold that the detrargeting provisions of the Moscow Declaration are non-binding, unverifiable, and militarily inconsequential. For example, Russian General Viktor Yesin, Chief of the Strategic Missile Forces (SMF) Main Staff, in an April 1995 interview on the detrargeting agreement noted, “The missiles’ target coordinates can be unloaded and reloaded. Missile specialists believe that the SMF’s actual combat readiness following Boris Yeltsin’s generous gesture of friendship to the Americans has not diminished.” Anton Surikov, a senior advisor to the Russian Ministry of Defense, acknowledged in a March 1995 interview, “When it was decided to detrarget missiles, the decision was mostly of a political, propaganda character,” because, “Technically it is not difficult to retarget a missile very quickly.”

Therefore, the committee is concerned that Administration statements may be significantly overstating the strategic and military significance of the 1994 detrargeting agreement. To ensure that an appropriate record is established on this critical national security question, the committee directs the Secretary of Defense to provide a report to Congress by January 1, 1997 on the verifiability and military significance of the detrargeting provisions of the Moscow Declaration of January 14, 1994. The report should specifically address the following questions: Can the United States independently verify that Russian nuclear missiles are not targeted on the United States? Assuming that Russian missiles are detrargeted, is it likely that coordinates for targets in the United States are still stored locally and can be used to reprogram Russian missiles on short notice? How long does retargeting of Russian missiles take? The report is to be prepared in classified and unclassified versions.

#### Russian Threat Perceptions

The committee is aware of allegations that during the 1980s, military and political leaders of the former Soviet Union believed that a surprise nuclear attack by the United States was imminent and undertook special intelligence and defense measures to detect and preempt such an attack. In addition, allegations exist that Russian military forces went on nuclear alerts in 1991 and 1995, and that behavior and programs associated with the so-called “war scare” may persist in Russia today. Therefore, the committee directs the Secretary of Defense, in consultation with the Director of Central Intelligence, to provide, not later than January 1, 1997, a report on these matters to the Congressional defense and intelligence committees. The report should describe any evidence since 1983 of such threat perceptions; nuclear alerts; Russian preparations to detect, preempt, or defend against a surprise nuclear attack; and the extent to which these attitudes and activities continue today.



## LEGISLATIVE PROVISIONS

## SUBTITLE A—MISCELLANEOUS MATTERS

## Section 1301—One-Year Extension of Counterproliferation Authorities

This section would extend through fiscal year 1997 the Weapons of Mass Destruction Control Act of 1992 (title XV of Public Law 102-484; 22 U.S.C. 5859a), which expires at the end of fiscal year 1996. This authority is necessary for the Department of Defense to continue its support of the UN Special Commission on Iraq (UNSCOM). The committee supports the extension of this authority given ongoing concerns over Iraq's continued possession of weapons of mass destruction and missile delivery systems.

## Section 1302—Limitation on Retirement or Dismantlement of Strategic Nuclear Delivery Vehicles

This section would prohibit the use of funds appropriated to the Department of Defense during fiscal year 1997 for retiring or dismantling any B-52H bombers, Trident ballistic missile submarines, Minuteman III intercontinental ballistic missiles (ICBMs), or Peacekeeper ICBMs. The committee considers this a prudent step in light of the fact that Russia has thus far failed to ratify the START II treaty and the established shortcomings in the U.S. bomber force structure. The committee intends that this prohibition not apply to long-range pre-planning, design and evaluation efforts to allow the military departments to be ready to execute various retirement and dismantlement options in an efficient manner.

To implement the provision, \$56.4 million is required to retain 28 B-52H aircraft in the active inventory during fiscal year 1997. The committee recommends an additional \$11.5 million in Air Force procurement funds for this purpose. Furthermore, the committee directs that of the amount authorized to be appropriated pursuant to Title III for Air Force operations and maintenance, \$42.9 million shall be available for this purpose, and that of the amount authorized to be appropriated pursuant to Title IV for Air Force military personnel, \$2.0 million shall be available for this purpose.

## Section 1303—Certification Required Before Observance of Moratorium on Use by Armed Forces of Antipersonnel Landmines

This section would require the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, to certify to Congress that a moratorium on the use of antipersonnel landmines would not adversely affect the ability of U.S. armed forces to defend against attack and that effective substitutes for antipersonnel landmines exist, prior to implementation of such a moratorium.

The committee notes that the Administration is seeking a global ban on the use of antipersonnel landmines because of the civilian casualties that are caused by haphazardly laid or marked non-self-destructing antipersonnel landmines after hostilities have ceased. The committee further notes that it is precisely because of the lin-

gering effects of non-self-destructive landmines that U.S. armed forces have refrained from purchasing these types of landmines since 1974. Today, U.S. armed forces use non-self-destructing landmines only along internationally recognized borders or in demilitarized zones within a perimeter marked area that is monitored by military personnel and protected by adequate means to ensure the exclusion of civilians. Self-destructing landmines do not pose a significant humanitarian threat, since they self-destruct with a high degree of reliability at a designated time after emplacement.

The committee supports efforts to minimize and eliminate post-combat civilian casualties and notes that the United States has been the global leader in working toward this objective. However, the committee notes that the problem of post-combat civilian casualties today stems from the indiscriminate and irresponsible use by other countries of non-self-destructing landmines. The shift by the United States toward self-destructing landmines has not been matched by other nations. The committee does not believe that a unilateral moratorium on the use of antipersonnel landmines by U.S. armed forces would be observed by other nations, especially in light of the fact that antipersonnel landmines are relatively inexpensive and there are no effective substitutes for them at present.

Landmines are an integral part of current U.S. doctrine and an important economy-of-force combat multiplier. They are an integral component of the ability to conduct maneuver warfare, as was demonstrated so successfully during Operation Desert Storm. A moratorium on their use would seriously diminish the U.S. ability to conduct ground combat operations, putting soldiers at greater risk, and requiring increased expenditures to maintain an equivalent level of battlefield power. The committee does not support a unilateral restriction on the use of defensive weapons that will result in increased risk to American men and women in uniform.

The committee is disturbed by reports that the Administration is reviewing current policy with a view toward establishing a date certain for a ban on the use of all antipersonnel landmines. This proposal reportedly has the support of the Department of Defense. In the committee's view, effective and inexpensive substitutes should be available prior to implementation of such a ban. Moreover, the committee is perplexed by the apparent shift in the position of the Chairman of the Joint Chiefs of Staff, who last year declared antipersonnel landmines to be "indispensable" and urged the defeat of moratorium legislation subsequently signed into law by the President. In September 1995, Joint Chiefs of Staff Chairman General Shalikashvili wrote to the committee's chairman and ranking minority member that "the proposed legislation in the Senate bill would ban use of antipersonnel landmines by U.S. forces except in narrowly defined scenarios. I have significant concerns because, as written, American personnel would be placed at risk."

General Shalikashvili noted that "the proposed legislation, beginning three years after enactment, would prohibit the use for one year of anti-personnel landmines by U.S. forces, except in marked and guarded minefields along internationally recognized national borders and demilitarized zones. The legislation would effectively prohibit the use of all self-destructing mine systems because they employ a combination of anti-tank and anti-personnel mines. Self-

destructing antipersonnel mines represent approximately 65 percent of the U.S. total antipersonnel mine inventory. Mines were an indispensable component of the coalition's ability to conduct the maneuver warfare that made such an important contribution to victory in Desert Storm. Significantly, mines secured the right flank of General Schwartzkopf's ground offensive in western Iraq."

Importantly, the Joint Chiefs of Staff Chairman noted, "I wish to emphasize that mines used by U.S. armed forces self-destruct a short period of time after emplacement with a high degree of reliability and do not pose a significant humanitarian problem. Restricting antipersonnel landmines to 'internationally recognized national borders' and demilitarized zones effectively prohibits their use by U.S. forces in most combat scenarios. Defensive minefields around sensitive military installations such as Naval Station Guantanamo Bay, Cuba, would also be precluded. U.S. forces are heavily dependent upon such minefields for security." General Shalikhshvili also noted that "the U.S. military strongly opposes the illegal and irresponsible use of these mines and is a proponent of humanitarian demining activities to alleviate suffering caused by them. However, antipersonnel landmines will be required by U.S. forces for safe defense in the foreseeable future. Congress and the American people expect us to fight and win conflicts with minimum casualties. That goal requires the retention of capabilities provided by the advanced, self-destructing mine systems which would be prohibited under the proposed legislation."

Finally, General Shalikhshvili declared, "While I wholeheartedly support U.S. leadership in the long-term goal of antipersonnel landmine elimination, unilateral actions which needlessly place our forces at risk now will not induce good behavior from irresponsible combatants. As practical solutions are pursued, our priorities must be to maintain warfighting superiority while concurrently protecting the safety of U.S. service men and women. I consider this to be a critical force protection issue and request your support to defeat the proposed legislation."

The committee fails to understand what objective factors have changed since September, 1995 that would now make acceptable what was unacceptable then. Until such time as effective substitutes for antipersonnel landmines are developed, the committee believes that U.S. forces should not be denied the use of weapons that are purely defensive and consistent with international law.

#### Section 1304—Department of Defense Demining Program

This section would make clarifying changes to section 401, title 10, United States Code relating to the authority of the Department of Defense to carry out a humanitarian demining program. The committee continues to support the use of military personnel and resources to conduct humanitarian demining efforts that are consistent with normal training requirements. Accordingly, the committee recommends a provision (sec. 1304) that clarifies the Department's authorities with regard to funding travel, transportation, subsistence expenses for military personnel participating in such training. The provision further provides clarification regarding the ability of the Department to fund the costs of equipment, supplies, and services directly associated with the authorized hu-

manitarian demining training operation. However, the committee does not agree to the Administration's request to authorize the Department to provide services and equipment to recipient nations following the completion of the training operation.

The committee agrees with the Administration's humanitarian demining strategy to pursue a program that is sustainable and effective. However, the committee believes that the Department of Defense's participation in this program should be limited to those functions that it can uniquely and effectively perform. The provision of contract services, equipment and other materiel to recipient nations is a clear foreign assistance function that is best carried out through the authorities provided and resources specifically appropriated for this purpose. The committee notes with concern that the trend over the past few years has been for the government to rely on the Department of Defense to shoulder an increasing if not principal share of the responsibility for this foreign assistance initiative. The committee notes that the President's fiscal year 1997 budget request for humanitarian demining activities within the international affairs budget function totals \$7 million, while the national defense function request totals \$25 million.

The committee strongly urges the Secretary of Defense to work with the Secretary of State and other applicable government agencies to establish clearer and more appropriate allocation of responsibilities in the execution of a multi-agency humanitarian demining effort that fulfills previously stated objectives.

#### Section 1305—Report on Military Capabilities of People's Republic of China

The military exercises and missile firings conducted by the People's Republic of China this past spring in and around the Taiwan Straits represented the culmination of several years' of modernization and innovation in selected units of the People's Liberation Army (PLA). The exercises formed a benchmark of Chinese military development, demonstrating new capabilities for projecting military power and for joint force operations. In the committee's judgment, the American response to these Chinese actions, though belated, also sent a clear signal of both U.S. political interests and military capabilities in the Asia-Pacific region.

As a result of these developments, the committee concurs with initial Department of Defense and independent analysis concluding that the PLA has reached a crossroads, having gained a better understanding of the required military capabilities for the kind of power projection forces needed to support its geopolitical aims in the region. The committee further believes that the Chinese now better understand the strategic requirement to deter or to raise the costs of American military intervention if they intend to retain the option of coercive diplomacy or the actual use of military force to achieve their national goals. In particular, the committee is concerned that the PLA now will devote more intensive efforts to developing those kinds of capabilities that will work to deny the ability to U.S. forces to operate with little risk in the region. Thus, the Chinese may move to develop different kinds of systems than their past modernization efforts, with a view toward increasing deterrence of U.S. power projection forces in the Asia-Pacific region.

These concerns prompt the committee to direct the Secretary of Defense to report, in classified and unclassified form, on the potential and likelihood for the People's Liberation Army to pursue such a modernization strategy. The committee also directs the Secretary of Defense to take a "net assessment" approach to the preparation of this report, so that the varying strategic concerns of the United States and China and the differing operational tasks of Chinese and American forces may be properly taken into account. The report shall be submitted no later than February 1, 1997.

Section 1306—United States-People's Republic of China Joint Defense Conversion Commission

This section would prohibit obligation or expenditure of fiscal year 1997 funds for activities associated with the U.S.-PRC Joint Defense Conversion Commission until 15 days after the date on which the first semiannual report required by section 1343 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) is received by Congress.

Section 1307—Authority To Accept Services From Foreign Governments and International Organizations for Defense Purposes

This section would permit the Department of Defense to accept services, as well as money or property, from foreign governments and international organizations for the Defense Cooperation Account. The Defense Cooperation Account was originally established to enable the Department of Defense to use funds from sources other than the U.S. Treasury to defray the costs of U.S. military forces participating in multi-national operations.

Section 1308—Review by Director of Central Intelligence of National Intelligence Estimate 95-19

This section would direct the Director of Central Intelligence (DCI) to convene a panel of independent, non-government experts to review the underlying assumptions and conclusions of the November, 1995 National Intelligence Estimate (NIE) on "Emerging Missile Threats to North America During the Next 15 Years," NIE 95-19, and to report the panel's findings to Congress, along with the DCI's comments. In light of serious questions that have been raised about the NIE's terms of reference and conclusions, which downplay the prospect of a long-range missile threat to the contiguous 48 states within the next 15 years, the committee believes that an objective and independent assessment of the NIE is both necessary and desirable.

The committee notes that the public release by the Administration of the NIE's key findings, which were summarized in a December 1, 1995 CIA letter to the Senate, occurred in the midst of the debate over the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106). The NIE was cited during that debate to bolster the Administration's position that deployment of a national missile defense system was unnecessary because there was no threat in the foreseeable future. The conclusions reached in the NIE and the timing of its insertion into the missile defense debate have given rise to charges that intelligence may have been "politi-

cized.” The committee believes it is essential that U.S. policy makers be confident that they are receiving objective analysis from the intelligence community. Any allegation of politicization brings into question the integrity of the intelligence community’s work.

The committee notes that independent scholars and former intelligence community officials, including former DCI R. James Woolsey, have questioned the terms of reference and methodology of the NIE. Ambassador Woolsey, President Clinton’s first Director of Central Intelligence, testified before the committee on March 14, 1996 that the intelligence community’s focus on missile threats to the continental United States (excluding Alaska and Hawaii) “can lead to a badly distorted and minimized perception of the serious threats we face from ballistic missiles now and in the very near future . . .” He further commented that drawing broad conclusions from an assessment “of such limited scope” would be “a serious error.” The former DCI observed that “even with the best intelligence in the world it is impossible to forecast fifteen years in advance. . . .”

Criticisms of the NIE center on its core assumptions: (1) that nations will be limited to their indigenous industrial and technological base when developing ICBMs; (2) that countries with the capability to develop ICBMs will not do so in the time frame in question; (3) that ballistic missile threats to Alaska and Hawaii are somehow less consequential than a missile threat to the contiguous 48 states; (4) that nations will not seek to acquire ICBMs that do not provide a militarily significant warfighting potential; and (5) that the risk of unauthorized or accidental missile launch by Russia or China is no greater now than during the Cold War. In the committee’s view, an independent review of the NIE must address these assumptions.

In response to criticisms of the NIE, the committee supports an independent assessment of its assumptions, terms of reference, methodology, and conclusions. As part of such an effort, the committee directs the Director of Central Intelligence to ensure, at a minimum, that the panel conducting the assessment:

- (1) Reviews the classified and unclassified reports and other inputs that formed the basis for the NIE;
- (2) Analyzes the terms of reference and methodology used by the intelligence community in the preparation of the NIE and assesses their comprehensiveness;
- (3) Evaluates the conclusions reached in the NIE and reports on areas of agreement and disagreement with the panel’s findings;
- (4) Identifies and assesses the reasons for the inclusion of any questionable assumptions and logic that may exist in the NIE;
- (5) Compares the methodology and conclusions of the NIE to that of earlier NIEs that address similar topics; and
- (6) Reports on any recommended changes in the current NIE process that would result in improvements to future NIEs.

In a related matter, the committee believes a more comprehensive assessment of the ballistic missile threat to the United States is warranted. To this end, the committee recommends establish-

ment in Section 1321 of a separate “Commission to Assess the Ballistic Missile Threat to the United States.”

SUBTITLE B—COMMISSION TO ASSESS THE BALLISTIC MISSILE  
THREAT TO THE UNITED STATES

Section 1321—Establishment of Commission

The committee believes that the threat posed to the United States from ballistic missiles is real and growing. However, the committee recognizes that much controversy surrounds this issue and the intelligence community’s assessment, as reflected in the November, 1995 National Intelligence Estimate on “Emerging Missile Threats to North America During the Next 15 Years.” In an effort to receive expert competitive analysis on the ballistic missile threat, this subtitle would establish a commission to be known as the “Commission to Assess the Ballistic Missile Threat to the United States.”

The committee believes that, in keeping with past precedent, this commission should ideally have been established as a cooperative and self-initiated endeavor within the executive branch. The intelligence community has in the past supported independent and competitive analysis of its conclusions by outside experts. In particular, the committee recalls the establishment in the 1970s of a “Team B,” which was granted full access to classified and unclassified information in order to review and critique the intelligence community’s judgment and to provide an alternative analysis regarding the strategic goals and objectives of the Soviet Union. The “Team B” exercise was broadly judged to be a successful experiment in competitive analysis.

Unfortunately, the Administration has been reluctant to establish its own “Team B” on the issue of the ballistic missile threat. Since the Administration has not expressed an interest in undertaking a true “Team B” effort on this issue, the committee believes it is necessary to pursue legislating such a review. In establishing a six-month commission to undertake this review, it is the committee’s intent that the consultative nature of the appointment process for the commission parallel the process used by the Defense Base Closure and Realignment Commission, and as established in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510). The committee also supports and encourages a similar effort by the intelligence community and directs the Director of Central Intelligence to task the intelligence community to assess the nature and magnitude of the existing and emerging ballistic missile threat to the United States, and to report back to Congress the results of that assessment.

Accordingly, the committee recommends a provision (sec. 1321) that would establish a commission to be known as the “Commission to Assess the Ballistic Missile Threat to the United States.” The commission’s members will be private citizens with knowledge and expertise in the political and military aspects of proliferation of ballistic missiles and the ballistic missile threat to the United States, and will have access to the resources and information of the intelligence community necessary to carry out their responsibilities.

The commission would consist of nine members appointed by the Director of Central Intelligence. Consistent with the consultative nature of the appointment process used by the Defense Base Closure and Realignment Commission (Public Law 101-510), three members would be chosen in consultation with the Speaker of the House of Representatives, three members would be chosen in consultation with the Majority Leader of the Senate, and three members would be chosen in consultation with the minority leaders of the House and Senate.

This section also describes the procedure for designating a commission chairman and for filling vacancies, and describes the initial organizational requirements of the commission. It specifies that all members of the commission shall hold appropriate security clearances. The committee notes, however, that it is not the intent of this subsection to disqualify from membership former government officials whose clearances have lapsed but which could be reinstated in a short period of time. The committee expects that in such circumstances, the government shall move to reinstate the necessary clearances as expeditiously as possible.

#### Section 1322—Duties of Commission

This section describes the duties of the commission, which shall assess the nature and magnitude of the existing and emerging ballistic missile threat to the United States. It also expresses the committee's view that the commission should receive the full and timely cooperation of any U.S. government official responsible for providing the commission with information necessary to the fulfillment of its responsibilities.

#### Section 1323—Report

This section would direct the commission to submit to the Congress a report on its findings and conclusions not later than six months after the date of its first meeting. Consistent with intelligence community practice, provision shall be made for the incorporation of dissenting footnotes in the commission's report.

#### Section 1324—Powers

This section would establish the commission's authority to hold hearings, take testimony, and receive evidence. It would also authorize the commission to secure any information from the intelligence community and other federal agencies as the committee deems necessary to carry out its responsibilities.

#### Section 1325—Commission Procedures

This section would establish the procedures by which the commission shall conduct its business. It describes the number of members required for a quorum and would authorize the commission to establish panels for the purpose of carrying out the Commission's duties.



#### Section 1326—Personnel Matters

This section notes that the members of the commission shall serve in that capacity without pay. It would authorize reimbursement of expenses, including per diem in lieu of subsistence, for travel in the performance of services for the commission. It also would allow the chairman to appoint a staff director, subject to the approval of the commission, and such additional personnel as may be necessary for the commission to perform its duties. This section also would make provision for the pay of the staff director and other personnel. It would allow federal government employees to be detailed to the commission on a non-reimbursable basis and would grant the chairman authority to procure temporary and intermittent services.

#### Section 1327—Miscellaneous Administrative Provisions

This section would allow the commission to use the United States mails and to obtain printing and binding services in accordance with the procedures used by other federal agencies. It also would direct the Director of Central Intelligence to furnish the commission with administrative and support services, as requested, on a reimbursable basis.

#### Section 1328—Funding

This section would require the Secretary of Defense to provide such sums as may be necessary for the activities of the commission in fiscal year 1997. These funds should be made available from the national foreign intelligence program.

#### Section 1329—Termination of the Commission

This section would terminate the commission 60 days after the date of the submission of its report.

## TITLE XIV—SIKES ACT IMPROVEMENTS AMENDMENTS

### LEGISLATIVE PROVISIONS

#### Section 1402—Definition of Sikes Act for Purposes of Amendments—

This section would clarify references to the Sikes Act.

#### Section 1403—Codification of Short Title of Act

This section would codify the short title of the Sikes Act.

#### Section 1404—Integrated Natural Resource Management Plans

This section would amend the Sikes Act to require the Secretary of Defense to prepare and implement integrated natural resource management plans on all appropriate military installations, including installations of the guard and reserve forces.

#### Section 1405—Review for Preparation of Integrated Natural Resource Management Plans

This section would direct the Secretary of each military department to review, within nine months of the date of enactment of this title, each military installation under the jurisdiction of the Secretary concerned to determine the applicability and appropriateness of integrated natural resources management plans to those installations. The section would require the Secretary of Defense to report to Congress on the findings of the Secretaries of the military departments. The section would also provide for a schedule to initiate implement integrated natural resource management plans on military installations where appropriate.

#### Section 1406—Annual Reviews and Reports

This section would require the Secretary of Defense and the Secretary of the Interior to submit annual reports to Congress regarding the implementation of integrated natural resource management plans.

#### Section 1407—Transfer of Wildlife Conservation Fees From Closed Military Installations

This section would permit fees charged for the purpose of wildlife conservation at military installations scheduled to be closed to be transferred to another military installation to be used for the same purpose.

**Section 1408—Federal Enforcement of Integrated Natural Resource Management Plans and Enforcement of Other Laws**

This section would clarify the responsibility of the Secretary of Defense for enforcement, on military installations, of Federal law relating to the conservation of natural resources. This section would not affect the enforcement authorities of the Secretary of the Interior for the same purpose.

**Section 1409—Natural Resource Management Services**

This section would require the Secretary of Defense to provide a sufficient number of professionally trained natural resource management and law enforcement personnel to perform the duties required by this title.

**Section 1410—Definitions**

This section would define terms used in this title.

**Section 1411—Cooperative Agreements**

This section would clarify that cooperative agreements between and among the Department of Defense, the various States, local governments, non-governmental organizations, or other private parties, which are entered into to implement an integrated natural resource management plan, shall be funded on a cost-sharing basis.

**Section 1412—Repeal of Superseded Provision**

This section would repeal certain reporting requirements and definitions of terms which would be superseded by enactment of this title.

**Section 1413—Clerical Amendments**

This section would make various technical and clerical changes to the Sikes Act.

**Section 1414—Authorizations of Appropriations**

This section would authorize appropriations for programs on public lands related to the implementation of this title for fiscal year 1997 and fiscal year 1998.



## **DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

### **PURPOSE**

The purpose of Division B is to provide military construction authorizations and related authority in support of the military departments during fiscal year 1997. As approved by the committee, Division B would authorize appropriations in the amount of \$10,032,311,000 for construction in support of the active forces, reserve components, defense agencies, and the NATO security infrastructure fund for fiscal year 1997.

### **The State of Military Infrastructure**

The committee is deeply concerned about the state of the military infrastructure and troubled by the shortfalls evident in the Administration's budget request for fiscal year 1997 for military construction and military family housing programs. The committee notes again that the construction and modernization of facilities and their upkeep and maintenance is a critical component of military readiness which has been underfunded in recent years. The committee is also mindful of the serious deficiencies in facilities designed to support the quality of life of military personnel and their families.

From an operational and readiness perspective, shortfalls in the construction and repair and maintenance accounts have exacerbated problems in the facilities infrastructure. Needed improvements to basic infrastructure have often been deferred, leading to the creation of a steep backlog in facilities construction and maintenance. Underfunding of the military construction accounts has serious implications for the readiness of the armed forces. For example, approximately 20 percent of the Army's facilities are unsuitable, either due to deteriorated conditions or they are unable to meet mission requirements. Additionally, the Army lacks 30 percent of the facilities required to meet specific mission requirements, making due with work-arounds that impair efficiency. To cite another example, over two-thirds of the Navy's piers were constructed during the second World War. According to the Navy's estimates, by the year 2010, only 20 percent of existing piers and wharves would adequately be able to service the fleet.

The condition of military housing for families and unaccompanied personnel and other quality of life infrastructure is in a similar state of deterioration. According to the Defense Science Board Task Force on Quality of Life, 62 percent of barracks and dormitories are currently unsuitable and 64 percent of family housing units are in the same condition. In spite of these serious deficiencies, the Administration's budget request fails to keep pace

with current levels of funding to support the construction of barracks and dormitories. The budget request for fiscal year 1997 further proposes to reduce sharply the expenditure of funds on new construction of military family housing and improvements to existing family housing units. The Administration also proposes to reduce funding for basic maintenance of family housing.

The committee believes the Administration's budget request for fiscal year 1997 for military construction and military family housing programs is seriously underfunded. The committee recommends an increase in new budget authority for these programs of \$900,000,000. Approximately 75 percent of that amount is dedicated to a major quality of life initiative. The committee recommends an additional \$214,116,000 for the construction of new barracks and dormitories and an additional \$303,152,000 for the construction of military family housing and improvements to existing family housing units. The committee also recommends an additional \$28,260,000 for the construction of child development centers. In addition to basic construction, the committee also recommends an additional \$100,000,000 for the maintenance of military family housing. The committee reiterates its support for the military housing privatization initiative authorized in section 2801 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106). The committee recommends an additional \$25,000,000 to support the privatization initiative.

The committee remains concerned about the instability in funding for the military construction and military family housing programs contemplated by the current Future Years Defense Plan. The committee believes the serious backlog of military construction requirements can no longer be deferred. The committee urges the Secretary of Defense to address the need to reduce the backlog of military construction requirements affecting the operational needs of the military departments and to enhance those programs which directly support improvements in the quality of life for military personnel and their families.

A tabular summary of the authorizations provided in Division B for fiscal year 1997 follows:

**TITLES XXI THROUGH XXVI -- MILITARY CONSTRUCTION AND FAMILY HOUSING**  
(Dollars in Thousands)

Account Title	FY 1997		FY 1997	
	Authorization Request	Committee Change From Request	Committee Recommendation	Committee Recommendation
Military Construction, Army	434,723	168,861	603,584	603,584
Military Construction, Navy	525,346	187,130	712,476	712,476
Military Construction, Air Force	603,059	75,855	678,914	678,914
Military Construction, Defense Agencies	812,945	(40,600)	772,345	772,345
NATO Security Investment Program	197,000	(20,000)	177,000	177,000
Base Realignment & Closure II	352,802	0	352,802	352,802
Base Realignment & Closure III	971,925	0	971,925	971,925
Base Realignment & Closure IV	1,182,749	0	1,182,749	1,182,749
Military Construction, Army National Guard	7,600	33,716	41,316	41,316
Military Construction, Air National Guard	75,394	43,000	118,394	118,394
Military Construction, Army Reserve	48,459	1,700	50,159	50,159
Military Construction, Navy Reserve	10,963	22,186	33,169	33,169
Military Construction, Air Force Reserve	51,655	0	51,655	51,655
<b>TOTAL MILITARY CONSTRUCTION</b>	<b>5,274,640</b>	<b>471,848</b>	<b>5,746,488</b>	<b>5,746,488</b>
Family Housing Construction, Army	75,013	101,590	176,603	176,603
Family Housing Support, Army	1,212,466	45,000	1,257,466	1,257,466
Family Housing Construction, Navy	403,726	128,730	532,456	532,456
Family Housing Support, Navy	1,014,241	44,000	1,058,241	1,058,241
Family Housing Construction, Air Force	231,236	72,832	304,068	304,068
Family Housing Support, Air Force	829,474	11,000	840,474	840,474
Family Housing Construction, Defense Agencies	4,371	0	4,371	4,371
Family Housing Support, Defense Agencies	30,963	0	30,963	30,963
Homeowners Assistance Fund	36,181	0	36,181	36,181
Family Housing Improvement Fund	20,000	15,000	35,000	35,000
Unaccompanied Housing Improvement Fund	0	10,000	10,000	10,000
<b>TOTAL FAMILY HOUSING</b>	<b>3,857,671</b>	<b>428,152</b>	<b>4,285,823</b>	<b>4,285,823</b>
<b>TOTAL MILITARY CONSTRUCTION &amp; FAMILY HOUSING</b>	<b>9,132,311</b>	<b>900,000</b>	<b>10,032,311</b>	<b>10,032,311</b>

TITLES XXI THROUGH XXVI -- MILITARY CONSTRUCTION AND FAMILY HOUSING  
(Dollars in Thousands)

Line No.	Location	Services/Agency/Program	Installation	Project Title	FY 1987		FY 1987		FY 1987 Committee Recommendation
					Authorization Request	Change from Request	Committee Request	Committee Recommendation	
1	Alabama	Air Force	Maxwell AFB	OTS Academic Facility	7,875	0	7,875	0	7,875
2	Alabama	Defense Medical Facility Office	Maxwell AFB	Ambulatory Health Care Center, Phase II	25,000	0	25,000	0	25,000
3	Alabama	Army National Guard	Birmingham	Joint Medical Training Facility	0	4,600	0	4,600	4,600
4	Alaska	Air Force	Elmendorf AFB	Hangar/Squadron Operations/Aircraft Maint	19,435	0	19,435	0	19,435
5	Alaska	Air Force	Elmendorf AFB	Upgrade Storm Drainage System	2,095	0	2,095	0	2,095
6	Alaska	Defense Logistics Agency	Elmendorf AFB	Hydrant Fuel System	18,000	0	18,000	0	18,000
7	Arizona	Army	Fl Huachuca	Bachelor Enlisted Quarters	0	21,000	0	21,000	21,000
8	Arizona	Navy	MCSAS Yuma	Bachelor Enlisted Quarters	0	14,600	0	14,600	14,600
9	Arizona	Navy	NAVDET Camp Navajo	Magazine Modifications, Phase I	3,920	0	3,920	0	3,920
10	Arizona	Air Force	Davis-Monthan AFB	EC-130 Aircraft Maint Facility	4,330	0	4,330	0	4,330
11	Arizona	Air Force	Davis-Monthan AFB	Consolidated Material Processing Facility	5,990	0	5,990	0	5,990
12	Arizona	Air Force	Luke AFB	Dormitory	0	6,700	0	6,700	6,700
13	Arkansas	Air Force	Little Rock AFB	C-130 Squadron Operations/Aircraft Maint	14,045	0	14,045	0	14,045
14	Arkansas	Air Force	Little Rock AFB	Add Alter Field Training Facility	1,525	0	1,525	0	1,525
15	Arkansas	Air Force	Little Rock AFB	Upgrade Sanitary Sewer System	2,535	0	2,535	0	2,535
16	Arkansas	Chemical Demilitarization	Pine Bluff Arsenal	Ammunition Demilitarization Fac., Phase III	46,000	0	46,000	0	46,000
17	California	Army	Barstow-Daggett	Helipad	0	7,000	0	7,000	7,000
18	California	Army	Camp Roberts	Electrical Distribution System	5,500	0	5,500	0	5,500
19	California	Army	NWMC Concord	Ammunition Pier	27,000	0	27,000	0	27,000
20	California	Navy	MCAGCC Twentynine Palms	Child Development Center	4,020	0	4,020	0	4,020
21	California	Navy	MCAS Camp Pendleton	Runway Improvements	1,390	0	1,390	0	1,390
22	California	Navy	MCAS Camp Pendleton	Aircraft Parking Apron Expansion & Taxiway	2,600	0	2,600	0	2,600
23	California	Navy	MCAS Camp Pendleton	Transportation Infrastructure	2,250	0	2,250	0	2,250
24	California	Navy	MCB Camp Pendleton	Physical Fitness Center	4,150	0	4,150	0	4,150
25	California	Navy	MCB Camp Pendleton	Tactical Vehicle Maintenance Facility	9,060	0	9,060	0	9,060
26	California	Navy	MCB Camp Pendleton	Automated Field Firing Range	4,020	0	4,020	0	4,020
27	California	Navy	MCB Camp Pendleton	Bachelor Enlisted Quarters	11,600	0	11,600	0	11,600
28	California	Navy	MCB Camp Pendleton	Bachelor Enlisted Quarters Replacement	12,500	0	12,500	0	12,500
29	California	Navy	MCB Camp Pendleton	Bachelor Enlisted Quarters	10,100	0	10,100	0	10,100
30	California	Navy	NAS North Island	Dredging	59,502	0	59,502	0	59,502
31	California	Navy	NAS North Island	Ship Maintenance Facility	27,000	0	27,000	0	27,000
32	California	Navy	NAVFAC San Clemente	Bachelor Enlisted Quarters And Messhall	17,000	0	17,000	0	17,000



TITLES XXI THROUGH XXVI -- MILITARY CONSTRUCTION AND FAMILY HOUSING  
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Line No.	Location	Service/Agency/Program	Installation	Project Title	FY 1997 Authorization Request	Committee Change From Request	FY 1997 Committee Recommendation
33	California	Navy	NS San Diego	City Waste Collection Facility	7,050	0	7,050
34	California	Navy	NCBC Port Hueneme	Bachelor Enlisted Quarters	0	7,700	7,700
35	California	Navy	NCCOSC San Diego	Pier (San Clemente)	1,960	0	1,960
36	California	Navy Reserve	Pasadena	Maine Corps Reserve Facility	0	6,100	6,100
37	California	Air Force	Beale AFB	Landfill Closure	6,735	0	6,735
38	California	Air Force	Beale AFB	CARS Deployable Ground Station Support Fac.	7,690	0	7,690
39	California	Air Force	Edwards AFB	Convert Boilers	3,120	0	3,120
40	California	Air Force	Edwards AFB	Add to and Alter Anechoic Chamber	4,890	0	4,890
41	California	Air Force	Edwards AFB	F-22 Alter Aircraft Maint Facility	4,390	0	4,390
42	California	Air Force	Edwards AFB	Renovate Aircraft Maintenance Facility	7,680	0	7,680
43	California	Air Force	McClellan AFB	Flood Control Measure	8,795	(8,795)	0
44	California	Air Force	Travis AFB	Dormitory	7,980	0	7,980
45	California	Air Force	Travis AFB	Dormitory	0	8,250	8,250
46	California	Air Force	Vandenberg AFB	Satellite Processing Facility	3,290	0	3,290
47	California	Defense Logistics Agency	Def Dist San Diego	Replace General Purpose Whse	15,700	0	15,700
48	California	Defense Logistics Agency	NAF El Centro	Replace Hydrant Fuel System	5,700	0	5,700
49	California	Defense Logistics Agency	Travis AFB	Replace Hydrant Fuel System	15,200	0	15,200
50	California	Defense Medical Facility Office	MCB Camp Pendleton	Branch Medical Clinic (Edson Range)	3,300	0	3,300
51	California	Defense Medical Facility Office	NAS Lemoore	NAVHOSP Lemoore Replacement	39,000	0	39,000
52	California	Special Operations Command	NAB Coronado	SOF - Ops & Logistics Support Facility	7,700	0	7,700
53	California	Defense Finance & Accounting	Norton AFB	Renovate Existing Facility For Admin Use	13,600	0	13,600
54	Colorado	Army	Fl. Carson	Whole Barracks Complex Renewal, Phase II	13,000	0	13,000
55	Colorado	Army	Fl. Carson	Child Development Center	0	4,550	4,550
56	Colorado	Air Force	Air Force Academy	Upgrade Academic Facility	10,065	0	10,065
57	Colorado	Air Force	Air Force Academy	Family Support Center	0	2,100	2,100
58	Colorado	Air Force	Buckley ANGB	Space-Based Infrared Sys Ops Facility	14,460	0	14,460
59	Colorado	Air Force	Buckley ANGB	Base Supply And Equipment Warehouse	3,500	0	3,500
60	Colorado	Air Force	Falcon AFS	Alter Dining Facility/Safety Upgrade	2,095	0	2,095
61	Colorado	Air Force	Peterson AFB	Dormitory	8,350	0	8,350
62	Colorado	Air Force	Peterson AFB	Mission Support Facility	12,370	0	12,370
63	Colorado	Air National Guard	Buckley ANGB	Infrastructure Improvements	0	4,450	4,450
64	Colorado	Air Force Reserve	Peterson AFB	Composite Maintenance Facility	3,200	0	3,200
65	Colorado	Chemical Demilitarization	Pueblo AD	Ammunition Demilitarization Fac., Phase I	17,497	0	17,497

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Line No.	Location	Service/Agency/Program	Installation	Project Title	FY 1997 Authorization Request	Committee Change from Request	FY 1997 Committee Recommendation
66	Connecticut	Navy	NSB New London	Hazardous Material Storehouse	3,230	0	3,230
67	Connecticut	Navy	NSB New London	Bachelor Enlisted Quarters	10,600	0	10,600
68	Connecticut	Army National Guard	Windsor/Locks	Fire Suppression	0	3,045	3,045
69	Delaware	Air Force	Dover AFB	C-5 Aerial Delivery Facility	7,980	0	7,980
70	Delaware	Air National Guard	New Castle Co. Airport	Fire Station, AGE, & AGU Complex	0	2,800	2,800
71	District of Columbia	Army	Fl. McHair	National Defense University Fac., Phase II	6,900	0	6,900
72	District of Columbia	Navy	NAVDIST Washington	Bachelor Enlisted Quarters Complex	19,300	0	19,300
73	District of Columbia	Defense Intelligence Agency	Bolling AFB	Reconfiguration DIAC	6,790	0	6,790
74	District of Columbia	Navy Reserve	NAF Andrews AFB, Washington	Training Building Addition	1,465	0	1,465
75	District of Columbia	Navy Reserve	NAF Andrews AFB, Washington	Addition To Hangar 12	640	0	640
76	Florida	Navy	NS Mayport	Wharf Structure Improvement	0	2,800	2,800
77	Florida	Navy	NAS Key West	Fitness Center	2,250	0	2,250
78	Florida	Air Force	Eglin AFB	Upgrade Electrical Distribution System	4,590	0	4,590
79	Florida	Air Force	Eglin Aux Field 9	Transient Personnel Quarters	6,625	0	6,625
80	Florida	Air Force	Patrick AFB	Control Tower	2,595	0	2,595
81	Florida	Air Force	Tyndall AFB	Aircraft Equipment Maintenance Shop	0	3,800	3,800
82	Florida	Defense Medical Facility Office	NAS Key West	NAS Clinic Replacement	13,000	0	13,000
83	Florida	Special Operations Command	MacDill AFB	Add to Command & Control Facility	0	9,600	9,600
84	Florida	Army National Guard	MacDill AFB	Aviation Support Facility	0	4,248	4,248
85	Florida	Air National Guard	Jacksonville IAP (ANG)	Upgrade Heating Plants And Chillers	680	0	680
86	Florida	Navy Reserve	NRRC Jacksonville	Reserve Center Addition	770	0	770
87	Florida	Air Force Reserve	Homestead AFB	Fire Training Facility	1,300	0	1,300
88	Florida	Defense Finance & Accounting	NTC Orlando	Renovate Existing Fac For Admin Use	2,600	0	2,600
89	Georgia	Army	Fl. Benning	Rail Loading Facility	9,400	0	9,400
90	Georgia	Army	Fl. Benning	Whole Barracks Complex Renewal	0	9,100	9,100
91	Georgia	Army	Fl. McPherson	Whole Barracks Complex Renewal	6,000	0	6,000
92	Georgia	Army	Fl. Stewart/Hunter AAF	Close Combat Tactical Training Building	0	0	0
93	Georgia	Navy	MCLB Albany	Child Development Center	0	1,630	1,630
94	Georgia	Navy	NSB Kings Bay	Child Development Center Addition	0	1,550	1,550
95	Georgia	Navy	Robins AFB	JSTARS Squadron Operations/ Aircraft Maint	6,270	0	6,270
96	Georgia	Air Force	Robins AFB	JSTARS ADAL Aeron/Hydrant Fuel System	6,585	0	6,585
97	Georgia	Air Force	Robins AFB	JSTARS ADAL Aircraft Maint Shops	1,845	0	1,845
98	Georgia	Air Force	Robins AFB	JSTARS CHD Development Center	2,145	0	2,145

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Line No.	Location	Service/Agency/Program	Installation	Project Title	FY 1997 Authorization Request	Committee Change From Request	FY 1997 Committee Recommendation
99	Georgia	Air Force	Robins AFB	Upgrade Dormitory	0	4,000	4,000
100	Georgia	Air National Guard	Robins AFB	B-1 ACE & Munitions Trailer Maint Complex	2,800	0	2,800
101	Georgia	Air National Guard	Robins AFB	B-1 Site Improvements Roads & Utilities	5,500	0	5,500
102	Georgia	Air National Guard	Robins AFB	B-1 Aircraft Park Apron & Relocate Taxiway	8,800	0	8,800
103	Georgia	Air National Guard	Robins AFB	B-1 Composite Aircraft Maint Complex	12,400	0	12,400
104	Georgia	Air Force Reserve	Dobbins AFB	ADAL Communications Facility	1,137	0	1,137
105	Hawaii	Navy	MCAS Kaneohe Bay	Bachelor Enlisted Quarters	0	20,080	20,080
106	Hawaii	Navy	NS Pearl Harbor	Bachelor Enlisted Quarters Modernization	19,600	0	19,600
107	Hawaii	Navy	NSB Pearl Harbor	Bachelor Enlisted Quarters Modernization	5,390	0	5,390
108	Hawaii	Navy	NSB Pearl Harbor	Bachelor Enlisted Quarters	30,500	0	30,500
109	Hawaii	Special Operations Command	NS Ford Island, Pearl	SOF - Advanced SEAL Delivery Sys Facility	12,800	0	12,800
110	Hawaii	Air National Guard	Hickam AFB	Alter Avionics Shop	1,000	0	1,000
111	Idaho	Navy	NSWC Bayview	Ships Model Engineering & Test Facility	7,150	0	7,150
112	Idaho	Air Force	Mountain Home AFB	Flightline Fire Station	6,345	0	6,345
113	Idaho	Air Force	Mountain Home AFB	Dormitory	0	9,300	9,300
114	Idaho	Air National Guard	Gowen Field	Fuel Sys Maint & Corrosion Control Fac	4,500	0	4,500
115	Illinois	Navy	NH Great Lakes	Bachelor Enlisted Quarters	0	15,200	15,200
116	Illinois	Navy	NTC Great Lakes	Bachelor Enlisted Quarters	22,900	0	22,900
117	Illinois	Air National Guard	Greater Peoria RAP (ANG)	Fuel Systems Maint & Corrosion Control Fac	4,200	0	4,200
118	Illinois	Air Force Reserve	Scott AFB	Consolidated Medical Training Facility	2,300	0	2,300
119	Illinois	Defense Finance & Accounting	Rock Island Arsenal	Renovate Existing Fac. For Admin Use	14,400	0	14,400
120	Indiana	Navy	NSWC Crane	Bachelor Enlisted Quarters	0	5,000	5,000
121	Indiana	Army National Guard	Camp Atterbury	Central Vehicle Wash Facility	0	4,747	4,747
122	Indiana	Army National Guard	Marion	Organizational Maintenance Shop	0	1,121	1,121
123	Indiana	Air National Guard	Fort Wayne IAP	Upgrade Drainage System	480	0	480
124	Indiana	Air National Guard	Hulman Field	Extend Cross Wind Runway	0	7,000	7,000
125	Iowa	Air National Guard	Des Moines IAP	Aircraft Arresting System & AGE Shop	0	3,350	3,350
126	Kansas	Army	Fl. Riley	Whole Barracks Complex Renewal	26,000	0	26,000
127	Kansas	Air Force	McConnell AFB	Dormitory	8,480	0	8,480
128	Kansas	Air Force	McConnell AFB	Dormitory	0	7,100	7,100
129	Kansas	Defense Logistics Agency	McConnell AFB	Add/Alter Jet Fuel Storage Facility	2,200	0	2,200
130	Kansas	Army Reserve	Wichita ARC	Add/Alter USARC, New OMS/AMSA	5,670	0	5,670
131	Kentucky	Army	Fl. Campbell	Rail Spur	16,100	0	16,100

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Line No.	Location	Service/Agency/Program	Installation	Project Title	FY 1997 Authorization Request	Committee Change from Request	FY 1997 Committee Recommendation
132	Kentucky	Army	Fl. Campbell	Whole Barracks Complex Renewal	35,000	0	35,000
133	Kentucky	Army	Fl. Knox	Whole Barracks Complex Renewal	0	20,500	20,500
134	Kentucky	Special Operations Command	Fl. Campbell	SOF - Supply Support Facility	4,200	0	4,200
135	Louisiana	Air Force	Barksdale AFB	Upgrade Sanitary Sewer System	2,390	0	2,390
136	Louisiana	Air Force	Barksdale AFB	Communications Systems Squadron Complex	2,500	0	2,500
137	Louisiana	Defense Logistics Agency	Barksdale AFB	Jet Fuel Offload Facility	4,300	0	4,300
138	Louisiana	Navy Reserve	NSA New Orleans	Applied Instruction Facility	0	3,650	3,650
139	Louisiana	Navy Reserve	NSA New Orleans	Bachelor Enlisted Quarters	0	8,956	8,956
140	Louisiana	Navy Reserve	NSA New Orleans	Child Development Center Addition	0	1,330	1,330
141	Maine	Defense Finance & Accounting	Loring AFB	Renovate Existing Fac. For Admin Use	6,900	0	6,900
142	Maryland	Navy	NAAS Patuxent River	Wastewater Treatment Plant Upgrade	1,270	0	1,270
143	Maryland	Navy	NAWC Patuxent River	Anti-Chamber & Laboratory Space	0	10,000	10,000
144	Maryland	Air Force	Andrews AFB	Alter Dormitory	5,990	0	5,990
145	Maryland	Defense Logistics Agency	Andrews AFB	Replace Hydrant Fuel System	12,100	0	12,100
146	Maryland	National Security Agency	Fl. Meade	Friendship Annex III Purchase	25,200	(25,200)	0
147	Maryland	Defense Medical Facility Office	Andrews AFB	Life Safety/Emergency Room Upgrade	15,500	0	15,500
148	Maryland	Defense Medical Facility Office	WPAUR, Forest Glen	Army Institute Of Research, Phase IV	92,000	(20,000)	72,000
149	Maryland	Air National Guard	Andrews AFB	Munitions Trailer Maintenance Facility	500	0	500
150	Maryland	Air Force Reserve	Andrews AFB	Consolidated Medical Training	2,600	0	2,600
151	Massachusetts	Air National Guard	Barnes MAP (ANG)	Upgrade Heating Distribution System	500	0	500
152	Michigan	Air National Guard	Searidge ANGB	Upgrade Heating Systems	3,000	0	3,000
153	Michigan	Air Force Reserve	Searidge ANGB	Fuel System Maintenance Hangar	6,000	0	6,000
154	Minnesota	Army Reserve	ARC Buffalo	USARC/OAMS	4,260	0	4,260
155	Mississippi	Air Force	Keesler AFB	Student Dormitory	14,465	0	14,465
156	Mississippi	Army National Guard	Camp Shelby	Multi-Purpose Range Complex, Phase I	0	10,000	10,000
157	Mississippi	Air National Guard	Thompson Field	Alteration to Operations & Training Facility	0	1,350	1,350
158	Nebraska	Defense Finance & Accounting	Offutt AFB	Renovate Existing Fac For Admin Use	7,000	0	7,000
159	Nevada	Navy	NAS Fallon	Bachelor Enlisted Quarters	0	14,800	14,800
160	Nevada	Navy	NAS Fallon	Child Development Center	0	1,400	1,400
161	Nevada	Air Force	Indian Springs AAF	UAV Operations And Maintenance Facilities	4,690	0	4,690
162	Nevada	Defense Logistics Agency	NAS Fallon	Addition To Hot Refueling Area	2,100	0	2,100
163	Nevada	Air National Guard	Reno Cannon IAP	Fuel Sys Maint & Corrosion Control Hangar	4,600	0	4,600
164	New Jersey	Army	Pickaminy Arsenal	Upgrade Electrical Power System, Phase III	0	7,500	7,500

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Line No.	Location	Service/Agency/Program	Installation	Project Title	FY 1997		FY 1997	
					Authorization Request	Committee Change From Request	Committee Request	Committee Recommendation
165	New Jersey	Air Force	McGuire AFB	Dormitory	8,080	0	0	8,080
166	New Jersey	Army National Guard	FL Dix	Training & Training Tech, Battle Lab, Phase I	0	2,000	2,000	2,000
167	New Jersey	Air National Guard	Atlantic City IAP (ANG)	Add To & Alter Medical Training Facility	380	0	0	380
168	New Jersey	Air National Guard	McGuire AFB	Consolidated Squadron Operations Facility	0	9,900	9,900	9,900
169	New Mexico	Army	White Sands Missile Range	National Range Control Center, Phase I	0	10,000	10,000	10,000
170	New Mexico	Air National Guard	Kirtland AFB	Munitions Maint. & Storage Complex	3,000	0	0	3,000
171	New York	Army	FL Drum	Range Control Facility	0	3,800	3,800	3,800
172	New York	Army	FL Drum	Rapid Deployment Operations Facility	0	7,600	7,600	7,600
173	New York	Army	Gabreski Airport	Aircraft Wash And Deicing Facility	659	0	0	659
174	New York	Air National Guard	Stewart IAP	C-5 Flight Simulator Facility	3,000	0	0	3,000
175	New York	Air Force Reserve	Niagara Falls ARS	Fire Training System	1,600	0	0	1,600
176	New York	Air Force Reserve	Niagara Falls ARS	Deicing Facility	342	0	0	342
177	New York	Defense Finance & Accounting	Griffiss AFB	Renovate Existing Fac For Admin Use	10,200	0	0	10,200
178	North Carolina	Army	FL Bragg	Land Acquisition, Phase II	0	14,000	14,000	14,000
179	North Carolina	Navy	MCAS Cherry Point	Tactical Mission Planning Facility	1,630	0	0	1,630
180	North Carolina	Navy	MCAS New River	Comsion Control Hangar	12,900	0	0	12,900
181	North Carolina	Navy	MCAS New River	Aviation Armament Shops	4,140	0	0	4,140
182	North Carolina	Navy	MCAS New River	Child Development Center	0	3,250	3,250	3,250
183	North Carolina	Navy	MCB Camp Lejeune	Bechebor Enlisted Quarters	5,190	0	0	5,190
184	North Carolina	Navy	MCB Camp Lejeune	Physical Fitness Center	2,530	0	0	2,530
185	North Carolina	Navy	MCB Camp Lejeune	Training Range Facilities	9,800	0	0	9,800
186	North Carolina	Navy	MCB Camp Lejeune	Wastewater Treatment Plant, Phase III	3,230	0	0	3,230
187	North Carolina	Air Force	Pope AFB	Upgrade Sanitary Sewer System	2,065	0	0	2,065
188	North Carolina	Air Force	Pope AFB	C-130 ADAL Squadron Operations Aircraft Ma	3,650	0	0	3,650
189	North Carolina	Air Force	Seymour Johnson AFB	F-15E Student Officer Quarters	1,925	0	0	1,925
190	North Carolina	Air Force	Seymour Johnson AFB	F-15 AGE Facility/POD Storage	2,405	0	0	2,405
191	North Carolina	Air Force	Seymour Johnson AFB	F-15E Add To And Alter Flight Simulator	3,460	0	0	3,460
192	North Carolina	Air Force	Seymour Johnson AFB	F-15E Squadron Ops/AMU/ Academic Fac	3,490	0	0	3,490
193	North Carolina	Defense Medical Facility Office	FL Bragg	Hospital Replacement, Phase IV	89,000	0	0	89,000
194	North Carolina	Defense Medical Facility Office	FL Bragg	Ambulatory Clinic, Smoke Bomb Hill	11,400	0	0	11,400
195	North Carolina	Special Operations Command	FL Bragg	SOF - Company Ops & Supply Complex	14,000	0	0	14,000
196	North Carolina	Air National Guard	Stany Co. Airport	Composite Maintenance Facility	0	5,000	5,000	5,000
197	North Carolina	Air National Guard	Stany Co. Airport	Parallel Taxiway	0	1,850	1,850	1,850

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Line No.	Location	Service/Agency/Program	Installation	Project Title	FY 1997 Authorization Request	Committee Change From Request	FY 1997 Committee Recommendation
196	North Carolina	Army Reserve	FL Bragg	Add/Al USARC/OMS Dining Facility	9,866	0	9,866
199	North Dakota	Air Force	Grand Forks AFB		5,985	0	5,985
200	North Dakota	Air Force	Grand Forks AFB	KC-135 Squadron Operations/Act Maint	6,485	0	6,485
201	North Dakota	Air Force	Minot AFB	Minot-Liquid Storage Tanks-Mt Facility	3,940	0	3,940
202	Ohio	Air Force	Wright-Patterson AFB	ADAL Engineering Research Lab	7,400	0	7,400
203	Ohio	Defense Logistics Agency	DCSC Columbus	Construct Entrance Roadway	600	0	600
204	Ohio	Air National Guard	Rickenbacker ANGB	Composite Squadron Ops & Headquarters Fac.	0	6,100	6,100
205	Ohio	Air Force Reserve	Youngstown MAP	Consolidated Maintenance Facility	3,600	0	3,600
206	Ohio	Air Force Reserve	Youngstown MAP	Wing Headquarters Facility	5,300	0	5,300
207	Ohio	Air Force Reserve	Youngstown MAP	Fire Training System	1,500	0	1,500
208	Ohio	Defense Finance & Accounting	Columbus Center	DFAS Operations Facility - Increment II	20,822	0	20,822
209	Ohio	Defense Finance & Accounting	Gentile AFS	Renovate Facility For Admin Use	11,400	0	11,400
210	Oklahoma	Air Force	Tinker AFB	Consolidated Vehicle Maint/ Metals Facility	9,880	0	9,880
211	Oklahoma	Air Force	Tinker AFB	Depot Aircraft Corrosion Control FacI, Phase II	0	5,400	5,400
212	Oklahoma	Defense Logistics Agency	Allus AFB	Upgrade C-5 Hydrant System, Phase I	3,200	0	3,200
213	Oklahoma	Air National Guard	Will Rogers World Airport	Add to & Alter Security Police Facility	570	0	570
214	Oklahoma	Army Reserve	ARC Muskogee	Add/Al USARC/OMS	3,125	0	3,125
215	Oklahoma	Air Force Reserve	Tinker AFB	Alter Facilities For Conversion	5,700	0	5,700
216	Oklahoma	Air Force Reserve	Tinker AFB	KC-135 Operations And Training Facilities	3,400	0	3,400
217	Oregon	Chemical Demilitarization	Umatilla Depot	Ammunition Demilitarization Facility, Phase III	64,000	0	64,000
218	Pennsylvania	Navy	NSY Philadelphia	Foundry Improvements	0	8,300	8,300
219	Pennsylvania	Army Reserve	ARC St. Mary's	Add/Al USARC/OMS	2,333	0	2,333
220	Pennsylvania	Army Reserve	WTS Geneva	ECS/AMSA/Warehouse	9,352	0	9,352
221	Pennsylvania	Navy Reserve	NAS Willow Grove	Aircraft Rise Facility	750	0	750
222	Pennsylvania	Navy Reserve	NMCRC Pittsburgh	Purchase Reserve Center Building And Land	3,480	0	3,480
223	Rhode Island	Navy	MWC Newport	Strategic Maritime Research Center, Phase II	0	8,000	8,000
224	South Carolina	Navy	MCRD Parris Island	Recruit Battalion Operations Facility	0	2,540	2,540
225	South Carolina	Navy	MCRD Parris Island	Indoor Simulated Maintenance Trainer Bldg	0	2,450	2,450
226	South Carolina	Air Force	Charleston AFB	Dormitory	8,180	0	8,180
227	South Carolina	Air Force	Charleston AFB	C-17 Aircraft Maintenance Facility	5,785	0	5,785
228	South Carolina	Air Force	Charleston AFB	C-17 ADAL Approach/Drain System	13,170	0	13,170
229	South Carolina	Air Force	Charleston AFB	C-17 ADAL Aircraft Maintenance/NDI Shop	4,990	0	4,990
230	South Carolina	Air Force	Charleston AFB	C-17 Squadron Ops/Aircraft Maint Unit Fac	5,685	0	5,685

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Line No.	Location	Service/Agency/Program	Installation	Project Title	FY 1987 Authorization Request	Committee Change from Request	FY 1987 Committee Recommendation
231	South Carolina	Air Force	Shaw AFB	Security Police Operations	3,300	0	3,300
232	South Carolina	Air Force	Shaw AFB	Upgrade Sanitary Sewer System	2,385	0	2,385
233	South Carolina	Defense Logistics Agency	Shaw AFB	Railroad Jet Fuel Facility	2,900	0	2,900
234	South Carolina	Defense Medical Facility Office	Charleston	WRIMBEE Facility	1,300	0	1,300
235	South Carolina	Defense Finance & Accounting	Charleston	Renovate Existing Fac For Admin Use	6,200	0	6,200
236	Tennessee	Air Force	Arnold Eng Dev Ctr	Upgrade ETF Refrig System Plant	3,790	0	3,790
237	Tennessee	Air Force	Arnold Eng Dev Ctr	Upgrade Jet Engine Air Induction System	2,991	5,700	8,691
238	Tennessee	Army National Guard	Kingsport	Organizational Maintenance Shop	0	2,755	2,755
239	Texas	Army	FL Hood	Whole Barracks Complex Renewal	35,000	0	35,000
240	Texas	Army	FL Hood	Close Combat Tactical Training Building II	5,900	0	5,900
241	Texas	Army	FL Hood	Direct Support Motor Pool	0	5,400	5,400
242	Texas	Army	FL Hood	Organizational Motor Pool	0	6,400	6,400
243	Texas	Navy	NAS Kingsville	Combined Fire/Crash Rescue Station	1,810	0	1,810
244	Texas	Navy	NS Ingleside	Magnetic Range Facility & Land Acquisition	7,250	0	7,250
245	Texas	Navy	Brooks AFB	Bachelor Enlisted Quarters, Phase III	9,600	0	9,600
246	Texas	Air Force	Dyess AFB	Student Dormitory	0	5,400	5,400
247	Texas	Air Force	Dyess AFB	ADAL Dormitories	5,895	0	5,895
248	Texas	Air Force	Hill AFB	Consolidated Dining Hall	0	6,400	6,400
249	Texas	Air Force	Kelly AFB	Wing Support Facility	3,250	0	3,250
250	Texas	Air Force	Lackland AFB	PIF Combat Arms Training Facility	4,800	0	4,800
251	Texas	Air Force	Lackland AFB	Upgrade Recruit Dormitory	4,613	0	4,613
252	Texas	Air Force	Sheppard AFB	Consolidated Logistics Complex	9,400	0	9,400
253	Texas	Defense Medical Facility Office	FL Bliss	Life Safety Upgrade	6,600	0	6,600
254	Texas	Defense Medical Facility Office	FL Hood	Social Work Services Clinic	1,950	0	1,950
255	Texas	Air National Guard	JRB Ft. Worth	Fuel Cell & Comston Control Facility	3,450	0	3,450
256	Utah	Air Force	Hill AFB	Correct Fire Protection Deficiencies	3,690	0	3,690
257	Utah	Air National Guard	Salt Lake City IAP	Electronics Security Squadron Complex	2,250	0	2,250
258	Utah	Navy Reserve	MCRC Camp Williams	Reserve Training Center	1,994	0	1,994
259	Virginia	Army	FL Eustis	Child Development Center	0	3,550	3,550
260	Virginia	Navy	AFSC Norfolk	Wargaming And Research Center	12,900	0	12,900
261	Virginia	Navy	FCFC Dam Neck	Bachelor Enlisted Quarters Renovation	0	7,000	7,000
262	Virginia	Navy	MCCDC Quantico	Sanitary Landfill	8,930	0	8,930
263	Virginia	Navy	MCCDC Quantico	Ammunition Storage Magazines, Phase II	2,060	0	2,060

TITLES XXI THROUGH XXVI -- MILITARY CONSTRUCTION AND FAMILY HOUSING  
(Dollars in Thousands)

Line No.	Location	Service/Agency/Program	Installation	Project Title	FY 1987 Authorization Request	Committee Change from Request	FY 1987 Committee Recommendation
264	Virginia	Navy	MCCDC Quantico	Battle Staff Training Facility	3,590	0	3,590
265	Virginia	Navy	NS Norfolk	Controlled Industrial Facility	16,500	0	16,500
266	Virginia	Navy	NS Norfolk	Shore Infirm Miant Activ Adm & Upgrade	6,820	0	6,820
267	Virginia	Navy	NS Norfolk	City Waste Collection System	10,200	0	10,200
268	Virginia	Navy	NS Norfolk	Crane Rail Interconnected	0	14,400	14,400
269	Virginia	Navy	NS Norfolk	Pier Electrical Improvements	0	6,200	6,200
270	Virginia	Navy	NSWC Dahlgren	Bachelor Enlisted Quarters	0	6,030	6,030
271	Virginia	Air Force	Langley AFB	Alter HQ Air Combat Command Facilities	5,160	0	5,160
272	Virginia	Air Force	Langley AFB	Upgrade Sanitary Sewer System	2,645	0	2,645
273	Virginia	Defense Logistics Agency	NAS Oceana	Jet Fuel Storage Tank	1,500	0	1,500
274	Virginia	Defense Medical Facility Office	NAVHOSP Portsmouth	Environmental Preventive Med Unit Addition	1,250	0	1,250
275	Virginia	Defense Medical Facility Office	NAVHOSP Portsmouth	Hospital Replacement Phase VIII	24,000	0	24,000
276	Virginia	Army Reserve	Fl. Eustis	USARC/OMS	10,273	0	10,273
277	Washington	Army	Fl. Lewis	Tank Trail Erosion Mitigation-Yakima	2,000	0	2,000
278	Washington	Army	Fl. Lewis	Readiness Deployment Facility	3,600	0	3,600
279	Washington	Army	Fl. Lewis	Whole Barracks Complex Renewal	49,000	0	49,000
280	Washington	Navy	NS Everett	Bachelor Enlisted Quarters	10,940	0	10,940
281	Washington	Navy	NS Everett	Berthing Pier	14,800	0	14,800
282	Washington	Navy	NUWC Keyport	Environmental Test Facility	0	6,800	6,800
283	Washington	Air Force	Fairchild AFB	KC-135 Squadron Ops/Aircraft Maint Unit	7,280	0	7,280
284	Washington	Air Force	Fairchild AFB	KC-135 Hydrant Fueling System	10,875	0	10,875
285	Washington	Air Force	McChord AFB	C-17 Alter Hydrant Fueling System	1,100	0	1,100
286	Washington	Air Force	McChord AFB	C-17 ADAL Avionics Maintenance Facility	1,300	0	1,300
287	Washington	Air Force	McChord AFB	C-17 Modular Replacement Center	16,460	0	16,460
288	Washington	Air Force	McChord AFB	C-17 Fuel Cell Maintenance Facility	7,480	0	7,480
289	Washington	Air Force	McChord AFB	C-17 Maintenance Training Facility	5,685	0	5,685
290	Washington	Air Force	McChord AFB	C-17 Add to Flight Simulator	2,095	0	2,095
291	Washington	Air Force	McChord AFB	Dormitory	5,390	0	5,390
292	Washington	Air Force	McChord AFB	C-17 Beddown Support Utilities	5,985	0	5,985
293	Washington	Air Force	McChord AFB	C-17 Comson Control Facility	11,570	0	11,570
294	Wisconsin	Air National Guard	Volk Field	Upgrade Sanitary Sewer System	850	0	850
295	Wisconsin	Air Force Reserve	Mitchell IAP	Medical Training Facility	2,500	0	2,500
296	Wisconsin	Air Force Reserve	Mitchell IAP	Improve Storm Drainage System	950	0	950



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Line No.	Location	Service/Agency/Program	Installation	Project Title	FY 1997 Authorization Request	Change from Request	FY 1997 Committee Recommendation
297	Wyoming	Air Force	F. E. Warren AFB	Child Development Center	0	3,700	3,700
298	CONUS Classified	Army	Classified	Classified Project	4,600	0	4,600
299	Bahrain	Navy	ASU Bahrain	Quality Of Life Improvements	5,980	0	5,980
300	Bahrain	Defense Medical Facility Office	ASU Bahrain	Medical/Dental Clinic	4,600	0	4,600
301	Germany	Army	Darmstadt (Lincoln Village)	Child Development Center	0	7,300	7,300
302	Germany	Army	Mainheim, Spinnell Barracks	Bachelor Enlisted Quarters Modernization	0	8,100	8,100
303	Germany	Army	Mainheim, Taylor Barracks	Bachelor Enlisted Quarters Modernization	0	9,300	9,300
304	Germany	Air Force	Ramstein AFB	Dormitory	5,370	0	5,370
305	Germany	Air Force	Spangdahlem AB	Fire Station	1,890	0	1,890
306	Greece	Navy	NSA Souda Bay	Bachelor Enlisted Quarters	0	4,000	4,000
307	Greece	Navy	NSA Souda Bay	Bachelor Enlisted Quarters Replacement	7,050	0	7,050
308	Italy	Army	Camp Ederle, Vincenzo	Water Distribution System	3,100	0	3,100
309	Italy	Navy	NAS Sponella	Bachelor Enlisted Quarters Replacement	15,700	0	15,700
310	Italy	Navy	NAS Naples	Air Cargo Terminal	8,620	0	8,620
311	Italy	Air Force	Aviano AB	Upgrade Flightline Water Distribution System	2,900	0	2,900
312	Italy	Air Force	Aviano AB	Consolidated Support Center	5,225	0	5,225
313	Italy	Air Force	Aviano AB	Upgrade Electrical Distribution System	1,935	0	1,935
314	Italy	Defense Logistics Agency	NAS Sponella	Extend Hydrant Fuel System	6,100	0	6,100
315	Korea	Army	Camp Casey	Whole Barracks Complex Renewal	16,000	0	16,000
316	Korea	Army	Camp Red Cloud	Whole Barracks Complex Renewal	14,000	0	14,000
317	Korea	Air Force	Osan AB	Construct Enlisted Dormitory	9,780	0	9,780
318	Puerto Rico	Air National Guard	Puerto Rico IAP	Refueling Vehicle Shop & Paint Bay	450	0	450
319	Spain	Defense Logistics Agency	Moron AB	Replace Hydrant Fuel System	12,958	0	12,958
320	Turkey	Air Force	Incirk AB	Add to and Alter Transient Dormitory	1,740	0	1,740
321	Turkey	Air Force	Incirk AB	Add To And Alter Physical Fitness Center	1,740	0	1,740
322	Turkey	Air Force	Incirk AB	Base Ops and Control Tower Complex	3,680	0	3,680
323	United Kingdom	Navy	JMCC St. Mawgan	Physical Fitness Ctr Addn and Alterations	4,700	0	4,700
324	United Kingdom	Air Force	RAF Croughton	Fire Station	1,740	0	1,740
325	United Kingdom	Air Force	RAF Lakenheath	F-15E Add To Jet Engine Shop	2,700	0	2,700
326	United Kingdom	Air Force	RAF Lakenheath	Dormitory	4,260	0	4,260
327	United Kingdom	Air Force	RAF Lakenheath	Dormitory	7,950	0	7,950
328	United Kingdom	Air Force	RAF Lakenheath	F-15E Add To And Alter Weapons Release Fac	2,615	0	2,615
329	United Kingdom	Air Force	RAF Mildenhall	Dormitory	6,195	0	6,195

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Line No.	Location	Service/Agency/Program	Installation	Project Title	FY 1997 Authorization Request	Change from Request	FY 1997 Committee Recommendation
330	Overseas Classified	Army	Overseas Classified	Strategic Logistical Prep Complex, Phase II	64,000	0	64,000
331	Overseas Classified	Air Force	Overseas Classified	Munitions Storage Igloos	6,735	0	6,735
332	Overseas Classified	Air Force	Overseas Classified	Special Tactical Unit Detachment Facility	3,680	0	3,680
333	Overseas Classified	Air Force	Overseas Classified	War Readiness Material Warehouse	5,785	0	5,785
334	Overseas Classified	Air Force	Overseas Classified	War Readiness Material Warehouse	2,215	0	2,215
335	Worldwide Unspecified	Army	Host Nation Support	Army - Host Nation Support	20,000	0	20,000
336	Worldwide Unspecified	Army	Unspecified Worldwide	Unspecified Minor Construction	5,000	3,000	8,000
337	Worldwide Unspecified	Army	Unspecified Worldwide	Planning And Design	23,623	10,761	34,384
338	Worldwide Unspecified	Army	Unspecified Worldwide	Demolition	0	10,000	10,000
339	Worldwide Unspecified	Navy	Unspecified Worldwide	Reduction for Prior Year Savings	(12,000)	12,000	0
340	Worldwide Unspecified	Navy	Unspecified Worldwide	General Reduction	0	(12,000)	(12,000)
341	Worldwide Unspecified	Navy	Unspecified Worldwide	Unspecified Minor Construction	5,115	3,000	8,115
342	Worldwide Unspecified	Navy	Unspecified Worldwide	Access Roads	300	0	300
343	Worldwide Unspecified	Navy	Unspecified Worldwide	Planning And Design	42,559	8,400	50,959
344	Worldwide Unspecified	Navy	Unspecified Worldwide	Demolition	0	10,000	10,000
345	Worldwide Unspecified	Air Force	Unspecified Worldwide	Unspecified Minor Construction	9,329	3,000	12,329
346	Worldwide Unspecified	Air Force	Unspecified Worldwide	Planning And Design	43,387	4,000	47,387
347	Worldwide Unspecified	Air Force	Unspecified Worldwide	Demolition	0	10,000	10,000
348	Worldwide Unspecified	Office Secretary of Defense	Unspecified Worldwide	Unspecified Minor Construction	3,200	0	3,200
349	Worldwide Unspecified	Office Secretary of Defense	Unspecified Worldwide	Energy Conservation Improvement Program	47,765	0	47,765
350	Worldwide Unspecified	Defense Medical Facility Office	Unspecified Worldwide	Unspecified Minor Construction	5,142	0	5,142
351	Worldwide Unspecified	DOD Dependents Schools	Unspecified Worldwide	Unspecified Minor Construction	2,000	0	2,000
352	Worldwide Unspecified	Special Operations Command	Unspecified Worldwide	Unspecified Minor Construction - SOCOM	4,000	0	4,000
353	Worldwide Unspecified	Special Operations Command	Unspecified Worldwide	Planning And Design - SOCOM	2,305	0	2,305
354	Worldwide Unspecified	Ballistic Missile Defense Organization	Unspecified Worldwide	Unspecified Minor Construction	1,404	0	1,404
355	Worldwide Unspecified	OSD Contingencies	Unspecified Worldwide	Contingency Construction	9,500	(5,000)	4,500
356	Worldwide Unspecified	OSD Planning & Design	Unspecified Worldwide	Planning And Design	4,943	0	4,943
357	Worldwide Unspecified	NATO Security Investment Program	Unspecified Worldwide	NATO Security Investment Program	187,000	(20,000)	177,000
358	Worldwide Unspecified	Army National Guard	Unspecified Worldwide	Planning And Design	2,100	1,200	3,300
359	Worldwide Unspecified	Army National Guard	Unspecified Worldwide	Unspecified Minor Construction	5,500	0	5,500
360	Worldwide Unspecified	Air National Guard	Unspecified Worldwide	Planning And Design	7,725	1,200	8,925
361	Worldwide Unspecified	Air National Guard	Unspecified Worldwide	Unspecified Minor Construction	4,100	0	4,100
362	Worldwide Unspecified	Army Reserve	Unspecified Worldwide	Planning And Design	3,480	0	3,480

TITLES XXI THROUGH XXVI -- MILITARY CONSTRUCTION AND FAMILY HOUSING  
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Line No.	Location	Service/Agency/Program	Installation	Project Title	FY 1987 Authorization Request	Committee Change from Request	FY 1987 Committee Recommendation
363	Worldwide Unspecified	Army Reserve	Unspecified Worldwide	Unspecified Minor Construction	0	1,700	1,700
364	Worldwide Unspecified	Navy Reserve	Unspecified Worldwide	Planning And Design	1,884	1,150	3,034
365	Worldwide Unspecified	Navy Reserve	Unspecified Worldwide	Unspecified Minor Construction	0	1,000	1,000
366	Worldwide Unspecified	Air Force Reserve	Unspecified Worldwide	Planning And Design	5,900	0	5,900
367	Worldwide Unspecified	Air Force Reserve	Unspecified Worldwide	Unspecified Minor Construction	4,328	0	4,328
368	Worldwide Unspecified	Chemical Demilitarization	Unspecified Worldwide	Planning And Design	4,124	0	4,124
369	Worldwide Unspecified	Defense Finance & Accounting	Unspecified Worldwide	Planning and Design	862	0	862
370	Worldwide Unspecified	Base Closure II	BRAC II	Base Realignment & Closure Act Part II	352,802	0	352,802
371	Worldwide Unspecified	Base Closure III	BRAC III	Base Realignment & Closure Act Part III	971,925	0	971,925
372	Worldwide Unspecified	Base Closure IV	BRAC IV	Base Realignment & Closure Act Part IV	1,182,749	0	1,182,749
373	Worldwide Unspecified	Joint Chiefs of Staff	Unspecified Worldwide	Unspecified Minor Construction	6,128	0	6,128
374	Worldwide Unspecified	Unaccompanied Hsg Imp Fund	Unspecified Worldwide	Unaccompanied Housing Improvement Fund	0	10,000	10,000
375	Alabama	Army	Redstone Arsenal	FH Replacement (70 Units)	0	8,000	8,000
376	Alaska	Air Force	Eielson AFB	Fire Station	2,950	0	2,950
377	Alaska	Air Force	Eielson AFB	FH Replacement, Phase III (72 Units)	21,127	0	21,127
378	Arizona	Navy	MCAS Yuma	Community Center	709	0	709
379	California	Navy	MCAGCC Twentynine Palms	Housing Office	956	0	956
380	California	Navy	MCAGCC Twentynine Palms	Community Center	1,982	0	1,982
381	California	Navy	MCB Camp Pendleton	FH New Construction (202 Units)	19,483	10,000	29,483
382	California	Navy	NAS Lemoore	FH Replacement (276 Units)	39,837	0	39,837
383	California	Navy	NPMC San Diego	FH Replacement (366 Units)	48,719	0	48,719
384	California	Navy	NPMC San Diego	FH New Construction (100 Units)	0	14,710	14,710
385	California	Air Force	Beale AFB	FH Replacement, Phase II (56 Units)	8,883	0	8,883
386	California	Air Force	Los Angeles AFB	FH Replacement, Phase II (25 Units)	0	6,425	6,425
387	California	Air Force	Trans AFB	FH Replacement (70 Units)	6,831	0	6,831
388	California	Air Force	Vandenberg AFB	FH Replacement, Phase IV (112 Units)	20,891	0	20,891
389	District of Columbia	Air Force	Vandenberg AFB	FH Replacement, Phase IV (40 Units)	5,000	0	5,000
390	Florida	Air Force	Bolling AFB	FH Replacement, Phase IV (100 Units)	0	10,000	10,000
391	Florida	Navy	NS Mayport	FH New Construction (1 GOO)	249	0	249
392	Florida	Air Force	Eglin Aux Field 9	FH Replacement, Phase I (56 Units)	8,822	0	8,822
393	Florida	Air Force	MacDill AFB	Base Maintenance Shop	853	0	853
394	Florida	Air Force	Patrick AFB	Housing Sup & Storage Facility	756	0	756
395	Florida	Air Force	Patrick AFB	Replace Housing Office Facility	821	0	821

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Line No.	Location	Service/Agency/Program	Installation	Project Title	FY 1987 Authorization Request	Committee Change from Request	FY 1987 Committee Recommendation
396	Florida	Air Force	Tyndall AFB	FH Replacement (42 Units)	0	6,000	6,000
397	Georgia	Air Force	Robins AFB	FH Replacement (46 Units)	0	5,252	5,252
398	Hawaii	Army	Schofield Barracks	FH Replacement (54 Units)	10,000	0	10,000
399	Hawaii	Navy	MCAS Kaneohe Bay	FH New Construction (54 Units)	11,676	0	11,676
400	Hawaii	Navy	NPWC Pearl Harbor	FH Replacement (264 Units)	52,586	0	52,586
401	Louisiana	Air Force	Barksdale AFB	FH Replacement, Phase IV (80 Units)	9,570	0	9,570
402	Maine	Navy	NAS Brunswick	FH Replacement, Phase I (72 Units)	0	10,925	10,925
403	Massachusetts	Air Force	Hanscom AFB	FH Replacement (32 Units)	0	5,100	5,100
404	Maryland	Navy	NAS Patuxent River	Community Center	1,233	0	1,233
405	Missouri	Air Force	Whiteman AFB	FH New Construction, Phase II (68 Units)	9,600	0	9,600
406	Nevada	Air Force	Nellis AFB	FH Replacement (50 Units)	0	7,955	7,955
407	New Mexico	Air Force	Kirtland AFB	FH Replacement, Phase III (50 Units)	5,450	0	5,450
408	North Carolina	Army	Ft Bragg	FH Replacement (68 Units)	9,800	0	9,800
409	North Carolina	Navy	MCB Camp Lejeune	Community Center	845	0	845
410	North Carolina	Navy	MCB Camp Lejeune	FH New Construction (125 Units)	7,784	0	7,784
411	North Dakota	Air Force	Grand Forks AFB	FH Replacement, Phase III (46 Units)	8,740	0	8,740
412	North Dakota	Air Force	Minot AFB	FH Replacement, Phase III (46 Units)	0	890	890
413	Pennsylvania	Army	Tobyhanna Army Depot	Acquire & Demolish 200 Units	0	19,110	19,110
414	South Carolina	Navy	MCAS Beaufort	FH New Construction (200 Units)	0	12,000	12,000
415	Texas	Army	Ft Bliss	FH Replacement, Phase I (70 Units)	0	890	890
416	Texas	Army	Ft Hood	FH Replacement (140 Units)	18,500	0	18,500
417	Texas	Navy	Corpus Christi Nav. Complex	FH Replacement (156 Units)	0	17,425	17,425
418	Texas	Navy	NAS Kingsville	FH Replacement, Phase I (32 Units)	0	7,550	7,550
419	Texas	Air Force	Lackland AFB	FH Replacement (82 Units)	6,500	5,000	11,500
420	Texas	Air Force	Lackland AFB	Replace MIFH Management Office	350	0	350
421	Texas	Air Force	Lackland AFB	Replace MIFH Maintenance Facility	2,975	0	2,975
422	Virginia	Navy	AEGIS CSC Wallops Is	FH New Construction (20 Units)	741	0	741
423	Virginia	Navy	NSGA Northwest	Self-Help/Housing Office/Community Center	15,015	0	15,015
424	Washington	Navy	NS Everett	FH New Construction (100 Units)	0	0	0
425	Washington	Navy	NSB Bangor	Housing Office	934	0	934
426	Washington	Air Force	McChord AFB	FH Replacement, Phase II (40 Units)	5,659	0	5,659
427	Worldwide Unspecified	Army	Unspecified Worldwide	Maintenance Of Real Property	525,893	45,000	570,893
428	Worldwide Unspecified	Army	Unspecified Worldwide	Utilities Account	270,391	0	270,391

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Line No.	Location	Service/Agency/Program	Installation	Project Title	FY 1997		FY 1997		FY 1997 Committee Recommendation
					Authorization Request	Change from Request	Authorization Request	Change from Request	
429	Worldwide Unspecified	Army	Unspecified Worldwide	Furnishings Account	49,057	0	0	49,057	
430	Worldwide Unspecified	Army	Unspecified Worldwide	Management Account	84,878	0	0	84,878	
431	Worldwide Unspecified	Army	Unspecified Worldwide	Miscellaneous Account	1,241	0	0	1,241	
432	Worldwide Unspecified	Army	Unspecified Worldwide	Leasing	227,515	0	0	227,515	
433	Worldwide Unspecified	Army	Unspecified Worldwide	Interest & Servicemen's Mortgage Premiums	7	0	0	7	
434	Worldwide Unspecified	Army	Unspecified Worldwide	Construction Improvements	33,750	80,700	80,700	114,450	
435	Worldwide Unspecified	Army	Unspecified Worldwide	Planning	2,983	0	0	2,983	
436	Worldwide Unspecified	Army	Unspecified Worldwide	Services Account	53,684	0	0	53,684	
437	Worldwide Unspecified	Navy	Unspecified Worldwide	Mortgage Insurance Premiums	80	0	0	80	
438	Worldwide Unspecified	Navy	Unspecified Worldwide	Utilities Account	204,987	0	0	204,987	
439	Worldwide Unspecified	Navy	Unspecified Worldwide	Management Account	88,707	0	0	88,707	
440	Worldwide Unspecified	Navy	Unspecified Worldwide	Services Account	67,413	0	0	67,413	
441	Worldwide Unspecified	Navy	Unspecified Worldwide	Furnishings Account	34,621	0	0	34,621	
442	Worldwide Unspecified	Navy	Unspecified Worldwide	Maintenance Of Real Property	508,632	44,000	44,000	552,632	
443	Worldwide Unspecified	Navy	Unspecified Worldwide	Construction Improvements	183,483	25,650	25,650	209,133	
444	Worldwide Unspecified	Navy	Unspecified Worldwide	Miscellaneous Account	1,290	0	0	1,290	
445	Worldwide Unspecified	Navy	Unspecified Worldwide	Planning	22,552	0	0	22,552	
446	Worldwide Unspecified	Navy	Unspecified Worldwide	Leasing	108,531	0	0	108,531	
447	Worldwide Unspecified	Air Force	Unspecified Worldwide	Planning	9,590	0	0	9,590	
448	Worldwide Unspecified	Air Force	Unspecified Worldwide	Maintenance Of Real Property	428,087	11,000	11,000	439,087	
449	Worldwide Unspecified	Air Force	Unspecified Worldwide	Construction Improvements	88,550	37,100	37,100	125,650	
450	Worldwide Unspecified	Air Force	Unspecified Worldwide	Furnishings Account	38,228	0	0	38,228	
451	Worldwide Unspecified	Air Force	Unspecified Worldwide	Management Account	51,185	0	0	51,185	
452	Worldwide Unspecified	Air Force	Unspecified Worldwide	Services Account	32,257	0	0	32,257	
453	Worldwide Unspecified	Air Force	Unspecified Worldwide	Utilities Account	187,985	0	0	187,985	
454	Worldwide Unspecified	Air Force	Unspecified Worldwide	Leasing	108,083	0	0	108,083	
455	Worldwide Unspecified	Air Force	Unspecified Worldwide	Miscellaneous Account	5,619	0	0	5,619	
456	Worldwide Unspecified	Air Force	Unspecified Worldwide	Mortgage Insurance Premiums	30	0	0	30	
457	Worldwide Unspecified	Defense Logistics Agency	Unspecified Worldwide	Furnishings Account	32	0	0	32	
458	Worldwide Unspecified	Defense Logistics Agency	Unspecified Worldwide	Management Account	208	0	0	208	
459	Worldwide Unspecified	Defense Logistics Agency	Unspecified Worldwide	Maintenance Of Real Property	616	0	0	616	
460	Worldwide Unspecified	Defense Logistics Agency	Unspecified Worldwide	Utilities Account	405	0	0	405	
461	Worldwide Unspecified	Defense Logistics Agency	Unspecified Worldwide	Construction Improvements	3,821	0	0	3,821	

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Line No.	Location	Service/Agency/Program	Installation	Project Title	FY 1997		FY 1997	
					Authorization Request	Committee Change from Request	Committee Recommendation	Committee Recommendation
462	Worldwide Unspecified	Defense Logistics Agency	Unspecified Worldwide	Planning & Design	500	0	500	
463	Worldwide Unspecified	Defense Logistics Agency	Unspecified Worldwide	Services Account	137	0	137	
464	Worldwide Unspecified	National Security Agency	Unspecified Worldwide	Services Account	355	0	355	
465	Worldwide Unspecified	National Security Agency	Unspecified Worldwide	Furnishings Account	184	0	184	
466	Worldwide Unspecified	National Security Agency	Unspecified Worldwide	Utilities Account	500	0	500	
467	Worldwide Unspecified	National Security Agency	Unspecified Worldwide	Construction Improvements	50	0	50	
468	Worldwide Unspecified	National Security Agency	Unspecified Worldwide	Maintenance Of Real Property	524	0	524	
469	Worldwide Unspecified	National Security Agency	Unspecified Worldwide	Miscellaneous Account	35	0	35	
470	Worldwide Unspecified	National Security Agency	Unspecified Worldwide	Management Account	70	0	70	
471	Worldwide Unspecified	National Security Agency	Unspecified Worldwide	Leasing	11,271	0	11,271	
472	Worldwide Unspecified	Defense Intelligence Agency	Unspecified Worldwide	Leasing	14,366	0	14,366	
473	Worldwide Unspecified	Defense Intelligence Agency	Unspecified Worldwide	Furnishings Account	2,282	0	2,282	
474	Worldwide Unspecified	Homeowners' Assistance Program	Unspecified Worldwide	Homeowners' Assistance	36,181	0	36,181	
475	Worldwide Unspecified	Family Housing Improvement Fund	Unspecified Worldwide	Family Housing Improvement Fund	20,000	15,000	35,000	
Total					9,132,311	900,000	10,032,311	

## AUTHORIZATION FOR MILITARY CONSTRUCTION

The military construction authorization request for fiscal year 1997 was introduced as H.R. 3231 on April 15, 1996.

The Department of Defense requested \$5,274,640,000 for military construction and \$3,857,671,000 for family housing for fiscal year 1997. Within the military construction request, \$2,507,476,000 was requested for implementation of base closure and realignment actions.

The committee recommends authorization of \$5,746,488,000 for military construction, including \$2,507,476,000 for base closure implementation, and \$4,285,823,000 for family housing.

A tabular summary of the military construction projects included with the authorization of appropriations for fiscal year 1997 for the BRAC II , BRAC III, and BRAC IV accounts follows:

## FY 1997 BRAC MILITARY CONSTRUCTION PROJECTS

(Dollars in Thousands)

### Army: BRAC III Construction, Fiscal Year 1997

State	Installation or Location	Description	Amount
Texas	Fort Bliss	Unmanned Aerial Vehicle Hangar	4,700
		<b>Total Army - BRAC III</b>	<b>4,700</b>

### Army: BRAC IV Construction, Fiscal Year 1997

State	Installation or Location	Description	Amount
Alabama	Anniston Army Depot	EOD Operations Facility	1,700
Arizona	Fort Huachuca Fort Huachuca	Building 61801 Renovation Warehouse	400 800
District of Columbia	Walter Reed Army Medical Center	Nurse Training Facility	1,500
Maryland	Fort Detrick Fort Detrick	Administrative Facility General Purpose Storage	6,800 1,150
Missouri	Fort Leonard Wood Fort Leonard Wood Fort Leonard Wood Fort Leonard Wood	Chemical Defense Training Facility General Instruction Facility Applied Instruction Facility Unaccompanied Enlisted Housing	28,000 58,000 32,000 58,000
New Jersey	Fort Monmouth	Administrative Facility	2,200
New York	Fort Totten	Storage Facility	1,950
Oklahoma	McAlester Army Ammunition Plant McAlester Army Ammunition Plant McAlester Army Ammunition Plant	Universal Functional Test Range General & Applies Inst Facility Administrative Facility	1,950 6,100 14,200



**FY 1997 BRAC MILITARY CONSTRUCTION PROJECTS**  
(Dollars in Thousands)

South Carolina	Fort Jackson	DOD Polygraph Institute	4,600
Virginia	Fort Belvoir	Administrative Facility	7,500
Washington	Fort Lewis	Center for Health Promotion	3,050
Various Locations	Various Locations	Planning & Design	9,790
		<b>Total Army - BRAC IV</b>	<b>239,690</b>

**Army: BRAC IV Family Housing, Fiscal Year 1997**

State	Installation or Location	Description	Amount
Missouri	Fort Leonard Wood	General Officer Quarters	430
		<b>Total Army - BRAC IV Family Housing</b>	<b>430</b>

**Navy: BRAC III Construction, Fiscal Year 1997**

State	Installation or Location	Description	Amount
California	Fleet ASW Training Center, San Diego	Gymnasium	3,400
	Marine Corps Air Station Camp Pendleton	Warehouse & Special Storage Facilities	6,080
	Marine Corps Air Station Miramar	Storage Facilities	9,820
	Marine Corps Air Station Miramar	Tactical Van Pad Facility	15,500
	Marine Corps Air Station Miramar	Bachelor Enlisted Quarters	59,883
	Naval Air Station Lemoore	Administrative Office	1,500
District of Columbia	Commandant Naval District, Washington	Headquarters Building Renovation	2,000
	Strategic Systems Program Office, Washington	Building Renovation	14,580

## FY 1997 BRAC MILITARY CONSTRUCTION PROJECTS

(Dollars in Thousands)

Florida	Army Reserve Center Orlando Naval Air Station Jacksonville	Facility Modifications Aviation Physiology Training	2,683 2,270
Georgia	Naval Air Station Atlanta	Marine Reserve Training Facility	9,100
Hawaii	Marine Corps Air Station Kaneohe Bay Marine Corps Air Station Kaneohe Bay Marine Corps Air Station Kaneohe Bay Marine Corps Air Station Kaneohe Bay Marine Corps Air Station Kaneohe Bay Marine Corps Air Station Kaneohe Bay Marine Corps Air Station Kaneohe Bay Marine Corps Air Station Kaneohe Bay Marine Corps Air Station Kaneohe Bay Marine Corps Air Station Kaneohe Bay Marine Corps Air Station Kaneohe Bay Marine Corps Air Station Kaneohe Bay Marine Corps Air Station Kaneohe Bay Marine Corps Air Station Kaneohe Bay Marine Corps Air Station Kaneohe Bay Marine Corps Air Station Kaneohe Bay	Aircraft Parking Apron Maintenance Hangar Alterations Building Renovations Building Additions & Renovations Aviation Supply Facilities Training Facility Bachelor Quarters Helicopter Landing Pad Hazardous Storehouse & Waste Transfer Fa Ordnance Facilities Tactical Support Facility Utilities Upgrade Ordnance Facilities	14,562 31,400 2,500 1,300 2,700 8,600 26,900 400 5,100 1,400 10,500 5,100 2,100
Nevada	Naval Air Station Fallon	Bachelor Enlisted Quarters, Phase II	9,830
South Carolina	Marine Corps Air Station Beaufort	Hangar Renovation	1,900
Tennessee	Naval Air Station Memphis Naval Air Station Memphis	Building Alterations Building Alterations	17,510 7,100
Texas	Naval Air Station Fort Worth	Child Development Center	2,010
Virginia	Naval Station Norfolk Naval Air Station Oceana	Administrative Facility Engine Maintenance Shop Addition	1,000 480
Washington	Naval Air Station Whidbey Island	Ground Support Equipment Shop	2,700

**FY 1997 BRAC MILITARY CONSTRUCTION PROJECTS**  
(Dollars in Thousands)

Midway Island	Naval Air Station Whidbey Island	Sonobuoy Storage Facility	600
	Naval Air Facility	Demolition	3,000
		<b>Total Navy - BRAC III</b>	<b>285,508</b>

**Navy: BRAC III Family Housing, Fiscal Year 1997**

State	Installation or Location	Description	Amount
Florida	Naval Air Station Pensacola	Family Housing	9,845
Washington	Naval Submarine Base Bangor	Family Housing	4,672
	Naval Submarine Base Bangor	Family Housing	6,454
		<b>Total Navy - BRAC III Family Housing</b>	<b>20,971</b>

**Navy: BRAC IV Construction, Fiscal Year 1997**

State	Installation or Location	Description	Amount
California	Naval Air Station North Island	Maintenance Training Facility	3,780
	Naval Aviation Depot, North Island	Engineering Support Office Modifications	844
	Naval Aviation Depot, North Island	Engineering Support Offices	721
	Naval Weapon Station Concord	Secure Warehouse	15,400
District of Columbia	Commandant, Naval District Washington	Parking Garage	8,900
	Commandant, Naval District Washington	Logistics Support Facility	2,400
	Commandant, Naval District Washington	Public Works Facility	1,900
Florida	Naval Explosive Diving Unit, Panama City	Manned Diving Physiology	1,870
Maryland	Naval Surface Warfare Center, Carderock	Materials Processing Facility	1,450
	Naval Surface Warfare Center, Carderock	Magnetic Fields Facility	6,400

**FY 1997 BRAC MILITARY CONSTRUCTION PROJECTS**  
(Dollars in Thousands)

Pennsylvania	Naval Surface Warfare Center, Philadelphia	Advance Machine R&D Facility	5,400
South Carolina	Naval Weapon Station Charleston	Medical/Dental Clinic Expansion	3,464
Tennessee	Naval Air Station Memphis	Building Modifications	4,744
Virginia	Naval Air Station Oceana	Flight Simulator Building Addition	9,044
	Naval Air Station Oceana	Corrosion Control Hangar	4,800
	Naval Air Station Oceana	F/A 18 Aviation Maintenance Additions	2,700
	Naval Air Station Oceana	Renovate/Addition Training Facility	5,700
Washington	Naval Shipyard Puget Sound	Ship Maintenance Facilities	1,840
Various Locations	Various Locations	Planning & Design	9,700
		<b>Total Navy - BRAC IV</b>	<b>91,057</b>

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**Air Force: BRAC II Construction, Fiscal Year 1997**

State	Installation or Location	Description	Amount
California	Beale Air Force Base	Add/Alter Civil Engineer Facilities	900
	Beale Air Force Base	Add/Alter Operations Facility	460
	Beale Air Force Base	Alter Logistics Facilities	520
	Beale Air Force Base	Add/Alter Support Facility	300
	Vandenberg Air Force Base	Campus Utilities	2,900
Colorado	Buckley Air National Guard Base	Enlisted Dormitory	8,150
Indiana	Grissom Air Reserve Base	Munitions Storage	1,500

**FY 1997 BRAC MILITARY CONSTRUCTION PROJECTS**

(Dollars in Thousands)

Mississippi	Keesler Air Force Base	Physical Fitness Center	690
Ohio	Rickenbacker Air National Guard Base	Alter Base Maintenance Shops	1,950
	Rickenbacker Air National Guard Base	Alter Support Shops	2,000
	Rickenbacker Air National Guard Base	Alter Fuel System Maintenance Dock	1,200
	Rickenbacker Air National Guard Base	Jet Fuel Storage/Distribution	9,000
	Wright-Patterson Air Force Base	NAOC Complex	5,100
Texas	Lackland Air Force Base	Add/Alter Physical Fitness Center	1,600
	Lackland Air Force Base	Alter Technical Training Facility	2,250
	Sheppard Air Force Base	Add to Chapel	700
Various Locations	Various Locations	Planning & Design	560
		<b>Total Air Force - BRAC II</b>	<b>39,800</b>

**Air Force: BRAC II Family Housing, Fiscal Year 1997**

State	Installation or Location	Description	Amount
Oklahoma	Altus Air Force Base	Family Housing	22,973
		<b>Total Air Force - BRAC II Family Housing</b>	<b>22,973</b>

**Air Force: BRAC III Construction, Fiscal Year 1997**

State	Installation or Location	Description	Amount
California	March Air Force Base	Alter Combat Camera	1,200
	Travis Air Force Base	Upgrade Roads	2,400
Idaho	Mountain Home Air Force Base	Air Control Squad Complex	3,500
New Jersey	McGuire Air Force Base	Public Health Facility	4,000

**FY 1997 BRAC MILITARY CONSTRUCTION PROJECTS**  
(Dollars in Thousands)

New York	McGuire Air Force Base	Upgrade Roads	3,000
	Griffiss Air Force Base	Alter Support Facilities	750
	Griffiss Air Force Base	Alter Consolidated Logistics Facility	2,550
		<b>Total Air Force - BRAC III</b>	<b>17,400</b>
		<b>Air Force: BRAC III Family Housing, Fiscal Year 1997</b>	
New Jersey	McGuire Air Force Base	Improve Family Housing	15,884
		<b>Total Air Force - BRAC III Family Housing</b>	<b>15,884</b>

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**Air Force: BRAC IV Construction, Fiscal Year 1997**

State	Installation or Location	Description	Amount
California	Edwards Air Force Base	Add/Alter Avionics Research Laboratory	890
	March Air Force Base	Add/Alter Comm/Elec Training Complex	640
Florida	MacDill Air Force Base	Add/Alter Fuel Maintenance Facility	2,900
	MacDill Air Force Base	Alter Squadron Operations Facilities	2,500
	MacDill Air Force Base	Alter Corrosion Control	5,000
	MacDill Air Force Base	Alter Maintenance Facilities	800
	Patrick Air Force Base	Pararescue Training Facility	2,650
	Patrick Air Force Base	Maintenance Facilities	500
	Patrick Air Force Base	Add/Alter Corrosion Control Facility	2,750
Mississippi	Columbus Air Force Base	T-37 Aircraft Maintenance Hangar	1,100
New York	Fort Drum	Runway/Apron/ILS	46,000

**FY 1997 BRAC Military Construction Projects**

(Dollars in Thousands)

Texas	Carswell-Naval Air Station/Fort Worth Joint Reserve Base	Numbered AF Headquarters	4,300
	Carswell-Naval Air Station/Fort Worth Joint Reserve Base	Security Police Training Facility	720
	Laughlin Air Force Base	Add to Child Development Center	350
Various Locations	Various Locations	Planning & Design	5,543
		<b>Total Air Force: BRAC IV</b>	<b>76,643</b>

**Defense Logistics Agency: BRAC III Construction, Fiscal Year 1997**

State	Installation or Location	Description	Amount
California	Defense Contract Management District West	Administrative Building	5,200
Pennsylvania	Aviation Supply Office, Philadelphia	Convert Facilities for Defense Personnel Sup	31,950
Various Locations	Various Locations	Planning & Design	500
		<b>Total DLA - BRAC III</b>	<b>37,650</b>

**Defense Logistics Agency: BRAC IV Construction, Fiscal Year 1997**

State	Installation or Location	Description	Amount
California	Defense Distribution Region West	Hazardous Material Storage Addition to War	9,300
		<b>Total DLA - BRAC IV</b>	<b>9,300</b>

## TITLE XXI—ARMY

### SUMMARY

The Army requested authorization of \$434,723,000 for military construction and \$1,287,479,000 for family housing for fiscal year 1997. The committee recommends authorization of \$603,584,000 for military construction and \$1,434,069,000 for family housing for fiscal year 1997.

### ITEMS OF SPECIAL INTEREST

#### Improvements of Military Family Housing

The committee recommends that, within authorized amounts for improvements of military family housing and facilities, the Secretary of the Army execute the following projects: \$18,000,000 for Whole Neighborhood Revitalization, Phase II (256 units) at Fort Rucker, Alabama; \$7,300,000 for family housing improvements (120 units) at Stuttgart, Germany; \$4,600,000 for family housing improvements (64 units) at Baumholder, Germany; \$8,200,000 for family housing improvements (136 units) at Heidelberg, Germany; \$18,700,000 for Whole Neighborhood Revitalization, Phases III and IV (200 units) at Fort Campbell, Kentucky; \$7,200,000 for family housing improvements (250 units) at Fort Polk, Louisiana; \$14,400,000 for family housing improvements (328 units) at Fort Sill, Oklahoma; and \$2,300,000 for family housing improvements (42 units) at Tobyhanna Army Depot, Pennsylvania.

#### Repair and Maintenance, Army

The committee remains concerned about serious safety and other deficiencies at Lake Tholocco Dam at Fort Rucker, Alabama and critical structural deficiencies of two bridges at Fort Knox, Kentucky. The committee urges the Army to initiate appropriate repair and maintenance at both installations. The committee notes again the existence of a serious repair and maintenance backlog at Corpus Christi Army Depot, Texas which requires an extensive infrastructure renovation to offset deterioration to major mechanical, electrical and other systems. Many major infrastructure systems at the depot have reached the end of their useful lives and require major renovation, repair, and upgrade. The committee urges the Army and the Navy to coordinate and initiate appropriate repair and maintenance of various buildings within the Corpus Christi Army Depot complex.



## LEGISLATIVE PROVISIONS

## Section 2101—Authorized Army Construction and Land Acquisition Projects

This section contains the list of authorized Army construction projects for fiscal year 1997. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

## Section 2102—Family Housing

This section would authorize new construction and planning and design of family housing units for the Army for fiscal year 1997.

## Section 2103—Improvements to Military Family Housing Units

This section would authorize improvements to existing units of family housing for fiscal year 1997.

## Section 2104—Authorization of Appropriations, Army

This section would authorize specific appropriations for each line item contained in the Army's budget for fiscal year 1997. This section also provides an overall limit on the amount the Army may spend on military construction projects.

## Section 2105—Correction in Authorized Uses of Funds, Fort Irwin, California

This section would correct the authorized use of funds authorized for appropriation in prior years for a military construction project at Fort Irwin, California. The provision would permit the use of previously authorized funds to construct a heliport at Fort Irwin to support the National Training Center.

## TITLE XXII—NAVY

### SUMMARY

The Navy requested authorization of \$525,346,000 for military construction and \$1,417,967,000 for family housing for fiscal year 1997. The committee recommends authorization of \$712,476,000 for military construction and \$1,590,697,000 for family housing for fiscal year 1997.

### ITEMS OF SPECIAL INTEREST

#### Improvements of Military Family Housing

The committee recommends that, within authorized amounts for improvements of military family housing and facilities, the Secretary of the Navy execute the following projects: \$6,650,000 for Whole House Revitalization, Phase I (54 units) at Public Works Center Pearl Harbor, Hawaii; \$6,600,000 for Whole House Revitalization, Phase I (160 units) at Naval Air Station Meridian, Mississippi; \$2,400,000 for Whole House Revitalization (55 units) at Joint Reserve Base Fort Worth, Texas; and \$10,000,000 for Whole House Revitalization (150 units) at Naval Air Station Whidbey Island, Washington.

#### Naval Air Station Meridian, Mississippi

The committee is aware of noise abatement problems at Naval Air Station Meridian, Mississippi. Significantly high levels of aircraft noise during flight operations at Outlying Field (OLF) Joe Williams have prompted concerns about the health and safety effects of current flight operations on the surrounding community. The committee understands that the Department of the Navy has initiated a comprehensive study of noise abatement issues affecting OLF Joe Williams. The committee directs the Secretary of the Navy to submit a report on the Department's findings, including any recommendations for the remediation of noise levels, to the congressional defense committees no later than January 1, 1997.

#### Ordnance Storage Needs of Marine Corps Air Station, Yuma, Arizona

The committee remains deeply concerned about ordnance storage at Marine Corps Air Station (MCAS) Yuma, Arizona and the effects on training and safety of inadequate ordnance storage at the installation. The committee is aware of validated military construction projects which would resolve the currently serious deficiencies at MCAS Yuma. The committee notes that the execution of military construction projects to resolve ordnance storage deficiencies at the installations is dependent upon the acquisition of land. The com-

mittee understands that the Department of the Navy has recommended a waiver of the current moratorium on land acquisition to the Secretary of Defense for this purpose. The committee urges the Secretary to approve a request for a waiver of the moratorium on land acquisition at MCAS Yuma. The committee also urges the Secretary of the Navy to make every effort to include land acquisition at MCAS Yuma in the fiscal year 1998 budget request.

#### Planning and Design

The committee directs that, within authorized amounts for planning and design, the Secretary of the Navy conduct planning and design activities for the following projects: \$194,000 for projects to upgrade and improve runways at Naval Air Station Whiting Field, Pensacola, Florida.

#### Power Plant Upgrade, Public Works Center, Guam

The committee notes that the 1995 recommendations of the Defense Base Closure and Realignment Commission concerning naval activities in Guam included the transfer of the Piti Power Plant to the Government of Guam. The committee also notes the continued commitment of the Department of the Navy under the Guam Power Agreement to transfer the Piti Power Plant to the Government of Guam in good working order. The committee understands that funding for the upgrade of two generators at the Piti Power Plant which would permit the implementation of the Navy's commitment under the agreement is currently programmed for fiscal year 1999. The committee urges the Secretary of the Navy to accelerate the required power plant upgrades in order for the Navy to meet its commitments under the agreement as soon as practicable.

### LEGISLATIVE PROVISIONS

#### Section 2201—Authorized Navy Construction and Land Acquisition Projects

This section contains the list of authorized Navy construction projects for fiscal year 1997. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

#### Section 2202—Family Housing

This section would authorize new construction and planning and design of family housing units for the Navy for fiscal year 1997.

#### Section 2203—Improvements to Military Family Housing Units

This section would authorize improvements to existing units of family housing for fiscal year 1997.

#### Section 2204—Authorization of Appropriations, Navy

This section would authorize specific appropriations for each line item in the Navy's budget for fiscal year 1997. This section also

provides an overall limit on the amount the Navy may spend on military construction projects.

Section 2205—Beach Replenishment, Naval Air Station, North Island, California

This section would provide for a cost-sharing agreement between the Secretary of the Navy, the State of California, and local governments concerning beach replenishment executed as part of a military construction project at Naval Air Station North Island, California.—

Section 2206—Lease to Facilitate Construction of Reserve Center, Naval Air Station, Meridian, Mississippi

This section would permit the Secretary of the Navy to lease, without reimbursement, approximately five acres of real property at Naval Air Station, Meridian, Mississippi. The State shall use the property to construct a reserve center and ancillary supporting facilities. The section also would provide for a leaseback of the reserve center by the Navy.

## TITLE XXIII—AIR FORCE

### SUMMARY

The Air Force requested authorization of \$603,059,000 for military construction and \$1,060,710,000 for family housing for fiscal year 1997. The committee recommends authorization of \$678,914,000 for military construction and \$1,144,542,000 for family housing for fiscal year 1997.

### ITEMS OF SPECIAL INTEREST

#### Defense Access Road, Falcon Air Force Base, Colorado

The committee is aware of serious safety issues caused, and operational constraints imposed, by the publicly accessible road network through Falcon Air Force Base, Colorado. The committee notes recent studies have demonstrated that State Highway 94 is no longer capable of supporting the volume of traffic associated with the installation and that a deteriorating safety situation has caused numerous accidents, including fatalities. In addition, the proximity of the current road to the existing and planned antenna farms at the installation constitutes an untenable risk to national security. The committee understands that the Military Traffic Management Command has recently certified the requirement for a defense access road project at Falcon Air Force Base. The committee urges the Secretary of the Air Force to make every effort to include the defense access road project at Falcon Air Force Base in the fiscal year 1998 budget request.

#### Improvements of Military Family Housing

The committee recommends that, within authorized amounts for improvements of military family housing and facilities, the Secretary of the Air Force execute the following projects: \$8,600,000 for family housing improvements (112 units) at Eglin Air Force Base, Florida; \$6,000,000 for Whole House Revitalization (52 units) at Wright-Patterson Air Force Base, Ohio; \$15,000,000 for family housing improvements (180 units) at Laughlin Air Force Base, Texas; and \$7,500,000 for Whole House Revitalization (92 units) at Hill Air Force Base, Utah.

#### Planning and Design

The committee directs that, within amounts authorized for planning and design, the Secretary of the Air Force conduct planning and design activities for the following projects: \$288,000 for a physical fitness training center at Vance Air Force Base, Oklahoma; and \$512,000 for a consolidated logistics complex at Vance Air Force Base, Oklahoma.

## LEGISLATIVE PROVISIONS

## Section 2301—Authorized Air Force Construction and Land Acquisition Projects

This section contains the list of authorized Air Force construction projects for fiscal year 1997. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

## Section 2302—Family Housing

This section would authorize new construction and planning and design of family housing units for the Air Force for fiscal year 1997.

## Section 2303—Improvements to Military Family Housing Units

This section would authorize improvements to existing units of family housing for fiscal year 1997.

## Section 2304—Authorization of Appropriations, Air Force

This section would authorize specific appropriations for each line item in the Air Force's budget for fiscal year 1997. This section also would provide an overall limit on the amount the Air Force may spend on military construction projects.

## TITLE XXIV—DEFENSE AGENCIES

### SUMMARY

The Defense Agencies requested authorization of \$812,945,000 for military construction and \$35,334,000 for family housing for fiscal year 1997. The committee recommends authorization of \$772,345,000 for military construction and \$35,334,000 for family housing.

### LEGISLATIVE PROVISIONS

#### Section 2401—Authorized Defense Agencies Construction and Land Acquisition Projects

This section contains the list of authorized Defense Agencies construction projects for fiscal year 1997. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

#### Section 2402—Military Housing Planning and Design

This section would authorize the Secretary of Defense to carry out planning and design activities with respect to the construction or improvement of military family housing units in the amount of \$500,000.

#### Section 2403—Improvements to Military Family Housing Units

This section would authorize the Secretary of Defense to make improvements to existing units of family housing for fiscal year 1997 in an amount not to exceed \$3,871,000.

#### Section 2404—Military Housing Improvement Program

This section would authorize the availability of funds credited to the Department of Defense Family Housing Improvement Fund in the amount of \$35,000,000, and to the Department of Defense Unaccompanied Housing Improvement Fund in the amount of \$10,000,000.

#### Section 2405—Energy Conservation Projects

This section would authorize the Secretary of Defense to carry out energy conservation projects.

#### Section 2406—Authorization of Appropriations, Defense Agencies

This section would authorize specific appropriations for each line item in the Defense Agencies' budget for fiscal year 1997. This sec-

tion also would provide an overall limit on the amount the Defense Agencies may spend on military construction projects.



## TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

### SUMMARY

The Department of Defense requested authorization of \$197,000,000 for the NATO infrastructure fund (NATO Security Investment Program) for fiscal year 1997. The committee recommends \$177,000,000.

### LEGISLATIVE PROVISIONS

#### Section 2501—Authorized NATO Construction and Land Acquisition Projects

This section would authorize the Secretary of Defense to make contributions to the North Atlantic Treaty Organization security investment program in an amount equal to the sum of the amount specifically authorized in section 2502 of this bill and the amount of recoupment due to the United States for construction previously financed by the United States.

#### Section 2502—Authorization of Appropriations, NATO

This section would authorize appropriations of \$177,000,000 as the U.S. contribution to the NATO security investment program.

## TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

### SUMMARY

The Department of Defense requested a military construction authorization of \$194,091,000 for fiscal year 1997 for guard and reserve facilities. The committee recommends authorization for fiscal year 1997 of \$294,693,000 to be distributed as follows:

Army National Guard— .....	\$41,316,000
Air National Guard .....	118,394,000
Army Reserve .....	50,159,000
Air Force Reserve .....	33,169,000
Naval and Marine Corps Reserve .....	51,655,000
Total .....	294,693,000

### ITEMS OF SPECIAL INTEREST

#### Alternative Funding for Certain Guard and Reserve Facilities

The committee is aware of a number of alternative funding proposals to provide facilities for the guard and reserve components. The committee commends the State of Mississippi for its willingness to provide 80 percent of the cost of construction for a new naval reserve facility at Naval Air Station, Meridian, Mississippi. Section 2206 of this Act would facilitate the ability of the Secretary of the Navy to accept the facility. The committee also takes particular note of a project proposed for the construction of an armory and organizational maintenance shop complex at Marion, Indiana, and the willingness of the State of Indiana, local governments, and private sources to fund various portions of the facility, including its multi-activity aspects. The committee regrets its inability to authorize a federal contribution toward the armory complex at this time. The committee remains concerned about the inability of the Army National Guard to award 23 previously authorized armory projects for which funds were appropriated from fiscal year 1992 through fiscal year 1995. The committee, however, encourages alternative funding methods for the construction of these types of facilities and would consider seriously a similar proposal at a later time.

#### Armory Infrastructure Requirements

The committee is aware of the serious infrastructure deficiencies of the guard and reserve components and is particularly concerned about deteriorating armory infrastructure. The committee, however, is reluctant to fund armory construction without an assessment of requirements. The committee directs the Secretary of the Army to conduct a study of armory infrastructure and to assess and prioritize requirements for military construction. The Sec-

retary shall submit a report on the Department's finding to the congressional defense committees no later than March 1, 1997.

#### Battle Projection Center, Fort Dix, New Jersey

The committee remains supportive of programs to train Army Reserve components at Fort Dix, New Jersey. The committee is especially supportive of the battle projection center (BPC) located at that installation. The committee is concerned about the possible relocation of the BPC from Fort Dix to another installation. The committee understands that a substantial cost would be incurred in relocating the battle projection center. The committee is also concerned about the impact of relocation on the operational and training requirements of the Army Reserve. The committee recommends that the Secretary of the Army revise current planning to relocate the battle projection center and to ensure the permanent assignment of the battle projection center at Fort Dix, New Jersey.

#### Military Construction to Support the Beddown of Avenger Air Defense System Units, Various Locations, Mississippi

The committee is concerned about the inability of the Army National Guard to complete military construction projects authorized in section 2601(1)(A) of the National Defense Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160) due to unanticipated cost overruns and scope variations. The projects, located at various sites in Mississippi, are intended to support the beddown of Avenger air defense system units. The committee directs the Secretary of the Army to submit the appropriate scope and cost variation reports to the congressional defense committees as required by law.

#### Planning and Design

The committee directs that, within amounts authorized for planning and design, the Secretary of the Army conduct planning and design activities for the following projects: \$280,000 for infrastructure upgrades at Leesburg Training Site, Eastover, South Carolina; and \$224,000 for a battle simulation training center, Leesburg Training Site, Eastover, South Carolina.

#### Planning and Design, Fiscal Year 1996

The committee recalls the direction provided to the Secretary of the Army in the statement of managers report accompanying the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) concerning planning and design activities for an intelligence training center at Fort Dix, New Jersey. The committee reiterates its support for that requirement and urges the Secretary of the Army to initiate planning and design activities for that purpose as expeditiously as possible.

#### Unspecified Minor Construction

The committee recommends that, within authorized amounts for unspecified minor construction, the Secretary of the Army execute

the following project: \$576,000 for helicopter landing pads and taxi lanes at Decatur, Illinois.

LEGISLATIVE PROVISIONS

Section 2601—Authorized Guard and Reserve Construction and Land Acquisition Projects

This section would authorize appropriations for military construction for the guard and reserve by service component for fiscal year 1997. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

## TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

### LEGISLATIVE PROVISIONS

#### Section 2701—Expiration of Authorizations and Amounts Required To Be Specified by Law

This section would provide that authorizations for military construction projects, repair of real property, land acquisition, family housing projects and facilities, contributions to the North Atlantic Treaty Organization infrastructure program, and guard and reserve projects will expire on October 1, 1998 or the date of enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later. This expiration would not apply to authorizations for which appropriated funds have been obligated before October 1, 1998 or the date of enactment of an Act authorizing funds for these projects, whichever is later.

#### Section 2702—Extensions of Authorizations of Certain Fiscal Year 1994 Projects

This section would provide for selected extension of certain fiscal year 1994 military construction authorizations until October 1, 1997, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997, whichever is later.

#### Section 2703—Extension of Authorizations of Certain Fiscal Year 1993 Projects

This section would provide for selected extension of certain fiscal year 1993 military construction authorizations until October 1, 1997, or the date of the enactment of the Act authorizing funds for military construction for fiscal year 1997, whichever is later.

#### Section 2704—Extension of Authorizations of Certain Fiscal Year 1992 Projects

This section would provide for selected extension of certain fiscal year 1992 military construction authorizations until October 1, 1997, or the date of the enactment of the Act authorizing funds for military construction for fiscal year 1997, whichever is later.

#### Section 2705—Effective Date

This section would provide that titles XXI, XXII, XXIII, XXIV, and XXVI of this bill shall take effect on October 1, 1996, or the date of the enactment of this Act, whichever is later.

## TITLE XXVIII—GENERAL PROVISIONS

### ITEMS OF SPECIAL INTEREST

#### Assessment of Certain Overhead Costs of Military Construction

The committee is concerned over the cost of certain overhead items built into the pricing of military construction projects. The committee is especially interested in reviewing contingency costs, as well as the standard cost of planning and design, associated with military construction. At the same time, the committee is equally concerned about apparent and chronic underfunding of the planning and design accounts of the military departments which may impede the timely execution of contracts and the delivery of facilities. The committee urges the military departments to use standard designs for new facilities to the greatest extent practicable. The committee directs the Secretary of Defense to conduct a study of the standard costs in the planning and design of military facilities and to assess the appropriate level of certain overhead costs permitted on a military construction project. In addition, the study should assess variations among the military services for the planning and design of similar projects, as well as differences between categories of facilities. The Secretary shall submit a report on the Department's findings, including any recommendations, to the congressional defense committees no later than February 1, 1997.

#### Efficient Utilization of Existing Facilities

The committee is concerned that the Department of Defense and the military departments are not maximizing the utilization of existing facilities. In particular, the committee is aware of instances in which military units currently occupy leased facilities even though vacant, less expensive, facilities owned by the Department are available in the general vicinity of the leased space. Additionally, the committee is aware of disagreement within the military departments over whether it is legally permissible for active duty units to relocate onto reserve installations which have been realigned under the base closure and realignment process. The committee urges the Department of Defense and the military departments to reduce their commitment to leased facilities as much as practicable. The committee also believes it is permissible for active duty units and missions to relocate onto such reserve installations consistent with the limited exceptions permitted under law.

#### Infrastructure Requirements for Depot-Level Maintenance

The committee recognizes the importance of depot-level maintenance and other logistics support to the warfighting capability of

the armed forces. However, the committee is concerned about significant deficiencies in the infrastructure and facilities at several installations designed to support the depot-level maintenance of mission-essential equipment and systems. The committee notes that the construction and modernization of logistics facilities and their maintenance is a critical component of military readiness which has been underfunded in recent years. Therefore, the committee directs the Secretary of Defense to conduct a comprehensive study of the logistics capability and military construction infrastructure requirements of the Department of Defense and the military services. The Secretary shall submit a report on his findings, including any recommendations, to the congressional defense committees, no later than March 1, 1997.

#### Modular Utility Cores in Military Housing and Other Facilities

The committee understands that a joint venture involving the Naval Surface Warfare Center, Philadelphia, Pennsylvania, has adapted miniaturization technology utilized in submarine and surface ship utility systems for possible use in newly constructed or rehabilitated housing. The committee recognizes that such technology offers considerable potential to enhance energy efficiency and to reduce operations and maintenance costs. The committee urges the Department of Defense to continue development of modular utility core technology and recommends that the Department assess the potential of modular utility cores to meet the requirements of military family housing and facilities generally.

### LEGISLATIVE PROVISIONS

#### SUBTITLE A—MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING

##### Section 2801—North Atlantic Treaty Organization Security Investment Program

This section would make technical and conforming changes to title 10, United States Code, regarding the name of the NATO Security Investment Program

##### Section 2802—Authority to Demolish Excess Facilities

This section would authorize a program to demolish excess facilities. Under the provision, funds authorized for appropriation under the authorities contained in this section may not be used for the demolition of military family housing, facilities involved in a base closure and realignment action, or facilities which would be demolished as an integral part of a specific military construction project.

##### Section 2803—Improvements to Family Housing Units

This section would make technical changes to the calculation of the cost of major maintenance and repair to military family housing units.

## SUBTITLE B—DEFENSE BASE CLOSURE AND REALIGNMENT

Section 2811—Restoration of Authority for Certain  
Intragovernmental Transfers Under 1988 Base Closure Law

This section would restore the ability of the Secretary of Defense to transfer property at a closing or realigning military installation to a military department, including a nonappropriated fund instrumentality, or to the Coast Guard. The previous authority for such transfers was inadvertently repealed in a prior year through a technical drafting error.

Section 2812—Contracting for Certain Services at Facilities  
Remaining on Closed Installations

This section would authorize the Department of Defense to contract out for certain services at facilities remaining on military installations closed under the base closure and realignment process.

Section 2813—Authority to Compensate Owners of Manufactured  
Housing

This section would authorize payments from the base closure and realignment accounts to compensate owners of manufactured housing at military installations to be closed or realigned. Under the provision, the payment may be made if the manufactured housing park is eliminated or relocated. No payment authorized by this section may exceed 90 percent of the purchase price of the manufactured housing unit.

Section 2814—Additional Purpose for Which Adjustment and  
Diversification Assistance Is Authorized

This section would restore the authority of the Secretary of Defense to make grants, conclude cooperation agreements, and supplement other Federal funds to assist base reuse planning by the States and local redevelopment authorities at military installations to be closed. The previous authority for such support was inadvertently repealed in a prior year through a technical drafting error.

Section 2815—Payment of Stipulated Penalties Assessed Under  
CERCLA in Connection With Loring Air Force Base, Maine

This section would authorize payments from the base closure and realignment accounts for stipulated penalties assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 in connection with the closure of Loring Air Force Base, Maine.

## SUBTITLE C—LAND CONVEYANCES GENERALLY

## Part I—Army Conveyances

Section 2821—Transfer and Exchange of Jurisdiction, Arlington  
National Cemetery, Virginia

This section would authorize the transfer of real property, and exchange of jurisdiction, between the Secretary of the Army and



the Secretary of the Interior at Arlington National Cemetery, Arlington, Virginia.

Section 2822—Land Conveyance, Army Reserve Center, Rushville, Indiana

This section would authorize the Secretary of the Army to convey, without consideration, a parcel of real property with improvements, to the City of Rushville, Indiana. The property is to be used for the benefit of public safety. The cost of any surveys necessary for the conveyance shall be borne by the City.

Section 2823—Land Conveyance, Army Reserve Center, Anderson, South Carolina

This section would authorize the Secretary of the Army to convey, without consideration, a parcel of real property with improvements, to the County of Anderson, South Carolina. The property is to be used for educational purposes. The cost of any surveys necessary for the conveyance shall be borne by the County.

Part II—Navy Conveyances

Section 2831—Release of Condition on Reconveyance of Transferred Land, Guam

This section would repeal section 818(b)(2) of the Military Construction Authorization Act for Fiscal Year 1981 (Public Law 96-418) relating to a condition on the disposal by the Government of Guam of real property conveyed by the United States.

Section 2832—Land Exchange, St. Helena Annex, Norfolk Naval Shipyard, Virginia

This section would authorize an exchange of real property, with consideration, relating to Norfolk Naval Shipyard, Virginia. As consideration for the real property located at the Shipyard conveyed by the Secretary, the transferee shall convey to the United States a parcel or parcels of real property, with improvements, located in the area of Portsmouth, Virginia, and pay to the Secretary an amount equal to the amount by which the fair market value of the parcel conveyed by the Secretary exceeds to the fair market value of the parcel conveyed to the United States. In lieu of such consideration, the Secretary and the transferee may agree upon in-kind consideration under which the transferee would provide for the improvement, maintenance, or repair of real property under the control of the Secretary in the area of Hampton Roads, Virginia. The exact acreage and legal description of the parcels shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the transferee.

Section 2833—Land Conveyance, Calverton Pine Barrens, Naval Weapons Industrial Reserve Plant, Calverton, New York

This section would authorize the Secretary of the Navy to convey a parcel of real property, comprising the Calverton Pine Barrens and located at the Naval Weapons Industrial Reserve Plant,

Calverton, New York, to the Department of Environmental Conservation of the State of New York. The property is to be used as a nature preserve. The cost of any surveys necessary for the conveyance shall be borne by the Department.

### Part III—Air Force Conveyances

#### Section 2841—Conveyance of Primate Research Complex, Holloman Air Force Base, New Mexico

This section would authorize the Secretary of the Air Force to convey, on a competitive basis, the primate research complex located at Holloman Air Force, New Mexico. The conveyance may include the colony of chimpanzees owned by the Air Force, but may not include the real property on which the primate research complex is located. The conveyance would be subject to the condition that the recipient of the primate research complex utilize any chimpanzees included in the conveyance for scientific or medical research purposes or retire and provide adequate care for such chimpanzees.

#### Section 2842—Land Conveyance, Radar Bomb Scoring Site, Belle Forche, South Dakota

This section would authorize the Secretary of the Air Force to convey, without consideration, approximately 37 acres with improvements to the Belle Forche School District, Belle Forche, South Dakota. The property is to be used for educational, economic development, and housing purposes. The cost of any surveys necessary for the conveyance shall be borne by the School District.

### Part IV—Other Conveyances

#### Section 2851—Land Conveyance, Tatum Salt Dome Test Site, Mississippi

This section would authorize the Secretary of Energy to convey the Tatum Salt Dome Test Site to the State of Mississippi after certification by the Administration of the Environmental Protection Agency and the State that any contamination of the property has been remediated in accordance with applicable federal and state statutory and regulatory requirements. The property is to be used by the State as a wildlife refuge and is to be designated as the Jamie Whitten Wilderness Area.

#### Section 2852—Land Conveyance, William Langer Jewel Bearing Plant, Rolla, North Dakota

This section would authorize the Administrator of the General Services Administration to convey, without consideration, approximately 9.77 acres with improvements comprising the former Army-owned William Langer Jewel Bearing Plant, Rolla, North Dakota to the Job Development Authority of the City of Rolla, North Dakota. The property is to be used for economic development. The cost of any surveys necessary for the conveyance shall be borne by the Authority.

## SUBTITLE D—OTHER MATTERS

## Section 2861—Easements for Rights-of-Way

This section would consolidate easement authorities utilized by the military departments which are currently dispersed throughout title 10, United States Code.

## Section 2862—Authority to Enter Into Cooperative Agreements for the Management of Cultural Resources on Military Installations

This section would authorize the Secretary of Defense, or the Secretary of a military department, to enter into cooperative agreements for the management of cultural resources on military installations.

## Section 2863—Demonstration Project for Installation and Operation of Electric Power Distribution System at Youngstown Air Reserve Station, Ohio

This section would authorize the Secretary of the Air Force to carry out a demonstration project to assess the feasibility of permitting private entities to install, operate, and maintain electric power distribution systems at military installations. The demonstration project would be conducted at Youngstown Air Reserve Station, Ohio.

## Section 2864—Designation of Michael O'Callaghan Military Hospital

This section would designate the Nellis Federal Hospital, Las Vegas, Nevada, as the Michael O'Callaghan Military Hospital.

## TITLE XXIX—MILITARY LAND WITHDRAWALS

### SUBTITLE A—FORT CARSON-PINON CANYON MILITARY LANDS WITHDRAWAL

#### Section 2902—Withdrawal and Reservation of Lands at Fort Carson Military Reservation

This section would withdraw and reserve, subject to valid existing rights, approximately 3,133 acres of public lands and approximately 11,415 acres of mineral rights in the State of Colorado for use by the Secretary of the Army for military maneuvering, training, and other defense-related purposes at Fort Carson, Colorado.

#### Section 2903—Withdrawal and Reservation of Lands at Pinon Canyon Maneuver Site

This section would withdraw and reserve, subject to valid existing rights, approximately 2,517 acres of public lands and approximately 130,139 acres of mineral rights in the State of Colorado for use by the Secretary of the Army for military maneuvering, training, and other defense-related purposes at the Pinon Canyon Maneuver Site, Colorado.

#### Section 2904—Maps and Legal Descriptions

This section would require that maps and legal descriptions of the lands withdrawn and reserved by this subtitle be prepared and published by the Secretary of the Interior.

#### Section 2905—Management of Withdrawn Lands

This section would provide for the management by the Secretary of the Army, in coordination with the Secretary of the Interior, of the withdrawn lands under this subtitle.

#### Section 2906—Management of Withdrawn and Acquired Mineral Resources

This section would provide that the management of withdrawn and acquired mineral resources shall be conducted, as applicable, pursuant to the Military Lands Withdrawal Act of 1986 (Public Law 99-606).

#### Section 2907—Hunting, Fishing, and Trapping

This section would provide that hunting, fishing, and trapping activities on the lands withdrawn and reserved under this subtitle shall be conducted in accordance with section 2671 of title 10, United States Code.

#### Section 2908—Termination of Withdrawal and Reservation

This section would provide that the withdrawal and reservation of public lands and mineral rights will terminate 15 years after the date of enactment of this subtitle. The section would also provide for procedures to permit a determination of continuing military need for the withdrawn and reserved public lands and mineral rights and would provide for procedures under which the Secretary of the Army could relinquish all or part of the lands withdrawn and reserved under this subtitle.

#### Section 2909—Determination of Presence of Contamination and Effect of Contamination

This section would provide for decontamination of the withdrawn lands, both during the period of withdrawal and upon relinquishment of the lands by the Department of the Army.

#### Section 2910—Delegation

This section would provide that the functions of the Secretary of the Army and the Secretary of the Interior under this subtitle may be delegated without restriction, except that an order by the Department of the Interior accepting jurisdiction over withdrawn lands relinquished by the Department of the Army may be signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Interior.

#### Section 2911—Hold Harmless

This section would provide that any party conducting any mining, mineral, or geothermal leasing activity on lands withdrawn under this subtitle shall indemnify the United States against any costs, fees, damages, or other liabilities incurred by the United States arising from those activities.

#### Section 2912—Amendment to Military Lands Withdrawal Act of 1986

This section would amend the Military Lands Withdrawal Act of 1986 (Public Law 99-606) to permit, subject to valid existing rights, military use of sand, gravel, and similar construction materials on the lands withdrawn by that Act.

#### Section 2913—Authorization of Appropriations

This section would authorize such sums as may be necessary to carry out the purposes of this subtitle.

#### SUBTITLE B—EL CENTRO NAVAL AIR FACILITY RANGES WITHDRAWAL

#### Section 2921—Short Title and Definitions

This section would define terms used in this subtitle.

#### Section 2922—Withdrawal and Reservation of Lands for El Centro

This section would withdraw and reserve, subject to valid existing rights, approximately 46,600 acres of public lands in the State of Colorado for use by the Secretary of the Navy for defense-related purposes at Naval Air Facility, El Centro, California.

#### Section 2923—Maps and Legal Descriptions

This section would require that maps and legal descriptions of the lands withdrawn and reserved by this subtitle be prepared and published by the Secretary of the Interior.

#### Section 2924—Management of Withdrawn Lands

This section would provide for the management by the Secretary of the Interior, in coordination with the Secretary of the Navy, of the withdrawn lands under this subtitle.

#### Section 2925—Duration of Withdrawal and Reservation

This section would provide that the withdrawal and reservation of lands at Naval Air Facility, El Centro, California, shall terminate 25 years after the date of enactment of this subtitle.

#### Section 2926—Continuation of Ongoing Decontamination Activities

This section would require the Secretary of the Navy to maintain a program of decontamination of the lands withdrawn under this subtitle.

#### Section 2927—Requirements for Extension

This section would provide for procedures to permit a determination of continuing military need for the lands withdrawn under this subtitle.

#### Section 2928—Early Relinquishment of Withdrawal

This section would provide for procedures under which the Secretary of the Navy could relinquish all or part of the lands withdrawn and reserved under this subtitle.

#### Section 2929—Delegation of Authority

This section would provide that the functions of the Secretary of the Navy and the Secretary of the Interior under this subtitle may be delegated without restriction, except that an order by the Department of the Interior accepting jurisdiction over withdrawn lands relinquished by the Department of the Navy may be signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Interior.

#### Section 2930—Hunting, Fishing, and Trapping

This section would provide that hunting, fishing, and trapping activities on the lands withdrawn and reserved under this subtitle shall be conducted in accordance with section 2671 of title 10, United States Code.

## Section 2931—Hold Harmless

This section would provide that any party conducting any mining, mineral, or geothermal leasing activity on lands withdrawn under this subtitle shall indemnify the United States against any costs, fees, damages, or other liabilities incurred by the United States arising from those activities.





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

### **TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

#### **PURPOSE**

Title XXXI would authorize appropriations for the national security programs of the Department of Energy for fiscal year 1997, including management and operations of programs for research, development, and production in support of the armed forces, the production of strategic and critical materials for the armed forces, the protection of critical materials, materials and information necessary for national defense, management of defense radioactive wastes, environmental management, naval nuclear propulsion, and other military applications of nuclear energy.

#### **OVERVIEW**

The fiscal year 1997 budget request for DOE national security programs totaled \$11,049,012,000. Of the total amount requested, \$3,710,002,000 was for weapons activities, \$5,409,310,000 was for environmental restoration and waste management, \$182,000,000 was for defense fixed asset acquisition, \$1,547,000,000 was for other defense activities, and \$200,000,000 was for defense nuclear waste disposal. The committee recommends \$11,214,112,000, an increase of \$165,100,000 above the requested amount. The following table summarizes the request and the committee recommendation:

**TITLE XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

ACCOUNT TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
<b>National Security Programs</b>			
Weapons activities			
Operation and maintenance	3,395,404	225,000	3,620,404
Construction	314,598	0	314,598
Total, Weapons activities	3,710,002	225,000	3,935,002
Defense environmental restoration and waste mgmt.			
Operation and maintenance	5,203,411	0	5,203,411
Construction	205,899	0	205,899
Total, Defense environmental restoration & waste mgmt.	5,409,310	0	5,409,310
Defense Fixed Asset Acquisition	182,000	0	182,000
Other defense activities			
Operation and maintenance	1,517,531	-60,431	1,457,100
Construction	30,700	0	30,700
Total, Other defense activities	1,548,231	-60,431	1,487,800
Defense nuclear waste disposal	200,000	0	200,000
<b>Total, National Security Programs</b>	<b>11,049,543</b>	<b>164,569</b>	<b>11,214,112</b>

**TITLE XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

<b>PROGRAM TITLE</b>	<b>FY 1997 AUTHORIZATION REQUEST</b>	<b>COMMITTEE CHANGE FROM REQUEST</b>	<b>FY 1997 COMMITTEE RECOMMENDATION</b>
<b>Weapons Activities</b>			
Stockpile stewardship			
Core stockpile stewardship			
Operation and maintenance	1,062,570	100,000	1,162,570
Construction:			
97-D-102 Dual-axis radiographic hydrotest facility, LANL, Los Alamos, NM	0	0	
96-D-102 Stockpile stewardship facilities revitalization, Phase VI, various locations	19,250	0	19,250
96-D-103 ATLAS, Los Alamos National Laboratory, Los Alamos, NM	15,100	0	15,100
96-D-104 Processing and environmental technology laboratory, SNL, Albuquerque, NM	14,100	0	14,100
96-D-105 Contained firing facility addition, LLNL, Livermore, CA	17,100	0	17,100
95-D-102 Chemistry and metallurgy research (CMR) upgrades project, LANL, Los Alamos, NM	15,000	0	15,000
94-D-102 Nuclear weapons research, development and testing facilities revitalization, Phase V, various locations	7,787	0	7,787
Total, Construction	88,337	0	88,337
Total, Core stockpile stewardship	1,150,907	100,000	1,250,907

**TITLE XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

<b>PROGRAM TITLE</b>	<b>FY 1997 AUTHORIZATION REQUEST</b>	<b>COMMITTEE CHANGE FROM REQUEST</b>	<b>FY 1997 COMMITTEE RECOMMENDATION</b>
Inertial fusion			
Operation and maintenance	234,560	0	234,560
Construction:			
96-D-111 National ignition facility Site, TBD	131,900	0	131,900
Total, Inertial fusion	366,460	0	366,460
Technology transfer/education			
Technology transfer	49,400	0	49,400
Education	10,000	0	10,000
Total, Technology transfer/education	59,400	0	59,400
Marshall island/Dose reconstruction	0		
Total, Stockpile stewardship	1,576,767	100,000	1,676,767
Stockpile management			
Operation and maintenance	1,704,470	125,000	1,829,470
Construction:			
Stockpile support facilities			
95-D-123 Replace transportation safeguards division aviation facility, AL	0	0	0
Production Base			
88-D-122 Facilities capability assurance program (FCAP), various locations	21,940	0	21,940

**TITLE XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

PROGRAM TITLE	FY 1997		FY 1997	
	AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	COMMITTEE RECOMMENDATION	COMMITTEE RECOMMENDATION
Total, Production base	21,940	0	21,940	21,940
Environmental, safety and health				
97-D-121 Consolidated pit packaging system, Pantex plant, Amarillo, TX	870	0	870	870
97-D-122 Nuclear materials storage facility renovation, LANL, Los Alamos, NM	4,000	0	4,000	4,000
97-D-123 Structural upgrades, Kansas City plant, Kansas City, KS	1,400	0	1,400	1,400
97-D-124 Steam plant waste water treatment facility upgrade, Y-12 plant, Oak Ridge, TN	600	0	600	600
96-D-122 Sewage treatment quality upgrade (STQU), Pantex plant, Amarillo, TX	100	0	100	100
96-D-123 Retrofit HVAC and chillers for ozone protection, Y-12 plant, Oak Ridge, TN	7,000	0	7,000	7,000
95-D-122 Sanitary sewer upgrade, Y-12 plant, Oak Ridge, TN	10,900	0	10,900	10,900
94-D-124 Hydrogen fluoride supply system, Y-12 plant, Oak Ridge TN	4,900	0	4,900	4,900
94-D-125 Upgrade life safety, Kansas City plant, Kansas City, MO	5,200	0	5,200	5,200
94-D-127 Emergency notification system, Pantex plant, Amarillo, TX	2,200	0	2,200	2,200

**TITLE XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

<b>PROGRAM TITLE</b>	<b>FY 1997 AUTHORIZATION REQUEST</b>	<b>COMMITTEE CHANGE FROM REQUEST</b>	<b>FY 1997 COMMITTEE RECOMMENDATION</b>
94-D-128 Environmental safety and health analytical laboratory, Pantex plant, Amarillo, TX	0	0	0
93-D-122 Life safety upgrades, Y-12 plant, Oak Ridge, TN	7,200	0	7,200
85-D-115 Renovate plutonium buildings utility systems, Rocky Flats, CO	0	0	0
Total, Environmental, safety and health	44,370	0	44,370
Safeguards and security			
88-D-123 Security enhancement, Pantex plant, Amarillo, TX	9,739	0	9,739
Nuclear weapons incident response			
96-D-125 Washington aerial measurements operations facility, Andrews Air Force Base, Camp Springs, MD	3,825	0	3,825
Reconfiguration			
93-D-123 Non-nuclear reconfiguration, Complex-21, various locations	14,487	0	14,487
Total, Construction	94,361	0	94,361
Total, Stockpile management	1,798,831	125,000	1,923,831

**TITLE XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

PROGRAM TITLE	FY 1997 AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
Program direction	334,404	0	334,404
Subtotal, Weapons activities	3,710,002	225,000	3,935,002
Use of prior year balances	0	0	0
<b>Total, Weapons Activities</b>	<b>3,710,002</b>	<b>225,000</b>	<b>3,935,002</b>

**Defense Environmental Restoration And Waste Mgmt.**

Environmental restoration	1,762,194	50,000	1,812,194
Operating expenses			
Waste management			
Operation and maintenance	1,448,326	0	1,448,326
Construction:			
97-D-402 Tank farm restoration and safe operations, Richland, WA	7,584	0	7,584
96-D-408 Waste management upgrades, various locations	11,246	0	11,246
95-D-402 Install permanent electrical service, WIPP, AL	752	0	752
95-D-405 Industrial landfill V and construction/ demolition landfill VII, Y-12 Plant, Oak Ridge, TN	200	0	200
94-D-404 Melton Valley storage tank capacity			

**TITLE XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

PROGRAM TITLE	FY 1997		COMMITTEE CHANGE FROM REQUEST	FY 1997 COMMITTEE RECOMMENDATION
	AUTHORIZATION REQUEST			
increase, ORNL	6,345	0	0	6,345
94-D-407 Initial tank retrieval systems, Richland, WA	12,600	0	0	12,600
93-D-182 Replacement of cross-site transfer system, Richland, WA	8,100	0	0	8,100
93-D-187 High-level waste removal from filled waste tanks, Savannah River, SC	20,000	0	0	20,000
89-D-174 Replacement high level waste evaporator, Savannah River, SC	11,500	0	0	11,500
86-D-103 Decontamination and waste treatment facility, LLNL, Livermore, CA	10,000	0	0	10,000
Total, Construction	88,327	0	0	88,327
Total, Waste management	1,536,653	0	0	1,536,653
Nuclear materials and facilities stabilization Operation and maintenance Construction:	818,664	333,054		1,151,718
97-D-450 Actinide packaging and storage facility, Savannah River Site, Aiken, SC	7,900	0	0	7,900
97-D-451 B-Plant safety class ventilation upgrades, Richland, WA	1,500	0	0	1,500



**TITLE XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

<b>PROGRAM TITLE</b>	<b>FY 1997 AUTHORIZATION REQUEST</b>	<b>COMMITTEE CHANGE FROM REQUEST</b>	<b>FY 1997 COMMITTEE RECOMMENDATION</b>
97-D-470 Environmental monitoring laboratory, Savannah River, Aiken, SC	0	2,500	2,500
97-D-473 Health physics site support facility, Savannah river, Aiken, SC	0	2,000	2,000
96-D-406 Spent nuclear fuels canister storage and stabilization facility, Richland, WA	60,672	0	60,672
96-D-461 Electrical distribution upgrade, Idaho National Engineering Laboratory, ID	0	6,790	6,790
96-D-464 Electrical & utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, ID	10,440	0	10,440
96-D-471 CFC HVAC/chiller retrofit, Savannah River Site, Aiken, SC	0	8,541	8,541
95-E-600 Hazardous materials management and emergency response training center, Richland, WA	0	7,900	7,900
95-D-155 Upgrade site road infrastructure, Savannah River, South Carolina	0	4,137	4,137
95-D-456 Security facilities consolidation, Idaho Chemical Processing Plant, INEL, ID	4,645	0	4,645
94-D-401 Emergency response facility, INEL, ID	0	547	547
<b>Total, Construction</b>	<b>85,157</b>	<b>32,415</b>	<b>117,572</b>
<b>Total, Nuclear materials &amp; facilities stabilization.</b>	<b>903,821</b>	<b>365,469</b>	<b>1,269,290</b>

**TITLE XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

<b>PROGRAM TITLE</b>	<b>FY 1997 AUTHORIZATION REQUEST</b>	<b>COMMITTEE CHANGE FROM REQUEST</b>	<b>FY 1997 COMMITTEE RECOMMENDATION</b>
Site operations			
Operation and maintenance	297,054	-297,054	0
Construction:			
96-D-461 Electrical distribution upgrade, Idaho National Engineering Laboratory, ID	6,790	-6,790	0
97-D-470 Environmental monitoring laboratory, Savannah River, Aiken, SC	2,500	-2,500	0
96-D-471 CFC HVAC/chiller retrofit, Savannah River Site, Aiken, SC	8,541	-8,541	0
97-D-473 Health physics site support facility, Savannah river, Aiken, SC	2,000	-2,000	0
95-E-600 Hazardous materials management and emergency response training center, Richland, WA	7,900	-7,900	0
95-D-155 Upgrade site road infrastructure, Savannah River, South Carolina	4,137	-4,137	0
94-D-401 Emergency response facility, INEL, ID	547	-547	0
Total, Construction	32,415	-32,415	0
Total, Site operations	329,469	-329,469	0
Program direction	446,511	-71,000	375,511

**TITLE XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

PROGRAM TITLE	FY 1997		COMMITTEE RECOMMENDATION
	AUTHORIZATION REQUEST	COMMITTEE CHANGE FROM REQUEST	
Technology development			
Operation and maintenance	303,771	0	303,771
Total, Technology development	303,771	0	303,771
Policy and management			
	48,155	-25,000	23,155
Environmental science program			
Environmental management privatization	52,136	10,000	62,136
Subtotal, Defense environmental management	185,000	0	185,000
Savannah river pension refund	5,567,710	0	5,567,710
Use of prior year balances	-8,000	0	-8,000
Use of prior year balances	-150,400	0	-150,400
<b>Total, Defense Environmental Restoration &amp; Waste Mgmt.</b>	<b>5,409,310</b>	<b>0</b>	<b>5,409,310</b>
<b>Defense Fixed Asset Acquisition/Privatization</b>	<b>182,000</b>	<b>0</b>	<b>182,000</b>
<b>Other Defense Activities</b>			
Materials Support			
Operation and maintenance	0	0	0
Construction	0	0	0
Total, Materials support	0	0	0

**TITLE XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

<b>PROGRAM TITLE</b>	<b>FY 1997 AUTHORIZATION REQUEST</b>	<b>COMMITTEE CHANGE FROM REQUEST</b>	<b>FY 1997 COMMITTEE RECOMMENDATION</b>
Other national security programs			
Verification and control technology			
Nonproliferation and verification R&D	194,919	0	194,919
Arms control	181,244	-11,700	169,544
Intelligence	29,185	6,000	35,185
Total, Verification and control technology	405,348	-5,700	399,648
Nuclear safeguards and security	47,208	0	47,208
Security investigations	22,000	0	22,000
Emergency management	16,794	0	16,794
Program direction - NN	95,622	0	95,622
Office of environment, safety and health (defense)			
Security evaluations	53,094	0	53,094
Nuclear safety	0	0	0
Program direction - EH	10,706	0	10,706
Worker and community transition			
Program direction - WT	62,659	0	62,659
	4,341	0	4,341
Fissile materials control and disposition			
Operation and maintenance	73,163	0	73,163
Construction			

**TITLE XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

<b>PROGRAM TITLE</b>	<b>FY 1997 AUTHORIZATION REQUEST</b>	<b>COMMITTEE CHANGE FROM REQUEST</b>	<b>FY 1997 COMMITTEE RECOMMENDATION</b>
97-D-140 Consolidated special nuclear materials storage plant, site TBD	17,000	0	17,000
Program direction - MD	3,633	0	3,633
Total, Fissile materials control and disposition	93,796	0	93,796
International nuclear safety	66,200	-66,200	0
Nuclear security	6,000	-6,000	0
Total, Other national security programs	883,768	-77,900	805,868
Naval reactors			
Naval reactors development			
Operation and maintenance	631,330	18,000	649,330
Program direction	18,902	0	18,902
GPN-101 General plant projects, various locations	0	0	0
Construction:			
97-D-201 Advanced test reactor secondary coolant system refurbishment, INEL, ID	400	0	400
95-D-200 Laboratory systems and hot cell upgrades, various locations	4,800	0	4,800

**TITLE XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

<b>PROGRAM TITLE</b>	<b>FY 1997 AUTHORIZATION REQUEST</b>	<b>COMMITTEE CHANGE FROM REQUEST</b>	<b>FY 1997 COMMITTEE RECOMMENDATION</b>
95-D-201 Advanced test reactor radioactive waste system upgrades, Idaho National Engineering Laboratory, ID	500	0	500
93-D-200 Engineering services facilities	0	0	0
Knolls Atomic Power Laboratory, Niskayuna, NY	0	0	0
92-D-200 Laboratories facilities upgrades, various locations	0	0	0
90-N-102 Expedited core facility dry cell project, Naval Reactors Facility, ID	8,000	0	8,000
81-T-112 Modification and additions to prototype facilities	0	0	0
<b>Total, Construction</b>	<b>13,700</b>	<b>0</b>	<b>13,700</b>
<b>Total, Naval reactors development</b>	<b>663,932</b>	<b>18,000</b>	<b>681,932</b>
Enriched materials	0	0	0
<b>Total, Naval reactors</b>	<b>663,932</b>	<b>18,000</b>	<b>681,932</b>
<b>Subtotal, Other defense activities</b>	<b>1,547,700</b>	<b>-59,900</b>	<b>1,487,800</b>

**TITLE XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

<b>PROGRAM TITLE</b>	<b>FY 1997 AUTHORIZATION REQUEST</b>	<b>COMMITTEE CHANGE FROM REQUEST</b>	<b>FY 1997 COMMITTEE RECOMMENDATION</b>
<b>Adjustments:</b>			
Savannah river pension refund	0	0	0
Correcting entry (OMB error in appropriations language)	531	-531	0
Use of prior year balances	0	0	0
Total, Adjustments	531	-531	0
<b>Total, Other Defense Activities</b>	<b>1,548,231</b>	<b>-60,431</b>	<b>1,487,800</b>
<b>Defense Nuclear Waste Disposal</b>	<b>200,000</b>	<b>0</b>	<b>200,000</b>
<b>Total, Atomic Energy Defense Activities</b>	<b>11,049,543</b>	<b>164,569</b>	<b>11,214,112</b>

## ITEMS OF SPECIAL INTEREST

## Defense Environmental Restoration And Waste Management

The budget request contained \$5.4 billion for activities of the Department of Energy's Office of Environmental Restoration and Waste Management. The committee recommends an overall authorization at the requested amount. However, several funding changes are recommended for a number of the individual subaccounts. These changes reflect the committee's policy preference of funding actual cleanup activities as opposed to administrative activities.

The committee recommends reducing the budget request for the subaccount entitled "program direction" by \$71.0 million, for a total authorized amount of \$375.5 million. The committee directs that the Department absorb this funding reduction by reducing the number of federal employees assigned to the Department's headquarters, by reducing administrative overhead and travel expenses associated with the reduced employment levels at DOE headquarters, and by reducing non-technical contract support services at DOE headquarters. To further provide more resources for cleanup, the committee recommends reducing the budget request for the subaccount entitled "policy and management" by \$25.0 million for a total authorization of \$23.1 million. This reduction would result in an authorization for this subaccount that is comparable to that authorized and appropriated in fiscal year 1996. Approximately \$4.0 to \$7.0 million of this reduction would be derived by eliminating the requirement to submit to Congress, on an annual basis, the baseline environmental management report as required by the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-360). The committee recommends elsewhere in this title that the annual reporting requirement be converted to a biennial requirement.

The committee is aware that the Department of Energy often reimburses contractors for expenses related to attendance at DOE or privately sponsored conferences on cleanup or technology issues. While participation at such events may on occasion be beneficial to achieving the Department's cleanup goals, the committee believes that attendance at such events should be limited to the extent possible. The Department is strongly encouraged to reduce all of its administrative and overhead expenditures, particularly any expenditures that are not associated directly with its remediation efforts.

The committee further recommends increasing the request in the subaccounts entitled "environmental restoration", "nuclear materials and facilities stabilization" and the "environmental science program" by a total of \$96.0 million above the amounts requested in the President's budget. In doing so, the committee directs that increased funding be applied to those sites in the field where actual remediation occurs. The committee recommendation would provide resources to sites such as Rocky Flats, Hanford, Oak Ridge, Savannah River, and Idaho where additional funding can be used to significantly reduce life cycle costs through acceleration of existing activities, initiation of cost reducing deactivation and decommissioning activities, and the development of enhanced cleanup technologies.



The committee also directs the Department to continue to consider and evaluate sites that would lend themselves to accelerated cleanup. Section 3156 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) requires the Secretary to submit a report to the Congress by May 1, 1996 detailing the activities and projects at those sites at which the cleanup has been accelerated. The committee expects to receive this report on time. The committee is particularly interested in obtaining the details on how the additional \$60.0 million which was authorized and appropriated for fiscal year 1996 accelerated cleanup was actually used. The committee believes that the initiation of accelerated cleanup programs at certain sites will result in significant long term cost savings and risk reduction.

To allow the Department more flexibility in managing its resources, the committee declines to accept the recommendation to create a new office of site operations as a separate budget function. The committee is concerned that the Department is unnecessarily tying its own hands by creating this new budget category. The committee understands and appreciates the role of this new office and has no objection to this activity being performed within the office of nuclear materials and facilities stabilization. The committee recommends funding the construction projects associated with the office of site operations under the budget function for the office of nuclear materials and facilities stabilization. All of these projects have been funded in the past under the latter office's budget function. To provide increased efficiencies and greater flexibility and authority for the DOE site managers, the committee also recommends elsewhere in this Act additional fund transfer authority for the site managers.

The committee recommendation includes funding to establish a privatization program for the treatment of high and low level wastes at the Hanford facility, Richland, Washington at the level requested in the President's budget. While the committee generally supports this initiative, it intends to monitor very closely the progress of this effort and to insure that the projected cost savings do in fact accrue to the benefit of the government. The committee directs that the Department provide a report to the committee no later than December 31, 1996. The report should include an analysis of the projected cost savings, the extent of commercial competition and participation in this initiative, and a recommendation on changes which should be made to federal procurement regulations to make the program more effective.

The committee is also aware that the Department will soon select a new lead contractor for the Hanford facility. New contract provisions should result in cost savings at this site. The committee strongly encourages the Department, to the maximum extent possible, to allocate those savings that result from the new management contract to the privatization program discussed earlier. This approach should help to diminish to some degree the negative budgetary impact that results from the creation of the privatization fund in fiscal year 1997 and should eliminate any negative impact on current cleanup activities at the Hanford facility. Creation of a privatization fund is not intended to interfere with or impede on-

going critical stabilization, maintenance, and cleanup operations at this site.

The committee is also aware that the Department is considering additional new initiatives to expand its decontamination and decommissioning efforts. While there are opportunities to potentially save millions of dollars in life cycle costs, the committee strongly urges the Department to maximize competition in its procurement process if it chooses to undertake these new initiatives.

Finally, the committee has been advised that there are a very small number of former employees at the Hanford facility who have failed to receive credit for the total years of service performed at that facility, because of changes in contractors on a least four occasions. While the four Hanford site pension plans have been consolidated into a single pension plan, apparently all of the service has not. The committee directs that the Department examine this issue and provide a report to the committee no later than December 31, 1996 with a recommendation on how to correct this problem or certifying that sufficient corrective action has been taken.

#### Fissile Materials Protection, Control, and Accountability

The budget request included \$69.6 million for fissile materials protection, control, and accountability (PC&A) in the former Soviet Union. The committee recommends the amount contained in the budget request. Section 3131 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) directed the Secretary to submit semi-annual reports on obligation of funds for this program. The purpose of this reporting requirement was to provide the Congress with greater visibility into the Department's long-term programmatic strategy and the resources required to implement that strategy. The committee strongly urges the Department to submit this report to Congress as soon as possible.

#### Independent Review

The committee recommends that, of the amounts authorized in section 3104, \$500,000 shall be available to conduct an independent review of the potential to detect meteorites, asteroids, and comets of sufficiently great sizes to inflict large-scale damage on Earth, and possible means of averting such strikes. The committee urges that the review be performed by an independent group previously involved in reviewing complex scientific matters, such as the stockpile stewardship and inertial confinement fusion programs. In conducting this review, the views of the nuclear weapons laboratories and U.S. Space Command shall be solicited. The results of this review shall be transmitted to the congressional defense committees not later than January 15, 1997.

#### Inertial Confinement Fusion

The budget request included \$366.5 million for inertial confinement fusion (ICF). The committee recommends the requested amount. Of this amount, \$21,150,770 shall be available for the University of Rochester/Laboratory for Laser Energetics, the amount recommended for fiscal year 1997 in the DOE-University of Rochester cooperative agreement and \$855,770 above the request. The

Committee requests that the Secretary consult with the committee regarding the Secretary's proposed offset within the ICF account.

#### INTELLIGENCE

The budget request included \$29.2 million for intelligence-related activities.

A 1988 General Accounting Office (GAO) report noted that foreign visitors were coming to the nuclear weapons laboratories on unclassified visits but these visits were not well controlled. In fact, GAO reported that efforts to screen visitors were inadequate, subjects related to nuclear weapons were discussed, and little monitoring of these visits was occurring. GAO concluded that as a result, these visits may have transferred nuclear weapons-related information to foreign countries.

Given greater involvement by the laboratories in international activities, the committee is concerned that the nuclear weapons laboratories may be an even more inviting target for foreign countries seeking to obtain nuclear weapons-related information. Senior DOE officials readily concede this point, and have informed the committee of their concerns about the adequacy of the Department's budget request in this regard.

The committee directs the Comptroller General to follow up the prior GAO report and determine how well DOE is controlling foreign visits to the weapons laboratories and whether these visits raise any security or nuclear proliferation concerns. The report shall be submitted not later than October 15, 1996. In the interim, the committee directs the Secretary to reduce significantly the number of such visits and limit such visits to those individuals that hold appropriate security clearances or that have significant business interests at the laboratory. As to such business visitors, appropriate security measures shall be taken.

Based on these concerns, the committee recommends an additional \$6.0 million for intelligence, of which \$5.0 million shall be made available to support the expansion of counterintelligence activities at the nuclear weapons laboratories and at other high-risk facilities. The program shall be administered by the Office of Energy Intelligence under the guidance and oversight of the Department's senior intelligence officer. The Secretary is directed to review the Department's counterintelligence programs with the objective of strengthening these activities and to include additional resources for this important mission in the fiscal year 1998 budget submission. The committee recommends that the remaining \$1.0 million shall be used for expanded analysis of the Russian and Chinese nuclear weapons programs. Furthermore, the committee strongly urges the Secretary to consider submitting a reprogramming request to provide additional funds for counterintelligence activities in fiscal year 1996. The Secretary shall promptly inform the committee of the Secretary's plans in this regard.

#### International Nuclear Safety

The budget request included \$72.2 million for nuclear energy activities, including \$66.2 million for Soviet-designed nuclear reactor safety activities in the former Soviet Union and \$6.0 million for

core-conversion efforts at plutonium production reactors in Russia. These activities were carried out by the Agency for International Development using foreign assistance funds in fiscal year 1996. The committee believes these activities should continue to be funded out of the foreign assistance budget, and therefore the committee recommends no funds be authorized for this purpose in fiscal year 1997.

#### International Security

The budget request included \$19.6 million within the arms control account for international security activities, including \$14.6 million for the Industrial Partnering Program (IPP) and \$5.0 million for controlling North Korea's nuclear program. The committee recommends \$7.9 million for international security, a reduction of \$11.7 million from the requested amount. The reduction shall be applied against the Industrial Partnering Program. The committee remains unconvinced of the merits of this program and other programs whose goal is to promote "long-term stability" of Russia's nuclear weapons laboratories.

The committee recommends \$7.9 million for the North Korean project. However, the committee is concerned about the increased cost estimates for the project, as well as the continued uncertainties regarding total project cost and timetable for its completion. Finally, the committee urges that, prior to obligating or expending these funds, the President contact the South Korean Government to seek an appropriate cost-sharing arrangement for the remaining work associated with this project. The committee further expects to be informed promptly of the results of any such demarche.

#### Laboratory Review of Missile Defense

Recognizing that the nuclear weapons laboratories have played an important role in the development of promising ballistic missile defense (BMD) concepts, the committee directs the directors of each of the nuclear weapons laboratories to review the expertise in BMD resident at their respective laboratory and to report to the Assistant Secretary of Energy for Defense Programs on how that expertise could be harnessed to strengthen the U.S. BMD program. In turn, the Assistant Secretary shall submit to the House National Security Committee and the Senate Armed Services Committee a report detailing options for providing greater laboratory involvement in BMD. The report shall be due not later than November 15, 1996.

#### Naval Reactors

The budget request included \$663.9 million for Naval Reactors. The committee recommends \$681.9 million, an increase of \$18.0 million, to allow proceeding with the prototype plant inactivation plan endorsed by the Department's Office of Naval Reactors.

#### Nuclear Emergency Search Team

The committee understands that the Department is considering expanding the mission of the Nuclear Emergency Search Team

(NEST) to include activities outside the territory of the United States. In the absence of additional information regarding the cost and other implications of such an expansion of the NEST mission, the committee cannot endorse such a proposal. To better understand such implications, the committee directs the Secretary of Energy to submit a report to the House National Security Committee and the Senate Armed Services Committee not later than 30 days after the enactment of this Act on the Department's future plans for the NEST, including plans for expanding NEST's missions, the anticipated costs and policy implications of such an expansion, required technology modernization programs, and NEST's relationship to various Department of Defense organizations and activities with capabilities in this area. The Secretary is further directed to coordinate with the Secretary of Defense in preparing the report.

#### Nuclear Smuggling

The committee endorses an innovative, joint Department of Energy-National Defense University program on nuclear smuggling, including smuggling pathway analysis. The committee recommends that, of the amounts made available within section 3104, \$1.5 million shall be available for this study.

#### Technology Transfer

The budget request included \$49.0 million for technology transfer and \$10.0 million for education. The committee is pleased that the technology transfer program has been refocused, consistent with Congressional direction, to address issues that have direct relevance to the nuclear weapons mission of the Department. Therefore, the committee recommends the requested amounts. Of the amount made available for technology transfer and education, the committee recommends \$13.0 million for the American Textiles Partnership (AMTEX) project, an increase of \$3.0 million above the amount requested in the Weapons Activities account, but the same amount requested in the Department's overall budget request.

#### Tritium

The budget request included \$100.0 million for tritium production-related activities. The committee is disappointed that the Department's record of decision has excluded from further consideration any new multipurpose reactor options. The committee is aware of analysis which shows the potential cost-effectiveness of new reactor options and which suggest that use of simplified, streamlined processes for obtaining license approval for new nuclear plants could ameliorate concerns regarding "regulatory risk." The committee strongly supports full consideration of all technically feasible options for producing tritium, including use of an accelerator, existing commercial reactor options, and multipurpose reactors for tritium production, plutonium disposition and electrical power generation, as a means of maximizing assurance that tritium supplies will be available when needed while, at the same time, minimizing costs to the American taxpayer.

Therefore, the committee strongly encourages the Secretary to ensure that adequate resources are applied in fiscal year 1997 to

permit a better understanding of the potential costs and benefits of the tritium options listed above. Specifically, the Department should include new reactor technology in the tritium options that are being studied until a final selection is made at the end of fiscal year 1998. Both government-financed and privately-financed reactor facilities, including the multipurpose reactor option, should be included as part of this evaluation. The Department is also encouraged to consider the Fast Flux Test Facility at Hanford, Washington, as an option for interim production of tritium.

#### Warhead Master Plan

Section 3153 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) directed the President to submit to Congress a master plan for the certification, stewardship, and management of warheads in the nuclear stockpile. The committee commends the Department for embracing the need for such detailed planning for actions necessary to sustain U.S. nuclear warheads in the stockpile, for working closely with the Department of Defense in drafting the report, and for submitting the report to Congress in a timely fashion. Nonetheless, the committee recognizes that the master plan is a “living document” that will need to be refined over time, and therefore directs the Secretary to update the report on a biennial basis and to inform the Congressional defense committees of noteworthy changes in the plan.

### LEGISLATIVE PROVISIONS

#### SUBTITLE A—NATIONAL SECURITY PROGRAM AUTHORIZATIONS

##### Section 3101—Weapons Activities

This section would authorize DOE weapons activity funding for fiscal year 1997.

##### Section 3102—Environmental Restoration and Waste Management

This section would authorize funds for DOE defense environmental restoration and waste management activities for fiscal year 1997 at the level of the budget request.

##### Section 3103—Defense Fixed Asset Acquisition

This section would authorize, as requested in the President’s budget for fiscal year 1997, \$182.0 million to establish a new asset acquisition and privatization program for the Department of Energy’s national security assets. Of the total funding, \$77.0 million would be allocated for the advanced mixed waste treatment project, Idaho Falls, Idaho; \$15.0 million would be allocated for the mixed waste treatment project, Oak Ridge, Tennessee; \$70.0 million would be allocated for the transuranic waste treatment project, Oak Ridge Tennessee, and \$20.0 million would be allocated for other projects. No outlays are anticipated in fiscal year 1997 under this program. The committee intends that pre-construction planning expenditures for each of these projects be funded from operating and maintenance funds authorized in section 3102 of this Act. The committee authorizes \$7.0 in pre-construction funding for the

advanced mixed waste treatment project. The committee believes this project is important to fulfilling the Department's agreement with the State of Idaho and the Department of the Navy with respect to the interim storage of Navy nuclear spent fuel in Idaho.

#### Section 3104—Other Defense Activities

This section would authorize funds for DOE other defense activities for fiscal year 1997.

#### Section 3105—Defense Nuclear Waste Disposal

This section would authorize funds for defense nuclear waste disposal activities of the Department for fiscal year 1997 at the requested amount.

### SUBTITLE B—RECURRING GENERAL PROVISIONS

#### Section 3121—Reprogramming

This section would prohibit the reprogramming of funds in excess of 102 percent of the amount authorized for the program, or in excess of \$1.0 million above the amount authorized for the program until the Secretary of Energy has notified the congressional defense committees and a period of 30 days has elapsed after the date on which the report is received. Should the Department demonstrate that it has improved its procedures for handling reprogramming requests, the committee would consider returning to a more flexible reprogramming statute in the future.

#### Section 3122—Limits on General Plant Projects

This section would limit the initiation of "general plant projects" authorized by the bill if the current estimated cost for any project exceeds \$1.2 million. However, if the Secretary of Energy finds that the estimated cost of any project will exceed \$1.2 million, the appropriate committees of Congress must be notified of the reasons for the cost variation.

#### Section 3123—Limits On Construction Projects

This section would permit any construction project to be initiated and continued only if the estimated cost for the project does not exceed 125 percent of the higher of: (1) the amount authorized for the project, or (2) the most recent total estimated cost presented to the Congress as justification for such project. To exceed such limits, the Secretary of Energy must report in detail to the appropriate committees of Congress and the report must be before the committees for 30 legislative days. This section would also specify that the 125 percent limitation would not apply to projects estimated to cost under \$5.0 million.

#### Section 3124—Fund Transfer Authority

This section would permit funds authorized to be appropriated by the bill to be transferred to other agencies of the government for performance of work for which the funds were authorized and appropriated. The provision would permit the merger of such funds

with the authorizations of the agency to which they are transferred. This section would also limit to no more than five percent the amount of funds that may be transferred between authorizations in the Department of Energy that were authorized pursuant to this act.

#### Section 3125—Authority for Conceptual and Construction Design

This section would limit the Secretary of Energy's authority to request construction funding until the Secretary has certified a conceptual design. This section would provide an exception in the case of emergencies.

#### Section 3126—Authority for Emergency Planning, Design, and Construction Activities

This section would permit, in addition to any advance planning and construction designed otherwise authorized by the bill, the Secretary of Energy to perform planning and design utilizing available funds for any Department of Energy national security program construction project whenever the Secretary determines that the design must proceed expeditiously to protect the public health and safety, to meet the needs of national defense or to protect property.

#### Section 3127—Funds Available for all National Security Programs of the Department of Energy

This section would authorize, subject to the provisions of appropriation Acts and section 3121 of this bill, amounts appropriated pursuant to this bill for management and support activities and for general plant projects to be made available for use, when necessary, in connection with all national security programs of the Department of Energy.

#### Section 3128—Availability of Funds

This section would authorize, subject to a provision of an appropriation Act, amounts appropriated for operating expenses or for plant and capital equipment to remain available until expended.

### SUBTITLE C—PROGRAM AUTHORIZATIONS, RESTRICTIONS, AND LIMITATIONS

#### Section 3131—Stockpile Stewardship Program

This section would authorize an additional \$100.0 million for various stockpile stewardship activities. The additional funds authorized for enhanced surveillance shall be used to provide research and development in chemistry and materials to support computation, engineering, and design assessment for aged or replaced weapons components; characterization of device components to include comparison of strain characteristics of cast versus wrought cases, crystalline substructure, as well as high explosive aging research; and modeling and simulation of aging-induced changes. The additional funds for dual revalidation shall be used to create an up-to-date understanding of each system in the stockpile by employing modern experimental, computational, and analytical techniques to



obtain baseline data on the behavior of weapons in the stockpile. In this regard, the committee recognizes the importance of subcritical experiments at the Nevada Test Site, and is concerned about indications that the Department may be planning to postpone experiments planned to be conducted in fiscal year 1996 for reasons that are unclear. While the majority of additional funds authorized for stockpile stewardship would be spent at the nuclear weapons laboratories, the committee strongly endorses and encourages a continued, close collaboration between the weapons laboratories and the production sites.

The committee notes that questions and concerns have been raised in the public with the degree of thoroughness with which the Department's Draft Programmatic Environmental Impact Statement for Stockpile Stewardship and Management (PEIS/SSM) addressed stewardship alternatives. The committee believes that the Department should continue to consider fully all stewardship options, including a no-action option, the proposed stewardship, as well as alternatives that would involve a program based upon less than the complete suite of experimental capability. The committee directs that the Secretary not obligate any of the additional funds authorized to be appropriated in this section until the completion of the PEIS/SSM or until October 15, 1996, whichever is earlier.

#### Section 3132—Manufacturing Infrastructure for Nuclear Weapons Stockpile

This section would authorize an additional \$125.0 million for the stockpile manufacturing infrastructure program at the four weapons production plants (Savannah River Site, South Carolina, Pantex Plant, Texas, Kansas City Plant, Missouri, and Y-12 Plant, Tennessee) established in section 3137 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106). This section would also require the Secretary of Energy to submit a report to the congressional defense committees on obligations under the program. The additional funds are intended to establish and maintain the necessary capability and competencies to fully support the evaluation, surveillance, maintenance, repair, and dismantlement of the nuclear stockpile; provide flexibility to respond to new production requirements; to maintain and improve the manufacturing technology necessary to fully support the stockpile; and to achieve significant reductions in operating costs for the complex.

The committee expects the funds to be allocated roughly evenly among the four plants. Furthermore, the funds allocated for the Savannah River Site shall be used to further consolidate the tritium capabilities beginning in fiscal year 1997, a year earlier than the Department's current plans; to accelerate the schedule for producing tritium; and support a more robust and aggressive rapid reconstitution approach for plutonium pit manufacturing by initiating a preconceptual design study for a replacement pit fabrication facility. The funds allocated for the Y-12 Plant shall be used to accelerate the consolidation of facilities to manufacture and disassemble secondaries; modernize production plant infrastructure elements required for long-term operations; and increase core stockpile management operations and maintenance (O&M) activities. The funds allocated for the Pantex Plant shall be used for a consolidated pit

packaging system and for increased core stockpile management O&M activities. The funds allocated for the Kansas City Plant shall be used for upgrades to current manufacturing technologies; replacing aging processing equipment; investing in information systems upgrades to maintain compatibility with advancements at the DOE national laboratories; and core O&M.

#### Section 3133—Production of High Explosives

This section would prohibit the expenditure of funds to move, or prepare to move, the manufacture and fabrication of high explosives and energetic materials for use as components in nuclear weapons systems from the Pantex Plant to any other Department of Energy site or facility.

#### Section 3134—Limitation on Use of Funds by Laboratories for Laboratory-Directed Research and Development

This section would reduce beginning in fiscal year 1997 the funding percentage for Laboratory-Directed Research and Development (LDRD) and prohibit expenditure of funds authorized for LDRD in fiscal year 1997 until 15 days after the Secretary of Energy has issued a report on the manner in which such funds are planned to be used.

#### Section 3135—Prohibition on Funding Nuclear Weapons Activities With People's Republic of China

This section would prohibit the obligation or expenditure of funds for any activity associated with the conduct of cooperative programs relating to nuclear weapons or nuclear weapons technology, including stockpile stewardship and safety, with the People's Republic of China (PRC), and require a report on past and planned discussions or activities between the United States and the PRC regarding nuclear weapons. The committee is unconvinced of the merits of any such cooperative discussions or activities between the U.S. and the PRC. The committee is extremely concerned about any discussions that may have resulted in or could lead to the release of restricted data or other classified or sensitive information to the PRC given the PRC's ongoing strategic modernization program, including its efforts to acquire or develop multiple-independently targetable reentry vehicles (MIRVs), its recent nuclear threats against Los Angeles, and its willingness to sell or transfer nuclear and missile technology to anti-Western regimes.

#### Section 3136—International Cooperative Stockpile Stewardship Programs

This section would prohibit use of fiscal year 1997 or prior year funds to conduct any activities associated with international cooperative stockpile stewardship programs, with an exception for such activities conducted with the United Kingdom and France. The committee is aware that the Department may be considering a "global" program to assist existing and threshold nuclear weapons states in nuclear weapons safety, reliability and effectiveness. The committee strongly objects to any such effort. This prohibition shall

apply to all such DOE activities, including laboratory directed research and development funded studies and analyses of possible nuclear futures.

Section 3137—Temporary Authority Relating to Transfers of  
Defense Environmental Management Funds

This section would direct the Secretary of Energy to establish procedures to improve the financial management of environmental management funds allocated to the various former defense sites which are undergoing remedial cleanup activities. This section, upon the establishment of sufficient financial controls, would authorize the Secretary to grant authority to a site manager to transfer up to \$5.0 million between program functions within his jurisdiction or to transfer a similar sum between projects within his area of operation. This section would provide a limited expansion of the current reprogramming authority and would allow a site manager to move money on a very limited basis based on a finding that the transfer is necessary to reduce a health or safety risk or where the funds can be used more efficiently at that site. Oftentimes, funds remain obligated to projects which have been completed at less than the original obligation or the scope of project has been reduced. Prudent and selective use of this authority by a site manager should allow the funds described in the above example to be reallocated in a more timely manner. The committee believes that this authority should result in more efficient field operations and should allow field managers the latitude to manage these facilities in the most efficient way possible. The Secretary would be required to notify Congress within thirty days after the transfer of funds occurs. Finally, this section would expire on December 30, 1997.

Section 3138—Management Structure for Nuclear Weapons  
Production Facilities and Nuclear Weapons Laboratories

This section would impose a limitation on delegation authority, require consultations with area offices of the Department, require DOE area offices to report directly to DOE headquarters, require the Secretary to provide a Defense Programs reorganization plan and report, and require establishment of a Defense Programs Management Council.

SUBTITLE D—OTHER MATTERS

Section 3141—Report on Nuclear Weapons Stockpile Memorandum

This section would require the President to submit to the congressional defense committees a copy of the Nuclear Weapons Stockpile Memorandum, and to submit reports on any future updates or changes to the Memorandum.

Section 3142—Report on Plutonium Pit Production and  
Remanufacturing

This section would require the Secretary to submit to the congressional defense committees a report on plans for achieving a capability to produce and remanufacture plutonium pits.

#### Section 3143—Amendments Relating to Baseline Environmental Management Reports

This section would amend section 3153 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 104–360) to authorize the submission of the Baseline Environmental Management Report on a biennial basis rather than an annual basis. This change would reduce the report preparation cost, which is estimated to exceed \$4.0 million annually. Currently, as soon as one report is completed, preparation of another one must begin, leaving little time for analysis of the resulting data. Submitting this report every two years should enable the Department to analyze the data from the field to determine patterns and should improve the usefulness of the report to the Congress.

#### Section 3144—Requirement to Develop Future Use Plans for Environmental Management Program

This section would permit the Secretary of Energy to develop and implement as part of the Defense Environmental Restoration and Waste Management Program, a future land use plan at sites where the Secretary is planning or implementing environmental restoration activities. Although the Secretary would be encouraged to use this authority at all defense sites where remedial activities are occurring, the Secretary would be required to develop these plans at specific selected defense sites. In developing these plans, the Secretary would be required to consult with local advisory boards, local land use redevelopment authorities, or other appropriate state agencies. The Federal Facilities Environmental Restoration Dialogue Committee recently issued its final report entitled “Consensus Principles and Recommendations for Improving Federal Facilities Cleanup”. The recommendations contained in this report are aimed at improving the process of making decisions and setting priorities for cleanup efforts at federal facilities. The committee supports the expansive role of future use/site advisory boards as described in that report and recommends that future use planning, as required by this section follow, to the extent practicable, the recommendations contained in that report. The committee expects that reaching agreement with local authorities about anticipated future land use associated with contaminated former defense sites once they are remediated should result in cleanup activities that are appropriate to that anticipated future use. This should also result in a more expeditious transfer of the property upon the completion of the remediation activity. This section would recognize that certain sites, in conjunction with local advisory groups, have developed or are in the process of developing future use land use plans. This section would not overturn or require changes to those plans or the appointment of new advisory groups. This section would also require the submission of a report to Congress on the future land use plans at these former defense facilities. Finally, this section would require that all future land use plans developed under this section be in strict compliance with all existing statutory and regulatory requirements.

SUBTITLE E—DEFENSE NUCLEAR ENVIRONMENTAL CLEANUP AND  
MANAGEMENT

Section 3151—Purpose

This section would set forth the purpose of this subtitle which is to improve the operation of the DOE defense nuclear environmental cleanup and management program through the use of cost-effective management mechanisms and innovative technologies.

Section 3152—Covered Defense Nuclear Facilities

This section would define the application of this subtitle to include any defense nuclear facility of the Department of Energy for which the fiscal year 1996 environmental management budget was \$350.0 million or more.

Section 3153—Site Manager

This section would grant authority to the Secretary of Energy to delegate to the site manager authority to oversee and to direct management operations at a defense nuclear facility. Specifically the Secretary may delegate the authority to enter into and modify contractual agreements to enhance environmental restoration at the facility, to submit reprogramming requests to Congress directly if DOE headquarters fails to act on the request within 60 days, and to negotiate amendments to environmental agreements. For any environmental remedial action where the cost exceeds \$25.0 million, the site manager is required to prepare an assessment of the costs and risk reduction or other benefits associated with implementation of the selected action.

Section 3154—Department of Energy Orders

This section would require that before new DOE orders are issued that there be a finding that the order is necessary for the protection of human health and the environment or safety, or the fulfillment of current legal requirements. This section should reduce the number of DOE orders that are unrelated to cleanup, safety or protection of the environment and should result in a more efficient and effective remediation effort at the DOE defense nuclear facilities.

Section 3155—Deployment of Technology for Remediation of  
Defense Nuclear Waste

This section would promote the deployment of innovative environmental technologies for remediation of defense nuclear waste at DOE nuclear facilities.

Section 3156—Performance-Based Contracting

This section would require the Secretary of Energy to develop and implement a program to encourage the use of performance-based contracts as opposed to cost-plus contracts. The contracts to the maximum extent possible would require results oriented performance criteria, financial accountability, incentives for contractors to meet or exceed the performance criteria, specific incentives

for cost savings, and when appropriate, allocation of fee or profit reduction for failure to meet minimum performance criteria. This section would require the Secretary of Energy to implement this program by October 1, 1997.

Section 3157—Designation of Defense Nuclear Facilities as  
National Environmental Cleanup Demonstration Areas

This section would allow the Secretary of Energy, upon receipt of a request from the governor of a state in which a defense nuclear facility is situated, to designate the facility as a “National Environmental Cleanup Demonstration Area”. This section would also express the sense of Congress that federal and state regulatory authorities should work to develop expedited and streamlined procedures for cleaning up the nuclear facilities and to eliminate unnecessary bureaucratic delay.

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

**LEGISLATIVE PROVISIONS**

**Section 3201—Authorization**

Section 3201 would authorize, as requested in the President's budget, \$17 million for the operation of the Defense Nuclear Facilities Safety Board.

## TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

### LEGISLATIVE PROVISIONS

#### Section 3302—Authorized Uses of Stockpile Funds

This section would authorize \$60 million from the National Defense Stockpile Transaction Fund for the operations and maintenance of the National Defense Stockpile for fiscal year 1997. The provision would also permit the use of additional funds for extraordinary or emergency conditions after a notification to Congress.

#### Section 3311—Biennial Report on Stockpile Requirements

This section would amend the Strategic and Critical Materials Stock Piling Act, section 3203 of the National Defense Authorization Act for Fiscal Year 1988 (Public Law 100–180), concerning the requirements report provided to Congress every other year by the Department of Defense (DOD). The committee believes the Stock Piling Act, as currently written, is in need of revisions that would reflect current world conditions, particularly in the area of establishing requirements for the National Defense Stockpile. The committee further believes the provision will assist the DOD in the preparation of the stockpile requirements report due to Congress on January 15, 1997.

#### Section 3312—Notification Requirements

This section would update several sections of the Strategic and Critical Materials Stock Piling Act, section 3203 of the National Defense Authorization Act for Fiscal Year 1988 (Public Law 100–180), to standardize reporting requirements throughout the act. The provision would establish that all legislative reporting waiting periods are to be 45 days.



## TITLE XXXIV—NAVAL PETROLEUM RESERVES

### LEGISLATIVE PROVISIONS

#### Section 3401—Authorization of Appropriations

This section would authorize the appropriation of \$149,500,000 for fiscal year 1997 for the Department of Energy for the operation of the Naval Petroleum Reserves.

#### Section 3402—Requirement on Sale of Certain Petroleum During Fiscal Year 1997

This section would require the Secretary of Energy to sell petroleum produced for the Naval Petroleum Reserves at established prices.

## TITLE XXXV—PANAMA CANAL COMMISSION

### LEGISLATIVE PROVISIONS

#### SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

This subtitle would grant the Panama Canal Commission authority to make expenditures from the Panama Canal Commission Revolving Fund within existing statutory limits. The Panama Canal Commission operates as a private government corporation and is supervised by a nine member supervisory board, commonly referred to as the Panama Canal Commission Board of Directors. The Panama Canal Commission does not draw from U.S. taxpayer funds for the operation of the Canal, but receives funding to cover its operating, administrative, and capital improvement expenses from tolls and other revenue collected. The Panama Canal Commission's total operating costs including depreciation and interest payments in Fiscal Year 1997 are estimated at \$623.6 million.

#### SUBTITLE B—AMENDMENTS TO PANAMA CANAL ACT OF 1979

##### Section 3521—Short Title; References

This section would establish the Act as the “Panama Canal Act Amendments of 1996.”

##### Section 3522—Definitions and Recommendations for Legislation

This section would delete the requirement that the President submit recommendations to improve the Commission structure. The President has complied with that provision.

##### Section 3523—Administrator

This section would authorize the Commission's Board of Directors to establish the Panama Canal Administrator's pay at a rate not to exceed that set for level III of the Executive Service. It is currently established by statute at level IV of the Executive Schedule. This amendment would ensure the recruitment of highly qualified administrators during this critical period in the transition of the canal to Panamanian control. As is the case with all expenditures by the Commission, the administrator's salary is paid from canal revenues.

##### Section 3524—Deputy Administrator and Chief Engineer

This section would authorize the Commission's Board of Directors to establish the Deputy Administrator's pay at a rate not to exceed that set for level IV of the Executive Service. This section would also delete the reference to chief engineer.

#### Section 3525—Office of Ombudsman

This section would remove the requirement in section 3623 of title 22, United States Code, that the Panama Canal Commission Ombudsman be a U.S. citizen.—

#### Section 3526—Appointment and Compensation; Duties

This section would amend section 3642 of title 22, United States Code, with technical changes and clarification on the scope of the Panama Canal Employment System established in section 3652 of title 22, United States Code.

#### Section 3527—Applicability of Certain Benefits

This section would amend section 3649 of title 22, United States Code, to include those sections of the U.S. personnel laws which are specifically applicable to all pre-treaty employees and U.S. citizen, post-treaty employees.

#### Section 3528—Travel and Transportation Expenses

This section would amend section 3650 of title 22, United States Code, to provide a specific exemption from the requirement that an employee promise to remain in the employment of the Commission for an additional two years after completion of vacation leave. Inasmuch as the majority of the agency's U.S. citizen employees will be separated from federal service on December 31, 1999, it will be impossible for them to make such a tour renewal commitment after December 31, 1997. The remaining proposed changes to section 3650 of title 22, United States Codes are non-substantive in nature.

#### Section 3529—Clarification of Definition of Agency

This section would make a technical amendment to section 3651 of title 22, United States Code, to clarify that the Commission remains an "Executive agency" notwithstanding other definitions in title 22, United States Code.

#### Section 3530—Panama Canal Employment System; Merit and Other Employment Requirements

This section would amend section 3652 of title 22, United States Code, to authorize the Commission to establish a personnel system for the Commission that is independent of other U.S. agencies in Panama. This amendment would allow the Commission to have in place a personnel system which can easily be transferred to and be implemented by the Panama Canal Authority which will operate the canal after 1999.

#### Section 3531—Employment Standards

This section would amend section 3653 of title 22, United States Code, to provide the Panama Canal Commission with the sole authority to determine employment standards and promotion criteria for the Commission consistent with the consolidation of authority for the Panama Canal Employment System.

Section 3532—Repeal of Obsolete Provision Regarding Interim  
Application of Canal Zone Merit System

This section would repeal section 3654 of title 22, United States Code, to reflect the fact that the Canal Zone Merit System has been replaced by the Panama Canal Employment System.

Section 3533—Repeal of Provision Relating to Recruitment and  
Retention Remuneration

This section would repeal section 3657(d) of title 22, United States Code, in light of the fact that similar provisions contained in title 5, United States Code, would be made applicable to canal employees in section 3536 of these amendments.

Section 3534—Benefits Based on Basic Pay

This section would amend section 3658 of title 22, United States Code, to add federal retirement benefits contained in chapter 84 of title 5, United States Code, to the list of benefits which are determined in relation to basic pay.

Section 3535—Vesting of General Administrative Authority of  
Commission

This section would amend section 3663 of title 22, United States Code, to delete the authority of the President to prescribe regulations on employment and pay practices of the agencies participating in the Panama Canal Commission Employment System. This authority would now reside with the Commission.

Section 3536—Applicability of Certain Laws

This section would amend section 3664 of title 22, United States Code, to clarify those provisions of title 5, United States Code, which are applicable to the Panama Canal Commission

Section 3537—Repeal of Provision Relating to Transferred or  
Reemployed Employees

This section would repeal section 3671(a)(3) of title 22, United States Code, as it is obsolete.

Section 3538—Administration of Special Disability Benefits

This section amends section 3682 of title 22, United States Code, to provide for the continued administration of a special disability program for 46 former employees and 295 surviving spouses after the transition of the canal in the year 2000.

Section 3539—Panama Canal Revolving Fund

This section would amend section 3712 of title 22, United States Code, to add two activities which are appropriate for expenditures from the Panama Canal Revolving Fund. Authority would be granted to expend funds for promotional activities such as the procurement of radio and TV advertisements and for the purchase and transport to Panama of U.S. built passenger motor vehicles, including large, heavy duty vehicles.

#### Section 3540—Printing

This section would amend section 3711 of title 22, United States Code, to exempt the Commission from the requirement to obtain approval from the Public Printer and the Joint Committee on Printing before printing activities can be secured from commercial sources. This amendment would assist in the transition process by permitting the canal to obtain commercial suppliers of printing services who will be on hand after support of the Government Printing Office ends on December 31, 1999.

#### Section 3541—Accounting Policies

This section would amend section 3721 of title 22, United States Code, to make the Commission's accounting practices conform with those applicable to other wholly-owned U.S. Government corporation.

#### Section 3542—Interagency Services; Reimbursements

This section would amend section 3721 of title 22, United States Code to authorize the Commission to defray the expenses of eligible employees for the costs associated with primary and secondary education in the United States.

#### Section 3543—Postal Service

This section would amend section 3741 of title 22, United States Code, to authorize the Panama Canal Commission to close out its obligations on any unpaid balances outstanding for postal savings certificates, postal savings deposits, and postal money orders effective December 1, 1999. The Commission had assumed all obligations of the postal service with respect to outstanding postal instruments issued prior to October 1, 1979. This provision would allow the Commission to close out such balances prior to the transfer on December 31, 1999.

#### Section 3544—Investigations of Accidents or Injury Giving Rise to Claim

This section would amend section 3777(1) of title 22, United States Code, to clarify the current law's mandate that the Canal's Board of Local Inspectors investigation (including a hearing) is a prerequisite to a subsequent claim or suit against the Commission.

#### Section 3545—Operations Regulations

This section would amend section 3811 in title 22, United States Code, to allow the Commission to issue navigational regulations.

#### Section 3546—Miscellaneous Repeals

This section would amend various obsolete sections in title 22, United States Code.

Section 3547—Exemption

This section would exempt the Commission from the requirement to adopt the metric system since it is costly and the government of Panama has not adopted it.

Section 3548—Miscellaneous Conforming Amendments to Title 5,  
United States Code

This section would make various conforming amendments to title 5, United States Code.

Section 3549—Repeal of Panama Canal Code

This section would repeal the Panama Canal Code as it is obsolete.

Section 3550—Miscellaneous Clerical and Conforming Amendments

This section would make certain clerical amendments.

## DEPARTMENTAL DATA

The Department of Defense requested legislation, in accordance with the program of the President, as illustrated by the correspondence set out below:

### DEPARTMENT OF DEFENSE AUTHORIZATION REQUEST

DEPARTMENT OF DEFENSE  
OFFICE OF GENERAL COUNSEL,  
*Washington, DC, April 5, 1996.*

Hon. NEWT GINGRICH,  
*Speaker of the House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: The Department of Defense proposes the enclosed draft of legislation, "To authorize appropriations for Fiscal Year 1997 for military activities of the Department of Defense, to prescribe military personnel strengths for Fiscal Year 1997, and for other purposes."

This legislative proposal is part of the Department of Defense legislative program for the 104th Congress and is needed to carry out the President's budget plans for Fiscal Year 1997. The Office of Management and Budget advises that there is no objection to the presentation of this proposal to the Congress and that its enactment would be in accord with the program of the President.

This bill provides management authority for the Department of Defense in Fiscal Year 1997 and makes several changes to the authorities under which we operate. These changes are designed to permit a more efficient operation of the Department of Defense.

Enactment of this legislation is of great importance to the Department of Defense and the Department urges its speedy and favorable consideration.

Sincerely,

JUDITH A. MILLER.

Enclosure.

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### MILITARY CONSTRUCTION AUTHORIZATION REQUEST

DEPARTMENT OF DEFENSE,  
OFFICE OF GENERAL COUNSEL,  
*Washington, DC, April 8, 1996.*

Hon. NEWT GINGRICH,  
*Speaker of the House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: Enclosed is proposed legislation to authorize construction at certain military installations for Fiscal Year 1997, and for other military construction authorizations and activities of

the Department of Defense. This legislative proposal is needed to carry out the President's Fiscal Year 1997 budget plan.

The draft proposal would authorize appropriations in Fiscal Year 1997 for new construction and family housing support for the Active Forces, Defense Agencies, NATO Security Investment Program, and Guard and Reserve Forces. It also establishes the effective dates within the military construction program and includes construction projects resulting from base realignment and closure actions. Additionally, the Fiscal Year 1997 draft legislation includes General Provision requests.

The Office of Management and Budget advises that there is no objection to the presentation of this proposal to Congress, and that its enactment would be in accord with the program of the President.

Sincerely,

JUDITH A. MILLER.

Enclosure.

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#### COMMITTEE POSITION

On May 1, 1996, the Committee on National Security, a quorum being present, approved H.R. 3230, as amended, by a vote of 49 to 2.

#### COMMUNICATIONS FROM OTHER COMMITTEES

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON COMMERCE,  
*Washington, DC, May 6, 1996.*

Hon. FLOYD SPENCE,  
*Chairman, Committee on National Security, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: On May 1, 1996, the Committee on National Security ordered reported H.R. 3230, the "National Defense Authorization Act." This measure, among other things, is to authorize appropriations for the Department of Defense for Fiscal Year 1997.

During the markup of this legislation, the Committee on National Security adopted the following provisions which fall within the jurisdiction of the Committee on Commerce:

Sec. 601—Military Pay Raise for Fiscal Year 1997;

Sec. 741—Alternatives to Active Duty Service Obligation under Armed Forces Health Professions Scholarship and Financial Assistance program and Uniformed Services University of the Health Sciences;—

Sec. 742—Exception to Strength Limitations for Public Health Service Officers Assigned to the Department of Defense;—

Sec. 2863—Demonstration Project for Installation and Operation of Electric Power Distribution System at Youngstown Air Reserve Station, Ohio;—

Sec. 3138—Management Structure for Nuclear Weapons Production Facilities and Nuclear Weapons Laboratories;



Sec. 3143—Amendments Relating to Baseline Environmental Management Reports;—

Sec. 3151–3157—Defense Nuclear Environmental Cleanup and Management Act of 1996; and

Sec. 3402—Price Requirement on Sale of Certain Petroleum during Fiscal Year 1996.

Recognizing your Committee's desire to bring this legislation expeditiously before the House, and in reliance upon our most recent discussions concerning those provisions within the jurisdiction of the Commerce Committee, we will not seek sequential referral of the bill based on the provisions listed above. By agreeing not to seek a sequential referral of the bill, the Commerce Committee does not waive its jurisdiction over these provisions.

Furthermore, the Commerce Committee reserves its authority to seek equal conferees on these and any other provisions of the bill that are within the Commerce Committee's jurisdiction during any House-Senate conference that may be convened on this legislation. As you know, the Commerce Committee is continuing its work to make comprehensive reforms in the Superfund statute. We understand that the Senate is contemplating a number of provisions that would fall within the jurisdiction of this Committee, especially in the area of environmental cleanup standards. We intend to resist efforts to use the Department of Defense reauthorization bill to reform hazardous waste cleanup standards, and look forward to your cooperation.

I want to thank you and your staff for your assistance in providing the Commerce Committee with an opportunity to evaluate its jurisdictional interests in H.R. 3230, particularly with regard to Sections 291 1 and 293 1. I would appreciate your including this letter as a part of the National Security Committee's report on H.R. 3230, and as part of the record during consideration of this bill by the House.

Sincerely,

THOMAS J. BLILEY, Jr., *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON RESOURCES  
*Washington, DC, May 1996.*

Hon. FLOYD SPENCE,  
*Chairman, Committee on National Security, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding the seven provisions in H.R. 3230, the National Defense Authorization Act for Fiscal Year 1997, that are within the Committee on Resources jurisdiction.

I have reviewed the language included in H.R. 3230 and I am in support of the provisions. Therefore, I agree to waive a sequential referral over the seven provisions identified in your April 29, 1996, letter to me with the understanding that this action in no way affects any future jurisdictional claims over these provisions. In addition, I would ask that the Committee on Resources be represented during any conference on these provisions.

Once again, I thank you and Jim Schweiter and Philip Grone of your staff for the extraordinary cooperation shown in working with me on H.R. 3230, especially regarding Title XIV of the bill. I point out the value of the early and frequent consultations between our committees and the happy results; our working relationship should serve as a model for other, less forthcoming committees.

Finally, I congratulate you on this important legislation and look forward to its enactment.

Sincerely,

*Don Young, Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,  
*Washington, DC, May 6, 1996.*

Hon. FLOYD D. SPENCE,  
*Chairman, Committee on National Security, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: When the Committee on National Security met to consider and approve H.R. 3230, the FY 97 National Defense Authorization Act, the legislation included several provisions within the legislative jurisdiction of the Committee on Government Reform and oversight.

Since our committees have worked closely in coordinating the development of these legislative initiatives, and in an effort to honor your desire to expedite consideration of this bill, the Committee on Government Reform and Oversight waives its right to seek sequential referral of any of these provisions. We wish to make it clear, however, that this waiver is specifically limited to these provisions in this single instance and should not be construed as a waiver of the committee's jurisdiction with respect to any of the legislative provisions in H.R. 3230 that fall within its jurisdiction. The Committee also wishes to preserve its prerogatives with respect to any floor amendments on this bill or to any House-Senate conference and any Senate amendments thereto, including the appointment of an equal number of conferees to those appointed for any other House committee with respect to the provisions of H.R. 3230 which fall within this committee's jurisdiction.

As always, it is a pleasure working with you, and my compliments on your efforts to revitalize U.S. national security.

Sincerely,

*WILLIAM F. CLINGER, Jr., Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERNATIONAL AFFAIRS,  
*Washington, DC, May 3, 1996.*

Hon. FLOYD SPENCE,  
*Chairman, Committee on National Security, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I understand that on Wednesday, May 1, 1996, the Committee on National Security ordered favorably reported H.R. 3230, the National Defense Authorization Act for Fiscal Year 1997. The bill includes a number of provisions that fall

within the legislative jurisdiction of the Committee on International Relations pursuant to Rule X(k) of the House of Representatives.

The specific provisions within our committee's jurisdiction are: (1) Title II, Subtitle C—Ballistic Missile Defense Programs (Sections 233, 234, 236, and 237); (2) Section 1037—George C. Marshall European Center For Strategic Security Studies; (3) Title XI—Cooperative Threat Reduction With States of Former Soviet Union (Section 1101–1105); (4) Title XIII, Subtitle A—Miscellaneous Matters (Sections 1301, 1306, and 1307); (5) Title XIII, Subtitle B—Commission to Assess the Ballistic Missile Threat to the United States; and (6) Section 3135—Prohibition on funding nuclear weapons activities with People's Republic of China (Subsection b only).

Pursuant to Chairman Solomon's announcement that the Committee on Rules will move expeditiously to consider a rule for H.R. 3230 and your desire to have the bill considered on the House floor the week of May 13, 1996, and in recognition that both of our staffs have been consulting on these provisions, the Committee on International Relations will not seek a sequential referral of the bill as a result of including these provisions, without waiving or ceding now or in the future this committee's jurisdiction over the provisions in question. I will seek to have conferees appointed for these provisions during any House-Senate conference committee.

I would appreciate your including this letter as a part of the report on H.R. 3230 and as part of the record during consideration of the bill by the House of Representatives.

Sincerely,

BENJAMIN A. GILMAN, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON NATIONAL SECURITY,  
*Washington, DC, May 7, 1996*

Hon. BUD SHUSTER,  
*Chairman, Committee on Transportation and Infrastructure,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 3230, the National Defense Authorization Act for Fiscal Year 1997, and the provisions relating to the jurisdiction of the Transportation and Infrastructure Committee.

I appreciate the jurisdictional interest of your committee in this legislation. I further appreciate your decision not to request a sequential referral of H.R. 3230 so that consideration of the bill by the House may be expedited.

If additional jurisdictional issues arise, I will make every effort to include any mutually agreed upon modifications, consistent with the rule, in an amendment when the bill is considered on the House floor. I also will include a copy of this and your letter in the committee report. I also understand that you will seek the appointment of conferees from the Committee on Transportation and Infrastructure with respect to provisions within your committee's jurisdiction during any House-Senate conference on the bill or a Senate-passed version.

Thank you for your cooperation.

With warm personal regards, I am  
Sincerely,

FLOYD SPENCE, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,  
*Washington, DC, May 7, 1996*

Hon. FLOYD SPENCE,  
*Chairman, Committee on National Security, House of Representatives, Washington, DC*

DEAR MR. CHAIRMAN: Thank you for your information and cooperation regarding H.R. 3230, the National Defense Authorization Act for Fiscal Year 1997, and provisions that are within the jurisdiction of the Transportation and Infrastructure Committee.

Our Committee recognizes the importance of H.R. 3230 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over a number of provisions in the bill, I do not intend to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Transportation and Infrastructure Committee, that every effort will be made to include any agreements worked out by staff of our two Committees in an amendment as the bill is taken to the House Floor, and that a copy of this letter and of your response will be included in the Committee Report. In addition, the Transportation and Infrastructure Committee reserves the right to be included as conferees on any matter within its jurisdiction should this legislation go to a House-Senate conference.

Pursuant to Rule X, clause 1 (q), of Rules of the House of Representatives, the Transportation and Infrastructure Committee has jurisdiction over oil and other pollution of navigable waters. This includes provisions which amend or affect the Clean Water Act, the Ocean Dumping Act, the Coastal Zone Management Act, the Act to Prevent Pollution from Ships, and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Accordingly, our Committee has a jurisdictional interest in various provisions in H.R. 3230, including provisions in Subtitle C, Environmental Provisions, provisions relating to CERCLA, and provisions in Subtitle E, Defense Nuclear Environmental Cleanup and Management.

Specifically, the following sections relating to water quality are within or affect the primary jurisdiction of the Transportation and Infrastructure Committee:

324—Navy compliance with shipboard solid waste control requirements.

327—Navy program to monitor ecological effects of organotin.

In addition, I believe the Committee could be successful in requesting a sequential referral over provisions in Subtitle E, Defense Nuclear Environmental Cleanup and Management, based on effects on authorities and requirements under CERCLA and the Clean Water Act. However, I appreciate your willingness, prior to markup, to address our jurisdictional concerns by, among other

things, modifying provisions on additional duties and certifications, and therefore I will not seek a sequential referral.

In addition, I appreciate your willingness to modify section 2832, Land exchange, St. Helena Annex, Norfolk Naval Shipyard, Virginia, to take into account our jurisdictional concerns.

Finally, I would note that section 247, the National Oceanographic Partnership Program, may affect our jurisdiction, as well. As the Committee with jurisdiction over laws protecting ocean and coastal water quality and over agencies such as the Coast Guard and the Environmental Protection Agency, we have a significant interest in ocean protection and research.

Thank you again for your assurances. I look forward to continuing to work with you on HR. 3230 and other matters of mutual interest to our two Committees.

Sincerely,

BUD SHUSTER, *Chairman.*

## FISCAL DATA

Pursuant to clause 7 of Rule XIII of the Rules of the House of Representatives, the committee attempted to ascertain annual outlays resulting from the bill during fiscal year 1997 and the four following fiscal years. The results of such efforts are reflected in the cost estimate prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974, which is included in this report pursuant to clause 2(1)(3)(C) of House Rule XI.

### CONGRESSIONAL BUDGET OFFICE ESTIMATE

In compliance with clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives, the cost estimate prepared by the Congressional Budget Office and submitted pursuant to section 403(a) of the Congressional Budget Act of 1974 is as follows:

MAY 7, 1996.

Hon. FLOYD SPENCE,  
*Chairman, Committee on National Security, House of Representatives, Washington, DC*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 3230, the National Defense Authorization Act for Fiscal Year 1997, as ordered reported by the House Committee on National Security on May 1, 1996.

The bill would affect direct spending and receipts, and thus would be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

If you wish, we would be pleased to provide further details on the estimate.

Sincerely,

June E. O'Neill.

### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 3230.
2. Bill title: National Defense Authorization Act for Fiscal Year 1997.
3. Bill status: As ordered reported by the House Committee on National Security on May 1, 1996.
4. Bill purpose: This bill would authorize appropriations for 1997 for the military functions of the Department of Defense (DoD) and the Department of Energy (DoE). This bill also would prescribe personnel strengths for each active duty and selected reserve component.
5. Estimated cost to the Federal Government: Table 1 summarizes the budgetary effects of the bill. It shows the effects of the bill on direct spending and authorizations of appropriations for

1997. Assuming appropriation of the amounts authorized, the bill would increase funding for discretionary programs in 1997 by about \$2.3 billion over the 1996 appropriated level, and outlays would increase by about \$0.6 billion.

6. Basis of estimate: The estimate assumes that the bill will be enacted by October 1, 1996, and that the amounts authorized will be appropriated for 1997. Outlays are estimated according to historical spending patterns.

#### *Direct spending*

The bill contains several provisions that would affect direct spending and thus would subject the bill to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (see Table 2). The provisions involve eligibility for Montgomery GI Bill benefits, recoupment of financial assistance from certain health professionals, retirement of reserve judge advocates, and other matters with much less significant costs.

TABLE 1.—BUDGETARY IMPACT OF H.R. 3230 AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON NATIONAL SECURITY

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000	2001	2002
DIRECT SPENDING							
Estimated budget authority .....	0	-2	-4	-4	-3	-2	-1
Estimated outlays .....	0	-2	-4	-4	-3	-2	-1
SPENDING SUBJECT TO APPROPRIATIONS ACTION							
Spending under current law:							
Budget authority <sup>1</sup> .....	265,023	0	0	0	0	0	0
Estimated outlays .....	264,311	91,156	36,485	17,138	7,362	3,275	913
Proposed changes:							
Authorization level .....	0	267,328	0	0	0	0	0
Estimated outlays .....	0	173,738	54,404	21,333	9,270	3,909	2,018
Spending Under H.R. 3230							
Authorization level <sup>1</sup> .....	265,023	267,328	0	0	0	0	0
Estimated outlays .....	264,311	264,894	90,889	38,471	16,632	7,184	2,931

<sup>1</sup> The 1996 figure is the amount appropriated for programs authorized by this bill.

Note.—Costs of the bill would fall under budget function 050, National Defense, except for certain other items as noted.

Montgomery G.I. bill.—In section 556, the bill would expand eligibility for Montgomery G.I. Bill (MGIB) benefits to certain Reserve Officer Training Corps (ROTC) participants. ROTC recipients who enter active duty after October 1, 1996, and receive a yearly scholarship below \$2,000 would be allowed to enroll in the MGIB program. The provision reduces direct spending by \$1 million in 1997 and by \$2 million in 1998 and 1999 because enrollees would contribute \$1,200 each. Once these cohorts begin training, however, net costs would be incurred—about \$1 million in 2002.

Financial Assistance Programs for Health Professionals.—Each year 10 to 20 health professionals fail to complete the service obligation that they incurred when DoD provided them with financial assistance while they were being trained. The bill would provide alternatives to the current obligation to serve on active duty. This provision would give the Secretary of Defense the discretion to allow such individuals to fulfill their obligation through other types

of government service or by repaying the costs of their training. If half of those affected chose the repayment option, savings to the government would amount to about \$1 million annually.

TABLE 2.—DIRECT SPENDING IMPACTS IN H.R. 3230

[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
DIRECT SPENDING						
Montgomery GI bill .....	-1	-2	-2	-1	.....	1
Health professional repayment .....	-1	-1	-1	-1	-1	-1
Reserve judge advocates .....	.....	-1	-1	-1	-1	-1
Other direct spending .....	.....	.....	.....	.....	.....	.....
Total direct spending .....	-2	-4	-4	-3	-2	-1

**Retirement of Reserve Judge Advocates.** Section 507 would allow the Secretary of Defense to retain on reserve duty reservists who are judge advocates and who would otherwise retire. This provision would reduce retirement costs because these individuals would retire later than under current law. Savings would be less than \$500,000 in 1997 and \$1 million annually thereafter.

**Other Direct Spending.** The bill contains other provisions with direct spending impacts of less than \$500,000 a year.

**Pilot Program for Reemployed Annuitants.** Section 335 would establish a pilot program to permit no more than 50 reemployed annuitants in DoD to reduce their work hours and to begin collecting their full pensions. Under current law, an employing agency must deduct the annuity amount from the paycheck of a reemployed civil service annuitant and remit that amount to the retirement trust fund. The retirement fund, in effect, makes no net annuity payments to annuitants while they are reemployed. Under the bill, the salary reduction would be waived for up to 24 months for up to 50 people at any one time, but the sum of annuity and pay may not exceed the gross full-time salary for the position. Participants in the program would have to reduce their work hours to 20 to 30 hours per week to meet this requirement.

The provision would raise retirement outlays because some employees would have an incentive to retire earlier than they would under current law. CBO estimates that the increase in spending would be less than \$500,000 each year from fiscal year 1997 to 2001 when the program would end.

**Miscellaneous Military Retirement Provisions.** Five other provisions would change current law governing military retirement including survivor benefits. None of these provisions would have significant costs because relatively few people would be affected and changes in benefit levels are relatively small:

Section 632 would allow service members who are retired due to physical disabilities to receive retired pay based on the grade to which they would have been promoted had it not been for the onset of the physical disability.

Section 555 would allow certain members of the reserves to receive retirement-related credit if they participate in selected educational programs and work in a specialty that is critically needed in wartime.



Section 633 would authorize reservists to receive disability retirement if they are injured during overnight stays associated with inactive-duty training.

Section 634 would allow certain reservists to retire at higher grades. Currently if a reservist accepts a reduction in grade to serve on active duty, and then retires while on active duty, the retirement annuity is based on the lower grade. Under section 634, the annuity would be based on the higher grade.

Section 635 would cause the initial cost-of-living adjustment for military retirees who entered services between 1980 and 1986 to follow the same formula as for other military retirees.

*Other Programs.* Other provisions that would have insignificant costs affect potential Medal of Honor recipients and former prisoners of war:

Section 1035 would give the President the authority to award the Medal of Honor to seven individuals. This award is accompanied by a monthly payment of \$400, but the annual costs for all seven recipients would amount to less than \$500,000 a year.

Section 1036 would authorize one-time payments to certain military personnel who received the prisoner of war medal after being detained during World War II. Payments of \$120 to \$180 would be made to a maximum of 50 people, so the total cost of the provision would be less than \$500,000.

#### *Authorizations of appropriations*

The bill authorizes specific appropriations of \$197 billion in 1997 for operation and maintenance, procurement, research, development, test and evaluation, nuclear weapons programs and other DoD programs. These authorizations fall under National Defense, budget function 050.

In addition, the bill would authorize specific appropriations for other budget functions:

\$150 million for the Naval Petroleum Reserve (function 270).

\$70 million for the Maritime Administration (function 400).

\$57 million for the Armed Forces Retirement Home (function 700).

\$14 million in 1997 and 1998 to fund Sikes Act programs (function 300).

The bill also contains both specific and implicit authorizations of appropriations for other military programs, primarily for military personnel costs, some of which extend beyond 1997. Table 3 contains estimates for the authorized amounts and the related outlays. The following sections describe the estimated authorizations shown in Table 3 and provide information about CBO's cost estimates.

*Endstrength.* The bill would authorize active and reserve component endstrengths for 1997 at a cost of more than \$68 billion. Endstrengths for active-duty personnel would total about 1,457,400—about 400 more than in the Administration's request but about 24,300 below the level estimated for 1996. DoD reserve endstrengths would be authorized at about 902,400—about 1,400 more than in the Administration's request but about 28,400 less than the estimated 1996 level.

TABLE 3.—AUTHORIZATIONS OF APPROPRIATIONS IN THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997 AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON NATIONAL SECURITY

[By fiscal year, in millions of dollars]

Category	1997	1998	1999	2000	2001	2002
Stated Authorizations .....	197,056	14	0	0	0	0
Estimated Outlays .....	107,003	50,873	21,347	9,276	3,909	2,018
Endstrengths:						
Function 050:						
Estimated Authorization Level .....	68,485	0	0	0	0	0
Estimated Outlays .....	65,041	3,444	0	0	0	0
Function 400:						
Estimated Authorization Level .....	66	0	0	0	0	0
Estimated Outlays .....	59	7	0	0	0	0
Compensation and Benefits:						
Military Pay Raise and BAQ Increase:						
Estimated Authorization Level .....	1,400	1,852	1,826	1,808	1,807	1,804
Estimated Outlays .....	1,330	1,829	1,827	1,809	1,807	1,804
Expiring Authorities-Active:						
Estimated Authorization Level .....	0	148	51	35	33	16
Estimated Outlays .....	0	141	56	36	33	17
Expiring Authorities-Aviation/Nuclear:						
Estimated Authorization Level .....	0	49	24	24	17	15
Estimated Outlays .....	0	47	25	24	17	15
Expiring Authorities-Reserve:						
Estimated Authorization Level .....	0	33	27	18	13	9
Estimated Outlays .....	0	31	27	18	13	9
Expiring Authorities-Nurses:						
Estimated Authorization Level .....	0	12	0	0	0	0
Estimated Outlays .....	0	11	1	0	0	0
Moving Expenses:						
Estimated Authorization Level .....	55	75	75	77	78	78
Estimated Outlays .....	52	74	75	77	78	78
Variable Housing Allowance:						
Estimated Authorization Level .....	35	46	47	48	50	50
Estimated Outlays .....	33	45	47	48	50	50
Housing for Personnel on Sea-Duty:						
Estimated Authorization Level .....	10	41	42	43	44	44
Estimated Outlays .....	9	39	42	43	44	44
Grade Structure:						
Estimated Authorization Level .....	3	33	34	35	36	37
Estimated Outlays .....	3	31	34	35	36	37
Special Pay for Dentists:						
Estimated Authorization Level .....	15	15	15	15	15	15
Estimated Outlays .....	14	15	15	15	15	15
Cap on Military Personnel Appropriations:						
Estimated Authorization Level .....	203	0	0	0	0	0
Estimated Outlays .....	193	10	0	0	0	0
Health Care:						
Uniformed Services Treatment Facilities:						
Estimated Authorization Level .....	(1)	-157	-163	-170	-176	-184
Estimated Outlays .....	(1)	-118	-162	-168	-175	-184
Composite Health Care System:						
Estimated Authorization Level .....	(1)	(2)	(2)	(2)	(2)	(2)
Estimated Outlays .....	(1)	(2)	(2)	(2)	(2)	(2)
Lodgings for Reserve Personnel:						
Estimated Authorization Level .....	(1)	19	19	20	20	21
Estimated Outlays .....	(1)	14	19	20	20	21
Reductions in Civilian Personnel:						
Estimated Authorization Level .....	(1)	-423	-105	-15	-14	-14
Estimated Outlays .....	(1)	-317	-185	-38	-14	-14
Total Authorizations of Appropriations:						
Estimated Authorization Level .....	267,328	1,757	1,892	1,938	1,923	1,891
Estimated Outlays from Authorizations for 1997 .....	173,738	54,404	21,333	9,270	3,909	2,018

TABLE 3.—AUTHORIZATIONS OF APPROPRIATIONS IN THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997 AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON NATIONAL SECURITY—Continued

[By fiscal year, in millions of dollars]

Category	1997	1998	1999	2000	2001	2002
Estimated Outlays from Authorizations for 19982001 .....	0	1,774	1,836	1,925	1,925	1,892

<sup>1</sup>The 1997 impacts of these provisions are included in the amounts specifically authorized to be appropriated in the bill.

<sup>2</sup>CBO is unable to estimate the costs of this provision.

Also, the bill would authorize an endstrength of 8,000 in 1997 for the Coast Guard Reserve, which is the same as the 1996 level and the Administration's request; this authorization would cost about \$66 million and would fall under budget function 400, Transportation.

**Compensation and Benefits.** The bill contains several provisions that would affect military compensation and benefits.

*Pay Raises and Quarters Allowances.* Section 601 would authorize a 3.0 percent increase in the rates of basic pay and the basic allowance for subsistence for military personnel, at a cost of \$1.2 billion in 1997. The same section would also call for the basic allowance for quarters (BAQ) to increase by 4.6 percent. Under current law BAQ increases according to the military pay raise; consequently, the 3.0 percent pay raise authorized in this bill would raise BAQ by \$109 million. The provision that raises BAQ by the additional 1.6 percent would cost another \$58 million. Thus, BAQ would increase by \$167 million compared to 1996 rates.

*Expiring Authorities.* Several sections would extend for one year certain payment authorities that are scheduled to expire at the end of 1997. In some cases, renewing authorities for one year results in costs over several years because payments are made in installments. Payment authorities for enlistment and reenlistment bonuses for active duty personnel would cost \$148 million in 1998. The cost of extensions of special payments for aviators and nuclear-qualified personnel would total \$49 million in 1998. Extension of various bonus programs for Selected Reserve personnel would increase costs by \$33 million in 1998. Finally, authorities to make special payments to nurse officer candidates, registered nurses, and nurse anesthetists would increase authorizations by \$12 million in 1998.

*Moving Expenses.* The bill makes several changes to benefits received by military personnel when they change duty stations permanently:

The dislocation allowance (DLA)—a payment for miscellaneous expenses—currently equals two months of BAQ payments; the bill would increase it to two and one-half months at a cost of \$50 million annually. Costs would be less in 1997, about \$39 million, because the provision would not take effect until January 1, 1997.

The allowance for temporary lodging expenses (TLE) is paid to certain members who occupy temporary quarters—for example, motels—during a move. Currently, first-term personnel embarking on their initial change of station are not eligible for this payment, but the bill would extend it to them. This change

would affect about 50,000 people, who would receive payments averaging \$360, for a total annual cost of about \$18 million. This provision also includes an effective date of January 1, 1997, so costs in the first year would be lower, about \$14 million.

The bill would allow DoD to pay storage costs for motor vehicles when members cannot take the vehicle along and to reimburse members for certain expenses when they pick up a vehicle at a port following government shipment. Together, these two provisions would cost \$2 million in 1997.

*Variable Housing Allowance.* The bill would also increase Variable Housing Allowance (VHA) payments to certain servicemembers living in areas with high housing costs by establishing a minimum payment level. The cost of this change would be about \$46 million annually. Because the provision would not take effect until January 1, 1997, its first-year costs would total \$35 million.

*Housing Allowance During Duty at Sea.* The bill would authorize payment of housing allowances to certain personnel in pay grade E-5 who are assigned to shipboard sea duty. This change would provide about 7,000 personnel with housing allowances averaging \$6,000 annually, for a total yearly cost of about \$40 million. In 1997, costs would only be \$10 million because the effective date of the provision is January 1, 1997.

*Grade Structure.* The bill would authorize the number of active duty officers who can serve in certain pay grades in each of the military services. This change would not increase the overall endstrength, but it would result in increased promotions. The provision has a cost, about \$35 million annually, because personnel serving in higher grades are paid more. Because the provision does not take effect until September 1, 1997, the cost are only \$3 million in 1997.

*Special Pay for Dentists.* In 1996, DoD will pay about \$40 million in incentive payments to dentists serving as officers in the military services. This bill would increase both the level and the number of these payments. Existing retention payments to certain dental officers would increase at a cost of \$8 million in 1997. Certain new dental officers would be granted an accession bonus of \$30,000, for a total cost of \$7 million each year. Finally, certain dentists serving in the Selected Reserve would receive a new incentive payment during their annual period of active duty, at a cost of less than \$500,000 a year.

*Military Personnel Authorization.* Section 421 of the bill explicitly authorizes appropriations for military personnel of \$70,206 million in 1997. Because the estimated costs of other sections of the bill fall short of this level, this section has the effect of adding \$203 million to the other 1997 costs identified in Table 3.

*Military Health Care Programs.* The bill contains two provisions that affect military health care and that have significant budgetary impacts.

*Uniformed Services Treatment Facilities (USTF).* Uniformed Services Treatment Facilities (USTFs) are private sector health care providers under contract to DoD. They currently provide health care to more than 95,000 DoD beneficiaries. DoD purchases

this care on an overall cost-per-beneficiary or capitation basis. Currently, these facilities provide a broader benefit package at a lower out-of-pocket cost for the beneficiary than is available to most other DoD beneficiaries. As a result, the cost of insuring beneficiaries through USTFs is nearly twice as high as it would be through DoD's managed care system. This provision would make USTF's subject to the rules of DoD's managed care system, at a savings of about \$170 million annually.

*Composite Health Care System (CHCS).* The bill would direct the Secretary of Defense to make certain changes to the Composite Health Care System (CHCS), an automated medical information system used by DoD. These changes would standardize CHCS so that the information systems of various military treatment facilities and private contractors could exchange data about health care beneficiaries. No information is available from DoD about the potential costs of the changes, so CBO is unable to estimate the cost of this provision.

*Lodgings for Reservists.* Section 1252 would allow the secretaries of the military services to reimburse reservists for certain lodging expenses during their annual period of active duty. This provision would cost about \$20 million annually in operation and maintenance accounts.

*Civilian Personnel Reductions.* Sections 901 and 902 would reduce the size of the DoD civilian workforce. Section 901 would reduce the number of personnel involved in the acquisition process by 40,000 compared to the 1995 level. This would cause the number of personnel to decline by 27,000 more in 1997 than would already be accomplished under the Administration's plan, assuming reductions in the acquisition workforce are proportional to those planned for all of DoD. Savings would total \$160 million in 1997 and \$410 million in 1998. The effect of this provision would be to accelerate reductions already expected to take place under the Administration's plan, so savings after 1998 would be smaller, as the size of the workforce under the Administration's plan would continue to decline beyond the level of the reductions in the bill.

Section 902 would reduce the number of personnel assigned to the Office of the Secretary of Defense (OSD) by the end of 1999 to 75 percent of 1994 levels. This would reduce the number of workers by about 400, or about 300 more than under the Administration's current plan, assuming reductions in the OSD workforce are proportional to those in the overall DoD workforce. This change would save \$6 million in 1997 and about \$15 million annually after that.

*Panama Canal Commission.* Title XXXV would authorize the Panama Canal Commission to spend any sums available to it from operating revenues or Treasury borrowing for operation, maintenance, and improvement of the canal in fiscal year 1997. This spending is considered discretionary, because the appropriation bill customarily establishes an obligation ceiling for this account. CBO estimates that Panama Canal Commission collections and outlays will be about \$624 million in 1997.

7. *Pay-as-you-go considerations:* Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. Because this bill would affect direct spending,

pay-as-you-go procedures would apply. These effects are summarized in the following table.

[By fiscal years, in millions of dollars]—

	1996	1997	1998
Change in outlays .....	0	-2	-4
Change in receipts .....	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )—

<sup>1</sup> Not applicable.

8. Estimated impact on State, local, and tribal governments: H.R. 3230 contains no intergovernmental mandates as defined in Public Law 104-4 and would impose no significant direct costs on state, local, or tribal governments. A number of the bill's provisions—such as those pertaining to land conveyances and food and equipment donations—would affect state or local governments; however, none would create new enforceable duties or result in significant budget impacts on these entities.

9. Estimated impact on the private sector: This bill would impose no new federal private sector mandates, as defined in Public Law 104-4.

10. Previous CBO estimate: None.

11. Estimate prepared by: Federal Cost Estimate: Kent Christensen, Victoria Fraider, Raymond Hall, and Amy Plapp prepared the estimates affecting the Department of Defense. Kathy Gramp prepared the estimate for the Naval Petroleum Reserve. Deborah Reis prepared the estimate for the Panama Canal Commission. Wayne Boyington prepared the estimates for the costs of changes to civilian retirement programs. Gary S. Brown and Victoria V. Heid prepared the estimates related to the Sikes Act programs and land withdrawals.

State and Local Government Impact: Leo Lex and Karen McVey.

Private Sector Impact: Neil Singer.

12. Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

#### COMMITTEE COST ESTIMATE

Pursuant to clause 7(a) of Rule XIII of the Rules of the House of Representatives, the committee generally concurs with the estimate as contained in the report of the Congressional Budget Office.

#### INFLATION IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the committee concludes that the bill would have no significant inflationary impact.

#### OVERSIGHT FINDINGS

With respect to clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, this legislation results from hearings and other oversight activities conducted by the committee pursuant to clause 2(b)(1) of rule X.

With respect to clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a)(1) of the Congressional Budget Act of 1974, this legislation does not include any new

spending or credit authority, nor does it provide for any increase or decrease in tax revenues or expenditures. The bill does, however, authorize appropriations. Other fiscal features of this legislation are addressed in the estimate prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

With respect to clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the committee has not received a report from the Committee on Government Reform and Oversight pertaining to the subject matter of H.R. 3230.

#### STATEMENT OF FEDERAL MANDATES

Pursuant to section 423 of Public Law 104-4, this legislation contains no federal mandates with respect to state, local, and tribal governments, nor with respect to the private sector. Similarly, the bill provides no federal intergovernmental mandates.

#### ROLL CALL VOTES

In accordance with clause 2(1)(2)(B) of rule XI of the Rules of the House of Representatives, roll call and voice votes were taken with respect to the committee's consideration of H.R. 3230. The record of these votes is attached to this report.

The committee ordered H.R. 3230 reported to the House with a favorable recommendation by a vote of 49-2, a quorum being present.

**COMMITTEE ON NATIONAL SECURITY**  
**104TH CONGRESS**  
**ROLL CALL**

**Amendment Number:** \_\_\_\_\_ **Date:** 05/01/96  
**Core Logistics Capabilities at DoD Depots** **Offered By:** Mr. Tejada

Voice Vote    Ayes    Nays

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Spence		X		Mr. Dellums		X	
Mr. Stump		X		Mr. Montgomery		X	
Mr. Hunter		X		Mr. Schroeder			
Mr. Kasich				Mr. Skelton		X	
Mr. Bateman			X	Mr. Sisisky		X	
Mr. Hansen		X		Mr. Spratt		X	
Mr. Weldon		X		Mr. Ortiz		X	
Mr. Dornan				Mr. Pickett		X	
Mr. Hefley	X			Mr. Evans		X	
Mr. Saxton		X		Mr. Tanner	X		
Mr. Cunningham		X		Mr. Browder		X	
Mr. Buyer		X		Mr. Taylor		X	
Mr. Torkildsen		X		Mr. Abercrombie		X	
Mrs. Fowler		X		Mr. Edwards	X		
Mr. McHugh		X		Mr. Tejada	X		
Mr. Talent		X		Mr. Meehan			
Mr. Everett	X			Mr. Underwood			
Mr. Bartlett	X			Ms. Harman			
Mr. McKeon	X			Mr. McHale	X		
Mr. Lewis		X		Mr. Geren	X		
Mr. Watts		X		Mr. Peterson		X	
Mr. Thornberry	X			Mr. Jefferson			
Mr. Hostettler		X		Ms. DeLauro	X		
Mr. Chambliss		X		Mr. Ward	X		
Mr. Hilleary		X		Mr. Kennedy		X	
Mr. Scarborough		X					
Mr. Jones		X					
Mr. Longley		X					
Mr. Tiahrt	X						
Mr. Hastings		X					

**Roll Call Vote Total**    13 Aye    34 Nay    1 Present



**COMMITTEE ON NATIONAL SECURITY  
104TH CONGRESS  
ROLL CALL**

**Amendment Number:** \_\_\_\_\_ **Date:** 05/01/96  
**Restore Prior Abortion Policy** **Offered By:** Ms. DeLauro

Voice Vote    Ayes    Nays

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Spence		X		Mr. Dellums	X		
Mr. Stump		X		Mr. Montgomery		X	
Mr. Hunter		X		Mr. Schroeder	X		
Mr. Kasich				Mr. Skelton		X	
Mr. Bateman		X		Mr. Sisisky	X		
Mr. Hansen		X		Mr. Spratt	X		
Mr. Weldon		X		Mr. Ortiz		X	
Mr. Dornan		X		Mr. Pickett	X		
Mr. Hefley		X		Mr. Evans	X		
Mr. Saxton				Mr. Tanner	X		
Mr. Cunningham		X		Mr. Browder		X	
Mr. Buyer				Mr. Taylor		X	
Mr. Torkildsen	X			Mr. Abercrombie	X		
Mrs. Fowler	X			Mr. Edwards	X		
Mr. McHugh		X		Mr. Tejada		X	
Mr. Talent		X		Mr. Meehan	X		
Mr. Everett				Mr. Underwood		X	
Mr. Bartlett		X		Ms. Harman	X		
Mr. McKeon				Mr. McHale	X		
Mr. Lewis		X		Mr. Geren	X		
Mr. Watts				Mr. Peterson	X		
Mr. Thornberry		X		Mr. Jefferson	X		
Mr. Hostettler				Ms. DeLauro	X		
Mr. Chambliss		X		Mr. Ward			
Mr. Hilleary				Mr. Kennedy	X		
Mr. Scarborough		X					
Mr. Jones		X					
Mr. Longley	X						
Mr. Tiahrt		X					
Mr. Hastings		X					

**Roll Call Vote Total**    20 Aye    26 Nay    Present

**COMMITTEE ON NATIONAL SECURITY**  
**104TH CONGRESS**  
**ROLL CALL**

**Amendment Number:** \_\_\_\_\_ **Date:** 05/01/96  
**HIV Technical Amendments** \_\_\_\_\_ **Offered By:** Mr. Dornan

Voice Vote    Ayes    Nays

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Spence	X			Mr. Dellums		X	
Mr. Stump	X			Mr. Montgomery	X		
Mr. Hunter	X			Mr. Schroeder		X	
Mr. Kasich	X			Mr. Skelton	X		
Mr. Bateman	X			Mr. Sisisky	X		
Mr. Hansen				Mr. Spratt			
Mr. Weldon	X			Mr. Ortiz	X		
Mr. Dornan	X			Mr. Pickett	X		
Mr. Hefley	X			Mr. Evans		X	
Mr. Saxton				Mr. Tanner	X		
Mr. Cunningham				Mr. Browder	X		
Mr. Buyer	X			Mr. Taylor	X		
Mr. Torkildsen		X		Mr. Abercrombie		X	
Mrs. Fowler	X			Mr. Edwards		X	
Mr. McHugh	X			Mr. Tejada	X		
Mr. Talent	X			Mr. Meehan			
Mr. Everett	X			Mr. Underwood		X	
Mr. Bartlett	X			Ms. Harman		X	
Mr. McKeon	X			Mr. McHale	X		
Mr. Lewis	X			Mr. Geren	X		
Mr. Watts	X			Mr. Peterson		X	
Mr. Thornberry	X			Mr. Jefferson		X	
Mr. Hostettler	X			Ms. DeLauro		X	
Mr. Chambliss	X			Mr. Ward		X	
Mr. Hilleary	X			Mr. Kennedy		X	
Mr. Scarborough	X						
Mr. Jones	X						
Mr. Longley	X						
Mr. Tiahrt	X						
Mr. Hastings	X						

**Roll Call Vote Total**    37 Aye 13 Nay    Present

**COMMITTEE ON NATIONAL SECURITY  
104TH CONGRESS  
ROLL CALL**

**Motion to Close**

**Date: 05/01/96**

**Offered By: Mr. Weldon**

Voice Vote         Ayes         Nays

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Spence	X			Mr. Dellums	X		
Mr. Stump	X			Mr. Montgomery	X		
Mr. Hunter	X			Mr. Schroeder			
Mr. Kasich				Mr. Skelton	X		
Mr. Bateman	X			Mr. Sisisky	X		
Mr. Hansen	X			Mr. Spratt	X		
Mr. Weldon	X			Mr. Ortiz	X		
Mr. Dornan	X			Mr. Pickett	X		
Mr. Hefley	X			Mr. Evans	X		
Mr. Saxton	X			Mr. Tanner	X		
Mr. Cunningham	X			Mr. Browder	X		
Mr. Buyer	X			Mr. Taylor	X		
Mr. Torkildsen	X			Mr. Abercrombie			
Mrs. Fowler	X			Mr. Edwards	X		
Mr. McHugh	X			Mr. Tejada	X		
Mr. Talent	X			Mr. Meehan			
Mr. Everett	X			Mr. Underwood	X		
Mr. Bartlett	X			Ms. Harman	X		
Mr. McKeon	X			Mr. McHale			
Mr. Lewis	X			Mr. Geren	X		
Mr. Watts	X			Mr. Peterson	X		
Mr. Thornberry	X			Mr. Jefferson			
Mr. Hostettler				Ms. DeLauro	X		
Mr. Chambliss	X			Mr. Ward	X		
Mr. Hilleary				Mr. Kennedy	X		
Mr. Scarborough							
Mr. Jones	X						
Mr. Longley							
Mr. Tiahrt	X						
Mr. Hastings	X						

**Roll Call Vote Total         45 Aye         Nay         Present**

**COMMITTEE ON NATIONAL SECURITY  
104TH CONGRESS  
ROLL CALL**

**Amendment Number:** \_\_\_\_\_ **Date:** 05/01/96  
**DoE Environmental \$150M Increase/  
 Stockpile Stewardship \$150M Decrease** **Offered By:** Mr. Evans

**Voice Vote**    Ayes    Nays

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Spence		X		Mr. Dellums	X		
Mr. Stump		X		Mr. Montgomery		X	
Mr. Hunter		X		Mr. Schroeder			
Mr. Kasich		X		Mr. Skelton		X	
Mr. Bateman		X		Mr. Sisisky		X	
Mr. Hansen		X		Mr. Spratt	X		
Mr. Weldon		X		Mr. Ortiz	X		
Mr. Dornan				Mr. Pickett		X	
Mr. Hefley		X		Mr. Evans	X		
Mr. Saxton		X		Mr. Tanner		X	
Mr. Cunningham		X		Mr. Browder	X		
Mr. Buyer		X		Mr. Taylor	X		
Mr. Torkildsen		X		Mr. Abercrombie	X		
Mrs. Fowler		X		Mr. Edwards	X		
Mr. McHugh		X		Mr. Tejeda	X		
Mr. Talent		X		Mr. Meehan			
Mr. Everett		X		Mr. Underwood			
Mr. Bartlett		X		Ms. Harman		X	
Mr. McKeon		X		Mr. McHale	X		
Mr. Lewis		X		Mr. Geren		X	
Mr. Watts		X		Mr. Peterson		X	
Mr. Thornberry		X		Mr. Jefferson	X		
Mr. Hostettler		X		Ms. DeLauro	X		
Mr. Chambliss		X		Mr. Ward	X		
Mr. Hilleary		X		Mr. Kennedy	X		
Mr. Scarborough		X					
Mr. Jones		X					
Mr. Longley		X					
Mr. Tiahrt		X					
Mr. Hastings	X						

**Roll Call Vote Total**    15 Aye 36 Nay    Present

**COMMITTEE ON NATIONAL SECURITY  
104TH CONGRESS  
ROLL CALL**

Final Passage of HR 3230

Date: 05/01/96

Voice Vote    Ayes    Nays

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Spence	X			Mr. Dellums		X	
Mr. Stump	X			Mr. Montgomery	X		
Mr. Hunter	X			Mr. Schroeder			
Mr. Kasich	X			Mr. Skelton	X		
Mr. Bateman	X			Mr. Sisisky	X		
Mr. Hansen	X			Mr. Spratt	X		
Mr. Weldon	X			Mr. Ortiz	X		
Mr. Dornan				Mr. Pickett	X		
Mr. Hefley	X			Mr. Evans		X	
Mr. Saxton	X			Mr. Tanner	X		
Mr. Cunningham	X			Mr. Browder	X		
Mr. Buyer	X			Mr. Taylor	X		
Mr. Torkildsen	X			Mr. Abercrombie	X		
Mrs. Fowler	X			Mr. Edwards	X		
Mr. McHugh	X			Mr. Tejada	X		
Mr. Talent	X			Mr. Meehan			
Mr. Everett	X			Mr. Underwood			
Mr. Bartlett	X			Ms. Harman	X		
Mr. McKeon	X			Mr. McHale	X		
Mr. Lewis	X			Mr. Geren	X		
Mr. Watts	X			Mr. Peterson	X		
Mr. Thornberry	X			Mr. Jefferson	X		
Mr. Hostettler	X			Ms. DeLauro	X		
Mr. Chambliss	X			Mr. Ward	X		
Mr. Hilleary	X			Mr. Kennedy	X		
Mr. Scarborough	X						
Mr. Jones	X						
Mr. Longley	X						
Mr. Tiaht	X						
Mr. Hastings	X						

Roll Call Vote Total    49 Aye    2 Nay    Present

CHANGES IN EXISTING LAW MADE BY THE BILL, AS  
REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL  
YEARS 1990 AND 1991

\* \* \* \* \*

**DIVISION A—DEPARTMENT OF  
DEFENSE AUTHORIZATIONS**

**TITLE I—PROCUREMENT**

\* \* \* \* \*

PART D—PROGRAM TERMINATIONS

\* \* \* \* \*

**[SEC. 132. AH-64 HELICOPTER PROGRAM**

**[(a) IN GENERAL.—(1) The Secretary of Defense shall terminate new production of AH-64 aircraft 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 AH-64 aircraft.**

**[(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, AH-64 aircraft described in paragraph (2);**

**[(B) completion of the new production aircraft described in paragraph (2)(B); and**

**[(C) the obligation of not more than \$1,487,527,000 from funds made available for fiscal years 1990 and 1991 for not more than 132 new production AH-64 aircraft and for payment of costs necessary to terminate the AH-64 aircraft program.**

**[(2) The AH-64 aircraft referred to in paragraph (1)(A) are—**

**[(A) AH-64 aircraft acquired by the Army on or before the date of enactment of this Act;**

**[(B) AH-64 new production aircraft for which funds, other than funds for the procurement of long lead items and other advance procurement, were obligated before the date of enactment of this Act and which are delivered to the Army on or after that date; and**

**[(C) 132 new production AH-64 aircraft for which funds are available in accordance with subsection (b)(1)(C).**

**[SEC. 133. AHIP SCOUT AIRCRAFT PROGRAM**

**[(a) IN GENERAL.—(1)** The Secretary of Defense shall terminate the AHIP Scout aircraft 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 AHIP Scout aircraft (OH-58 aircraft modified into the configuration specified in the Army Helicopter Improvement Program described in the Selected Acquisition Report, dated December 31, 1988, relating to the OH-58 helicopter).

**[(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, AHIP Scout aircraft described in paragraph (2);

**[(B)** completion of the installation of AHIP modification kits in the AHIP Scout aircraft described in paragraph (2)(B);

**[(C)** the obligation of not more than \$195,000,000 from funds made available pursuant to section 101(a) for the procurement and installation of AHIP modification kits in not more than 36 AHIP Scout aircraft and for payment of costs necessary to terminate the AHIP Scout aircraft program; and

**[(D)** the obligation of not more than \$200,000,000 from funds appropriated pursuant to an authorization of appropriations for the OH-58D AHIP Scout aircraft program during fiscal year 1991 for procurement of not more than 36 OH-58D Armed AHIP Scout aircraft and for payment of costs necessary to terminate the AHIP Scout aircraft program.

**[(2)** The AHIP Scout aircraft referred to in paragraph (1)(A) are—

**[(A)** AHIP Scout aircraft acquired by the Army on or before the date of enactment of this Act;

**[(B)** AHIP Scout aircraft for which funds, other than funds for the procurement of long lead items and other advance procurement, were obligated before the date of enactment of this Act and which are delivered to the Army on or after that date; and

**[(C)** 36 AHIP Scout aircraft for which funds are available in accordance with subsection (b)(1)(C).

**[SEC. 134. F-15E AIRCRAFT PROGRAM**

**[(a) IN GENERAL.—(1)** The Secretary of Defense shall terminate new production of F-15E aircraft 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 F-15E aircraft.

**[(b) EXCEPTIONS.—(1)** The prohibition in subsection (a) does not apply to the obligation of funds for—

**[(A)** the completion of, the modification of, or the acquisition of spare or repair parts for, F-15E aircraft described in paragraph (2); or

**[(B)** the payment of costs necessary to terminate the F-15E aircraft program.

**[(2)** The F-15E aircraft referred to in paragraph (1)(A) are F-15E aircraft—

[(A) that are acquired by the Air Force before October 1, 1991; or  
[(B) for which funds have been obligated for procurement before October 1, 1991, other than for the procurement of long lead items and other advance procurement.]]

\* \* \* \* \*

**TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

\* \* \* \* \*

**PART C—STRATEGIC DEFENSE INITIATIVE**

\* \* \* \* \*

**SEC. 224. REQUIREMENT FOR ANNUAL REPORT ON SDI PROGRAMS**

(a) \* \* \*

(b) **CONTENT OF REPORT.**—Each such report shall include the following:

(1) \* \* \*

\* \* \* \* \*

[(3) A clear definition of the objectives of each planned deployment phase of the Strategic Defense Initiative or defense against strategic ballistic missiles.

[(4) An explanation of the relationship between each such phase and each program and project associated with the proposed architecture for that phase.]

[(5)] (3) The status of consultations with other member nations of the North Atlantic Treaty Organization, Japan, and other appropriate allies concerning research being conducted in the Strategic Defense Initiative program.

[(6)] (4) A statement of the compliance of the planned SDI development and testing programs with existing arms control agreements, including the 1972 Anti-Ballistic Missile Treaty.

[(7)] (5) A review of possible countermeasures [of the Soviet Union] to specific SDI programs, an estimate of the time and cost required [for the Soviet Union] to develop each such countermeasure, and an evaluation of the adequacy of the SDI programs described in the report to respond to such countermeasures.

[(8)] (6) Details regarding funding of programs and projects for the Strategic Defense Initiative (including the amounts authorized, appropriated, and made available for obligation after undistributed reductions or other offsetting reductions were carried out), as follows:  
(A) \* \* \*

\* \* \* \* \*

[(9)] (7) Details on what Strategic Defense Initiative technologies can be developed or deployed within the next 5 to 10 years to defend against significant military threats and help accomplish critical military missions. The missions to be considered include the following:



(A) Defending elements of the Armed Forces abroad and United States allies against tactical ballistic missiles, particularly new and highly accurate shorter-range ballistic missiles **[of the Soviet Union]** armed with conventional, chemical, or nuclear warheads.

(B) Defending against an accidental launch of strategic ballistic missiles against the United States.

**[(C)]** Defending against a limited but militarily effective attack by the Soviet Union aimed at disrupting the National Command Authority or other valuable military assets.

**[(D)]** Providing sufficient warning and tracking information to defend or effectively evade possible attacks by the Soviet Union against military satellites, including those in high orbits.

**[(E)]** Providing early warning and attack assessment information and the necessary survivable command, control, and communications to facilitate the use of United States military forces in defense against possible conventional or strategic attacks by the Soviet Union.

**[(F)]** Providing protection of the United States population from a nuclear attack by the Soviet Union.

**[(G)]** (C) Any other significant near-term military mission that the application of SDI technologies might help to accomplish.

**[(10)]** For each of the near-term military missions listed in paragraph (9), the report shall include the following:

**[(A)]** A list of specific program elements of the Strategic Defense Initiative that are pertinent to such mission.

**[(B)]** The Secretary's estimate of the initial operating capability dates for the architectures or systems to accomplish such missions.

**[(C)]** The Secretary's estimate of the level of funding necessary for each program to reach those initial operating capability dates.

**[(D)]** The Secretary's estimate of the survivability and cost effectiveness at the margin of such architectures or systems against current and projected threats from the Soviet Union.

\* \* \* \* \*

**TITLE XII—MILITARY DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES**

\* \* \* \* \*

**[SEC. 1208. TRANSFER OF EXCESS PERSONAL PROPERTY**

**[(a)]** TRANSFER AUTHORIZED.—(1) Notwithstanding any other provision of law and subject to subsection (b), the Secretary of Defense may transfer to Federal and State agencies personal property of the Department of Defense, including small arms and ammunition, that the Secretary determines is—

**[(A)]** suitable for use by such agencies in counter-drug activities; and

**[(B)]** excess to the needs of the Department of Defense.

[(2) Personal property transferred under this section may be transferred without cost to the recipient agency.

[(3) The Secretary shall carry out this section in consultation with the Attorney General and the Director of National Drug Control Policy.

[(b) CONDITIONS FOR TRANSFER.—The Secretary may transfer personal property under this section only if—

[(1) the property is drawn from existing stocks of the Department of Defense; and

[(2) the transfer is made without the expenditure of any funds available to the Department of Defense for the procurement of defense equipment.

[(c) APPLICATION.—The authority of the Secretary to transfer personal property under this section shall expire on September 30, 1997.]

\* \* \* \* \*

**NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996**

\* \* \* \* \*

**DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

**TITLE I—PROCUREMENT**

\* \* \* \* \*

**Subtitle C—Navy Programs**

\* \* \* \* \*

**[SEC. 133. COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.**

[(a) LIMITATION OF COSTS.—Except as provided in subsection (b), the total amount obligated or expended for procurement of the SSN-21, SSN-22, and SSN-23 Seawolf class submarines may not exceed \$7,223,659,000.

[(b) AUTOMATIC INCREASE OF LIMITATION AMOUNT.—The amount of the limitation set forth in subsection (a) is increased by the following amounts:

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

[(2) The amounts of increases in costs attributable to economic inflation after September 30, 1995.

[(3) The amounts of increases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 1995.

[(c) REPEAL OF SUPERSEDED PROVISION.—Section 122 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2682) is repealed.]

\* \* \* \* \*

**SEC. 137. T-39N TRAINER AIRCRAFT.**

[(a) LIMITATION.—The Secretary of the Navy may not enter into a contract, using funds appropriated for fiscal year 1996 for procurement of aircraft for the Navy, for the acquisition of the aircraft described in subsection (b) until 60 days after the date on which the Under Secretary of Defense for Acquisition and Technology submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives—

[(1) an analysis of the proposed acquisition of such aircraft; and

[(2) a certification that the proposed acquisition during fiscal year 1996 (A) is in the best interest of the Government, and (B) is the most cost effective means of meeting the requirements of the Navy for aircraft for use in the training of naval flight officers.]

\* \* \* \* \*

**TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

\* \* \* \* \*

**Subtitle F—Other Matters**

\* \* \* \* \*

**SEC. 272. ENHANCED FIBER OPTIC GUIDED MISSILE (EFOG-M) SYSTEM.**

(a) LIMITATIONS.—(1) \* \* \*

(2) The Secretary of the Army may not spend funds for the enhanced fiber optic guided missile (EFOG-M) system after September 30, [1998,] 1999, if the items described in paragraph (1) have not been delivered to the Army by that date and at a cost not greater than the amount set forth in paragraph (1).

\* \* \* \* \*

**TITLE III—OPERATION AND MAINTENANCE**

\* \* \* \* \*

## Subtitle E—Performance of Functions by Private-Sector Sources

### SEC. 351. COMPETITIVE PROCUREMENT OF PRINTING AND DUPLICATION SERVICES.

(a) REQUIREMENT FOR COMPETITIVE PROCUREMENT.—Except as provided in subsection (b), the Secretary of Defense shall, during [fiscal year 1996] *fiscal years 1996 and 1997* and consistent with the requirements of title 44, United States Code, competitively procure printing and duplication services from private-sector sources for the performance of at least 70 percent of the total printing and duplication requirements of the Defense Printing Service.

\* \* \* \* \*

(c) REPORTING REQUIREMENTS.—(1) *Not later than 90 days after the end of each fiscal year in which the requirement of subsection (a) applies, the Secretary of Defense shall submit to Congress a report—*

(A) *describing the extent of the compliance of the Secretary with the requirement during that fiscal year;*

(B) *specifying the total volume of printing and duplication services procured by Department of Defense during that fiscal year—*

(i) *from sources within the Department of Defense;*

(ii) *from private-sector sources; and*

(ii) *from other sources in the Federal Government; and*

(C) *specifying the total volume of printed and duplicated material during that fiscal year covered by the exception in subsection (b).*

(2) *The report required for fiscal year 1996 shall also include the plans of the Secretary for further implementation of the requirement of subsection (a) during fiscal year 1997.*

\* \* \* \* \*

## TITLE V—MILITARY PERSONNEL POLICY

\* \* \* \* \*

### Subtitle F—Other Matters

\* \* \* \* \*

### SEC. 561. EQUALIZATION OF ACCRUAL OF SERVICE CREDIT FOR OFFICERS AND ENLISTED MEMBERS.

(a) \* \* \*

\* \* \* \* \*

(d) CONFORMING AMENDMENTS.—(1) *Section 1405(c) of such title is amended—*

(A) \* \* \*

\* \* \* \* \*

## TITLE VII—HEALTH CARE PROVISIONS

\* \* \* \* \*

### Subtitle C—Uniformed Services Treatment Facilities

\* \* \* \* \*

#### **[SEC. 726. EQUITABLE IMPLEMENTATION OF UNIFORM COST SHARING REQUIREMENTS FOR UNIFORMED SERVICES TREATMENT FACILITIES.**

[(a) TIME FOR FEE IMPLEMENTATION.—The uniform managed care benefit fee and copayment schedule developed by the Secretary of Defense for use in all managed care initiatives of the military health service system, including the managed care program of the Uniformed Services Treatment Facilities, shall be extended to the managed care program of a Uniformed Services Treatment Facility only after the later of—

[(1) the implementation of the TRICARE regional program covering the service area of the Uniformed Services Treatment Facility; or

[(2) October 1, 1996.

[(b) SUBMISSION OF ACTUARIAL ESTIMATES.—Paragraph (2) of subsection (a) shall operate as a condition on the extension of the uniform managed care benefit fee and copayment schedule to the Uniformed Services Treatment Facilities only if the Uniformed Services Treatment Facilities submit to the Comptroller General of the United States, within 30 days after the date of the enactment of this Act, actuarial estimates in support of their contention that the extension of such fees and copayments will have an adverse effect on the operation of the Uniformed Services Treatment Facilities and the enrollment of participants.

[(c) EVALUATION.—(1) Except as provided in paragraph (2), not later than 90 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress the results of an evaluation of the effect on the Uniformed Services Treatment Facilities of the extension of the uniform benefit fee and copayment schedule to the Uniformed Services Treatment Facilities. The evaluation shall include an examination of whether the benefit fee and copayment schedule may—

[(A) cause adverse selection of enrollees;

[(B) be inappropriate for a fully at-risk program similar to civilian health maintenance organizations; or

[(C) result in an enrolled population dissimilar to the general beneficiary population.

[(2) The Comptroller General shall not be required to prepare or submit the evaluation under paragraph (1) if the Uniformed Services Treatment Facilities fail to satisfactorily comply with subsection (b), as determined by the Comptroller General.]

\* \* \* \* \*

## TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

### Subtitle A—General Matters

#### SEC. 901. ORGANIZATION OF THE OFFICE OF THE SECRETARY OF DEFENSE.

(a) \* \* \*

\* \* \* \* \*

[(d) PERSONNEL REDUCTION.—(1) Effective October 1, 1999, the number of OSD personnel may not exceed 75 percent of the number of OSD personnel as of October 1, 1994.

[(2) For purposes of this subsection, the term “OSD personnel” means military and civilian personnel of the Department of Defense who are assigned to, or employed in, functions in the Office of the Secretary of Defense (including Direct Support Activities of that Office and the Washington Headquarters Services of the Department of Defense).

[(3) In carrying out reductions in the number of personnel assigned to, or employed in, the Office of the Department of Defense in order to comply with paragraph (1), the Secretary may not reassign functions solely in order to evade the requirement contained in that paragraph.

[(4) If the Secretary of Defense determines, and certifies to Congress, that the limitation in paragraph (1) would adversely affect United States national security, the limitation under paragraph (1) shall be applied by substituting “80 percent” for “75 percent”.]

\* \* \* \* \*

#### SEC. 903. DEFERRED REPEAL OF VARIOUS STATUTORY POSITIONS AND OFFICES IN OFFICE OF THE SECRETARY OF DEFENSE.

(a) \* \* \*

\* \* \* \* \*

(e) CONFORMING AMENDMENTS RELATING TO REPEAL OF VARIOUS OSD POSITIONS.—Chapter 4 of such title is further amended—

(1) in section 131(b)—

(A) by striking out [paragraphs (6) and (8)] *paragraph (6)*; and

(B) by redesignating paragraphs (7), (8), (9), (10), and (11), as paragraphs (6), (7), (8), [and (9),] (9), and (10), respectively;

\* \* \* \* \*

#### SEC. 905. JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) \* \* \*

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 31, [1997] 1998.

**SEC. 906. RESTRUCTURING OF DEPARTMENT OF DEFENSE ACQUISITION ORGANIZATION AND WORKFORCE.**

(a) \* \* \*

\* \* \* \* \*

(d) REDUCTION OF ACQUISITION WORKFORCE.—(1) The Secretary of Defense shall accomplish reductions in defense acquisition personnel positions [during fiscal year 1996 so that the total number of such personnel as of October 1, 1996, is less than the total number of such personnel as of October 1, 1995, by at least 15,000.] so that—

(A) the total number of such positions as of October 1, 1996, is less than the baseline number by at least 15,000; and

(B) the total number of such positions as of October 1, 1997, is less than the baseline number by at least 40,000.

\* \* \* \* \*

(3) For purposes of this subsection, the term “baseline number” means the total number of defense acquisition personnel positions as of October 1, 1995.

\* \* \* \* \*

**TITLE X—GENERAL PROVISIONS**

\* \* \* \* \*

**Subtitle H—Other Matters**

\* \* \* \* \*

**SEC. 1092. SENSE OF CONGRESS REGARDING HISTORIC PRESERVATION OF MIDWAY ISLANDS.**

(a) \* \* \*

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Midway Islands and the surrounding seas deserve to be memorialized;

(2) the historic structures related to the Battle of Midway should be maintained, in accordance with the National Historic Preservation Act (16 U.S.C. 470–470t), and subject to the availability of appropriations for that purpose[.]; and

\* \* \* \* \*

**DIVISION D—FEDERAL ACQUISITION REFORM**

\* \* \* \* \*

**TITLE XLIII—ADDITIONAL REFORM PROVISIONS**

**Subtitle A—Additional Acquisition Reform Provisions**

**SEC. 4301. ELIMINATION OF CERTAIN CERTIFICATION REQUIREMENTS.**

(a) ELIMINATION OF CERTAIN STATUTORY CERTIFICATION REQUIREMENTS.—(1) Section 2410b of title 10, United States Code, is amended in paragraph (2) of subsection (a) by striking out “certification and”.

\* \* \* \* \*

**DIVISION E—INFORMATION TECHNOLOGY MANAGEMENT REFORM**

**SEC. 5001. SHORT TITLE.**

This division may be cited as the “Information Technology Management Reform Act of 1996”.

\* \* \* \* \*

**TITLE LI—RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY**

\* \* \* \* \*

**Subtitle E—National Security Systems**

\* \* \* \* \*

**SEC. 5142. NATIONAL SECURITY SYSTEM DEFINED.**

(a) DEFINITION.—In this subtitle, the term “national security system” means any telecommunications or information system operated by the United States Government, the function, operation, or use of which—

(1) \* \* \*

\* \* \* \* \*

(4) involves equipment that is an integral part of a weapon or weapons system; [or]

(5) subject to subsection (b), is critical to the direct fulfillment of military or intelligence missions[.]; or

(6) involves the storage, processing, or forwarding of classified information and is protected at all times by procedures established for the handling of classified information.

\* \* \* \* \*



**TITLE LVI—CONFORMING AND CLERICAL AMENDMENTS**

**SEC. 5601. AMENDMENTS TO TITLE 10, UNITED STATES CODE.**

(a) PROTEST FILE.—Section 2305(e) of title 10, *United States Code*, is amended by striking out paragraph (3).

\* \* \* \* \*

(c) LAW INAPPLICABLE TO PROCUREMENT OF INFORMATION TECHNOLOGY.—Section 2315 of title 10, *United States Code*, is amended by striking out “Section 111” and all that follows through “[use of equipment or services if] *use of the equipment or services*,” and inserting in lieu thereof the following: “For the purposes of the Information Technology Management Reform Act of 1996, the term ‘national security systems’ means those telecommunications and information systems operated by the Department of Defense, the functions, operation or use of which”.

\* \* \* \* \*

---

**NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995**

\* \* \* \* \*

**DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

\* \* \* \* \*

**TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

\* \* \* \* \*

**Subtitle E—Other Matters**

\* \* \* \* \*

**SEC. 257. DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.**

(a) \* \* \*

\* \* \* \* \*

(d) ELIGIBLE STATES.—(1) The [Director of the National Science Foundation] *Under Secretary of Defense for Acquisition and Technology* shall designate which States are eligible States for the purposes of this section [and shall notify the Director of Defense Research and Engineering of the States so designated].

(2) The [Director of the National Science Foundation] *Under Secretary of Defense for Acquisition and Technology* shall designate

a State as an eligible State if, [as determined by the Director] *as determined by the Under Secretary*—

(A) the average annual amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the State for the three fiscal years preceding the fiscal year for which the designation is effective or for the last three fiscal years for which statistics are available is less than the amount determined by multiplying 60 percent times the amount equal to 1/50 of the total average annual amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the United States for such three preceding or last fiscal years, as the case may be [(to be determined in consultation with the Secretary of Defense)]; *and*

(B) the State has demonstrated a commitment to developing research bases in the State and to improving science and engineering research and education programs at institutions of higher education in the State; *and*].

[(C) the State is an eligible State for purposes of the Experimental Program to Stimulate Competitive Research conducted by the National Science Foundation.]

\* \* \* \* \*

**TITLE X—GENERAL PROVISIONS**

\* \* \* \* \*

**Subtitle C—Naval Vessels and Related Matters**

\* \* \* \* \*

**SEC. 1023. MARITIME PREPOSITIONING SHIP PROGRAM ENHANCEMENT.**

Section 2218(f) of title 10, United States Code, shall not apply in the case of the purchase of [three ships] *one ship* for the purpose of enhancing Marine Corps prepositioning ship squadrons.

\* \* \* \* \*

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**NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994**

\* \* \* \* \*

**DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

\* \* \* \* \*

**SEC. 571. POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.**

(a) \* \* \*

\* \* \* \* \*

[(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).]

\* \* \* \* \*

**TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**

**Subtitle A—Defense Technology and Industrial Base, Reinvestment and Conversion**

\* \* \* \* \*

**SEC. 802. UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM.**

(a) \* \* \*

\* \* \* \* \*

(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] *most recent fiscal years for which complete statistics are available when proposals are requested* for such grant or contract.

\* \* \* \* \*

**Subtitle E—Other Matters**

\* \* \* \* \*

**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, *the Secretary of a military department, or any other official*

designated by the Secretary of Defense 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),] (e)(2) and (e)(3) of such section 2371 shall not apply to projects carried out under subsection (a).

(2) The Director, Secretary, or other official 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] on September 30, 1999.

\* \* \* \* \*

## TITLE XVII—CHEMICAL AND BIOLOGICAL WEAPONS DEFENSE

### SEC. 1701. CONDUCT OF THE CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM.

(a) \* \* \*

\* \* \* \* \*

(c) COORDINATION OF THE PROGRAM.—(1) 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.

(2) *The Director of the Defense Advanced Research Projects Agency may conduct a program of basic and applied research and advanced technology development on chemical and biological warfare defense technologies and systems. In conducting such program, the Director shall seek to avoid unnecessary duplication of the activities under the program with chemical and biological warfare defense activities of the military departments and defense agencies and shall coordinate the activities under the program with those of the military departments and defense agencies.*

(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] *Department of Defense*.

(2) Funding requests for the program (*other than for activities under the program conducted by the Defense Advanced Research Projects Agency under subsection (c)(2)*) 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) *The program conducted by the Defense Advanced Research Projects Agency under subsection (c)(2) shall be set forth as a separate program element in the budget of that agency.*

[(3)] (4) 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).

\* \* \* \* \*

**DIVISION C—DEPARTMENT OF ENERGY  
NATIONAL SECURITY AUTHORIZA-  
TIONS AND OTHER AUTHORIZATIONS**

**TITLE XXXI—DEPARTMENT OF ENERGY  
NATIONAL SECURITY PROGRAMS**

**Subtitle A—National Security Programs  
Authorizations**

\* \* \* \* \*

**Subtitle D—Other Matters**

\* \* \* \* \*

**SEC. 3153. BASELINE ENVIRONMENTAL MANAGEMENT REPORTS.**

(a) \* \* \*

(b) **[ANNUAL] BIENNIAL WASTE MANAGEMENT REPORTS.—(1)**  
\* \* \*

(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 *odd-numbered* 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.

\* \* \* \* \*

(d) **[ANNUAL] BIENNIAL STATUS AND VARIANCE REPORTS.—(1)(A)**  
\* \* \*

(B) A report under subparagraph (A) shall be submitted in 1995 and **[in each year thereafter]** *in each odd-numbered 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.

\* \* \* \* \*

**TITLE 10, UNITED STATES CODE**

\* \* \* \* \*

**Subtitle A—General Military Law**

\* \* \* \* \*

**PART I—ORGANIZATION AND GENERAL MILITARY POWERS**

\* \* \* \* \*

**CHAPTER 1—DEFINITIONS**

\* \* \* \* \*

**§ 101. Definitions**

(a) \* \* \*

\* \* \* \* \*

(d) DUTY STATUS.—The following definitions relating to duty status apply in this title:

(1) \* \* \*

\* \* \* \* \*

(4) The term “active status” means the status of [a reserve commissioned officer, other than a commissioned warrant officer] *a member of a reserve component*, who is not in the inactive Army National Guard or inactive Air National Guard, on an inactive status list, or in the Retired Reserve.

\* \* \* \* \*

**CHAPTER 2—DEPARTMENT OF DEFENSE**

\* \* \* \* \*

**§ 114. Annual authorization of appropriations**

(a) \* \* \*

\* \* \* \* \*

(f) *In each budget submitted by the President to Congress under section 1105 of title 31, amounts requested for procurement of ammunition for the Navy and Marine Corps, and for procurement of ammunition for the Air Force, shall be set forth separately from other amounts requested for procurement.*

\* \* \* \* \*

**CHAPTER 3—GENERAL POWERS AND FUNCTIONS**

\* \* \* \* \*

**§ 129. Prohibition of certain civilian personnel management constraints**

(a) The civilian personnel of the Department of Defense shall be managed each fiscal year solely on the basis of and consistent with (1) the workload required to carry out the functions and activities of the department and (2) the funds made available to the department for such fiscal year. The management of such personnel in any fiscal year shall not be subject to any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees. The Secretary of Defense and the Secretaries of the military departments may not be required to make a reduction in the number of full-time equivalent positions in the Department of Defense unless such reduction is necessary due to a reduction in funds available to the Department or is required under a law that is enacted after [the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996] *February 10, 1996*, and that refers specifically to this subsection.

\* \* \* \* \*

**CHAPTER 6—COMBATANT COMMANDS**

\* \* \* \* \*

**§ 162. Combatant commands: assigned forces; chain of command**

(a) ASSIGNMENT OF FORCES.—(1) Except as provided in paragraph (2), the Secretaries of the military departments shall assign all forces under their jurisdiction to unified and specified combatant commands or to the United States element of the [North American Air Defense Command] *North American Aerospace Defense Command* to perform missions assigned to those commands. Such assignments shall be made as directed by the Secretary of Defense, including direction as to the command to which forces are to be assigned. The Secretary of Defense shall ensure that such assignments are consistent with the force structure prescribed by the President for each combatant command.

(2) Except as otherwise directed by the Secretary of Defense, forces to be assigned by the Secretaries of the military departments to the combatant commands or to the United States element of the [North American Air Defense Command] *North American Aerospace Defense Command* under paragraph (1) do not include forces assigned to carry out functions of the Secretary of a military department listed in sections 3013(b), 5013(b), and 8013(b) of this title or forces assigned to multinational peacekeeping organizations.

(3) A force assigned to a combatant command or to the United States element of the [North American Air Defense Command] *North American Aerospace Defense Command* under this section may be transferred from the command to which it is assigned only—

(A) by authority of the Secretary of Defense; and

(B) under procedures prescribed by the Secretary and approved by the President.

\* \* \* \* \*

**CHAPTER 7—BOARDS, COUNCILS, AND COMMITTEES**

\* \* \* \* \*

**§ 172. Ammunition storage board**

(a) The Secretaries of the military departments, acting through **[a joint board of officers selected by them]** *a joint board selected by them composed of officers, civilian officers and employees of the Department of Defense, or both*, shall keep informed on stored supplies of ammunition and components thereof for use of the Army, Navy, Air Force, and Marine Corps, with particular regard to keeping those supplies properly dispersed and stored and to preventing hazardous conditions from arising to endanger life and property inside or outside of storage reservations.

\* \* \* \* \*

**CHAPTER 20—HUMANITARIAN AND OTHER ASSISTANCE**

\* \* \* \* \*

**§ 401. Humanitarian and civic assistance provided in conjunction with military operations**

(a)(1) \* \* \*

\* \* \* \* \*

(4) The Secretary of Defense shall ensure that no member of the **[Armed Forces]** *armed forces*, while providing assistance under this section that is described in subsection (e)(5)—

(A) engages in the physical detection, lifting, or destroying of landmines (unless the member does so for the concurrent purpose of supporting a United States military operation); or

(B) provides such assistance as part of a military operation that does not involve the **[Armed Forces]** *armed forces*.

\* \* \* \* \*

(c)(1) Expenses incurred as a direct result of providing humanitarian and civic assistance under this section to a foreign country shall be paid for out of funds specifically appropriated for such purpose.

(2) *In the case of assistance described in subsection (e)(5), expenses that may be paid out of funds appropriated pursuant to paragraph (1) include—*

(A) *expenses for travel, transportation, and subsistence of members of the armed forces participating in activities described in that subsection; and*

(B) *the cost of equipment, supplies, and services acquired for the purpose of carrying out or directly supporting activities described in that subsection.*

**[(2)]** (3) Nothing in this section may be interpreted to preclude the incurring of minimal expenditures by the Department of Defense for purposes of humanitarian and civic assistance out of



funds other than funds appropriated pursuant to paragraph (1), 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.

\* \* \* \* \*

(e) In this section, the term “humanitarian and civic assistance” means *any of the following*:

(1) Medical, dental, and veterinary care provided in rural areas of a country.

\* \* \* \* \*

## CHAPTER 22—MISCELLANEOUS STUDIES AND REPORTS

Sec.

【451. Racial and ethnic issues; biennial survey; biennial report.】

451. *Race relations, gender discrimination, and hate group activity: annual survey and report.*

452. Quarterly readiness reports.

### 【§ 451. Racial and ethnic issues; biennial survey; biennial report

【(a) BIENNIAL SURVEY.—The Secretary of Defense shall carry out a biennial survey to measure the state of racial and ethnic issues and discrimination among members of the armed forces serving on active duty. The survey shall solicit information on the race relations climate in the armed forces, including—

【(1) indicators of positive and negative trends of relations between all racial and ethnic groups;

【(2) the effectiveness of Department of Defense policies designed to improve race and ethnic relations; and

【(3) the effectiveness of current processes for complaints on and investigations into racial and ethnic discrimination.

【(b) IMPLEMENTING ENTITY.—The Secretary shall carry out each biennial survey through the entity in the Department of Defense known as the Armed Forces Survey on Race/Ethnic Issues.

【(c) REPORTS TO CONGRESS.—Upon completion of each biennial survey under subsection (a), the Secretary shall submit to Congress a report containing the results of the survey.】

### § 451. *Race relations, gender discrimination, and hate group activity: annual survey and report*

(a) *ANNUAL SURVEY.—The Secretary of Defense shall carry out an annual survey to measure the state of racial, ethnic, and gender issues and discrimination among members of the armed forces serving on active duty and the extent (if any) of activity among such members that may be seen as so-called “hate group” activity. The survey shall solicit information on the race relations and gender relations climate in the armed forces, including—*

*(1) indicators of positive and negative trends of relations among all racial and ethnic groups and between the sexes;*

*(2) the effectiveness of Department of Defense policies designed to improve race, ethnic, and gender relations; and*

(3) *the effectiveness of current processes for complaints on and investigations into racial, ethnic, and gender discrimination.*

(b) *IMPLEMENTING ENTITY.—The Secretary shall carry out each annual survey through the entity in the Department of Defense known as the Armed Forces Survey on Race/Ethnic Issues.*

(c) *REPORTS TO CONGRESS.—Upon completion of biennial survey under subsection (a), the Secretary shall submit to Congress a report containing the results of the survey.*

\* \* \* \* \*

**PART II—PERSONNEL**

\* \* \* \* \*

**CHAPTER 31—ENLISTMENTS**

- Sec. 501. Definition.
- 502. Enlistment oath: who may administer.
- 503. Enlistments: recruiting campaigns; compilation of directory information.

\* \* \* \* \*

520c. *Recruiting functions: use of funds.*

\* \* \* \* \*

**§ 505. Regular components: qualifications, term, grade**

(a) \* \* \*

\* \* \* \* \*

[(d) The Secretary concerned may accept reenlistments in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, for period of at least two but not more than six years. No enlisted member is entitled to be reenlisted for a period that would expire before the end of his current enlistment.]

(d)(1) *For a member with less than 10 years of service, the Secretary concerned may accept a reenlistment in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, for periods of at least two but not more than six years.*

(2) *At the discretion of the Secretary concerned, a member with 10 or more years of service who reenlists in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, and who meets all qualifications for continued service, may be accepted for reenlistment of an unspecified period of time.*

\* \* \* \* \*

**§ 513. Enlistments: Delayed Entry Program**

(a) \* \* \*

(b) Unless sooner ordered to active duty under chapter 39 of this title or another provision of law, a person enlisted under subsection (a) shall, within 365 days after such enlistment, be discharged from the reserve component in which enlisted and immediately be enlisted in the regular component of an armed force. *The Secretary*

concerned may extend the 365-day period for any person for up to an additional 180 days if the Secretary considers such extension to be warranted on a case-by-case basis. During the period beginning on the date on which the person enlists under subsection (a) and ending on the date on which the person is enlisted in a regular component under [the preceding sentence] under this subsection, the person shall be in the Ready Reserve of the armed force concerned.

\* \* \* \* \*

**§ 520c. Recruiting functions: use of funds**

Under regulations prescribed by the Secretary concerned, funds appropriated to the Department of Defense may be expended for small meals and snacks during recruiting functions for the following persons:

- (1) Persons who have entered the Delayed Entry Program under section 513 of this title and other persons who are the subject of recruiting efforts.
- (2) Persons in communities who assist the military departments in recruiting efforts.
- (3) Military or civilian personnel whose attendance at such functions is mandatory.
- (4) Other persons whose presence at recruiting functions will contribute to recruiting efforts.

\* \* \* \* \*

**CHAPTER 32—OFFICER STRENGTH AND DISTRIBUTION IN GRADE**

\* \* \* \* \*

**§ 523. Authorized strengths: commissioned officers on active duty in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain**

(a)(1) Except as provided in subsection (c), of the total number of commissioned officers serving on active duty in the Army, Air Force, or Marine Corps at the end of any fiscal year (excluding officers in categories specified in subsection (b)), the number of officers who may be serving on active duty in each of the grades of major, lieutenant colonel, and colonel may not, as of the end of such fiscal year, exceed a number determined in accordance with the following table:

Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in the grade of:		
	Major	Lieutenant Colonel	Colonel
Army:			
60,000 .....	11,580	7,941	3,080
65,000 .....	12,271	8,330	3,264
70,000 .....	12,963	8,718	3,447
75,000 .....	13,654	9,107	3,631
80,000 .....	14,346	9,495	3,814
85,000 .....	15,037	9,884	3,997
90,000 .....	15,729	10,272	4,181

Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in the grade of:		
	Major	Lieutenant Colonel	Colonel
95,000 .....	16,420	10,661	4,364
100,000 .....	17,112	11,049	4,548
110,000 .....	18,495	11,826	4,915
120,000 .....	19,878	12,603	5,281
130,000 .....	21,261	13,380	5,648
170,000 .....	26,793	16,488	7,116
<b>Air Force:</b>			
70,000 .....	13,530	9,428	3,392
75,000 .....	14,266	9,801	3,573
80,000 .....	15,002	10,175	3,754
85,000 .....	15,738	10,549	3,935
90,000 .....	16,474	10,923	4,115
95,000 .....	17,210	11,297	4,296
100,000 .....	17,946	11,671	4,477
105,000 .....	18,682	12,045	4,658
110,000 .....	19,418	12,418	4,838
115,000 .....	20,154	12,792	5,019
120,000 .....	20,890	13,165	5,200
125,000 .....	21,626	13,539	5,381
<b>Marine Corps:</b>			
12,500 .....	2,499	1,388	592
15,000 .....	2,766	1,483	613
17,500 .....	3,085	1,579	633
20,000 .....	3,404	1,674	654
22,500 .....	3,723	1,770	675
25,000 .....	4,042	1,865	695

Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in the grade of:		
	Major	Lieutenant Colonel	Colonel
<b>Army:</b>			
35,000 .....	8,922	6,419	2,163
40,000 .....	9,614	6,807	2,347
45,000 .....	10,305	7,196	2,530
50,000 .....	10,997	7,584	2,713
55,000 .....	11,688	7,973	2,897
60,000 .....	12,380	8,361	3,080
65,000 .....	13,071	8,750	3,264
70,000 .....	13,763	9,138	3,447
75,000 .....	14,454	9,527	3,631
80,000 .....	15,146	9,915	3,814
85,000 .....	15,837	10,304	3,997
90,000 .....	16,529	10,692	4,181
95,000 .....	17,220	11,081	4,364
100,000 .....	17,912	11,469	4,548
110,000 .....	19,295	12,246	4,915
120,000 .....	20,678	13,023	5,281
130,000 .....	22,061	13,800	5,648
170,000 .....	27,593	16,908	7,116
<b>Air Force:</b>			
35,000 .....	9,216	7,090	2,125
40,000 .....	10,025	7,478	2,306
45,000 .....	10,835	7,866	2,487
50,000 .....	11,645	8,253	2,668

Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in the grade of:		
	Major	Lieutenant Colonel	Colonel
55,000 .....	12,454	8,641	2,849
60,000 .....	13,264	9,029	3,030
65,000 .....	14,073	9,417	3,211
70,000 .....	14,883	9,805	3,392
75,000 .....	15,693	10,193	3,573
80,000 .....	16,502	10,582	3,754
85,000 .....	17,312	10,971	3,935
90,000 .....	18,121	11,360	4,115
95,000 .....	18,931	11,749	4,296
100,000 .....	19,741	12,138	4,477
105,000 .....	20,550	12,527	4,658
110,000 .....	21,360	12,915	4,838
115,000 .....	22,169	13,304	5,019
120,000 .....	22,979	13,692	5,200
125,000 .....	23,789	14,081	5,381
<i>Marine Corps:</i>			
10,000 .....	2,525	1,480	571
12,500 .....	2,900	1,600	592
15,000 .....	3,275	1,720	613
17,500 .....	3,650	1,840	633
20,000 .....	4,025	1,960	654
22,500 .....	4,400	2,080	675
25,000 .....	4,775	2,200	695

(2) Except as provided in subsection (c), of the total number of commissioned officers serving on active duty in the Navy at the end of any fiscal year (excluding officers in categories specified in subsection (b)), the number of officers who may be serving on active duty in each of the grades of lieutenant commander, commander, and captain may not, as of the end of such fiscal year, exceed a number determined in accordance with the following table:

Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in grade of:		
	Lieutenant Commander	Commander	Captain
<i>Navy:</i>			
45,000 .....	9,124	5,776	2,501
48,000 .....	9,565	5,984	2,602
51,000 .....	10,006	6,190	2,702
54,000 .....	10,447	6,398	2,803
57,000 .....	10,888	6,606	2,904
60,000 .....	11,329	6,813	3,005
63,000 .....	11,770	7,020	3,106
66,000 .....	12,211	7,227	3,206
70,000 .....	12,799	7,504	3,341
90,000 .....	15,739	8,886	4,013

<i>Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:</i>	<i>Number of officers who may be serving on active duty in grade of:</i>		
	<i>Lieutenant Commander</i>	<i>Commander</i>	<i>Captain</i>
<i>Navy:</i>			
30,000 .....	7,331	5,018	2,116
33,000 .....	7,799	5,239	2,223
36,000 .....	8,267	5,460	2,330
39,000 .....	8,735	5,681	2,437
42,000 .....	9,203	5,902	2,544
45,000 .....	9,671	6,123	2,651
48,000 .....	10,139	6,343	2,758
51,000 .....	10,606	6,561	2,864
54,000 .....	11,074	6,782	2,971
57,000 .....	11,541	7,002	3,078
60,000 .....	12,009	7,222	3,185
63,000 .....	12,476	7,441	3,292
66,000 .....	12,944	7,661	3,398
70,000 .....	13,567	7,954	3,541
90,000 .....	16,683	9,419	4,254

\* \* \* \* \*

**§ 528. Limitation on number of officers on active duty in grades of general and admiral**

(a) LIMITATION.—The total number of officers on active duty in the Army, Air Force, and Marine Corps in the grade of general and in the Navy in the grade of admiral may not exceed 32.

(b) [(1)] EXCEPTIONS.—(1) The limitation in subsection (a) does not apply in the case of an officer serving in the grade of general or admiral in a position that is specifically exempted by law from being counted for purposes of limitations by law on the total number of officers that may be on active duty in the grades of general and admiral or the number of officers that may be on active duty in that officer’s armed force in the grade of general or admiral.

\* \* \* \* \*

**CHAPTER 33—ORIGINAL APPOINTMENTS OF REGULAR OFFICERS IN GRADES ABOVE WARRANT OFFICER GRADES**

\* \* \* \* \*

**§ 532. Qualifications for original appointment as a commissioned officer**

(a) \* \* \*

\* \* \* \* \*

[(e) After September 30, 1996, no person may receive an original appointment as a commissioned officer in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps until that person has completed one year of service on active duty as a com-

missioned officer (other than a warrant officer) of a reserve component.]

\* \* \* \* \*

**CHAPTER 36—PROMOTION, SEPARATION, AND INVOLUNTARY RETIREMENT OF OFFICERS ON THE ACTIVE-DUTY LIST**

\* \* \* \* \*

**SUBCHAPTER V—ADDITIONAL PROVISIONS RELATING TO PROMOTION, SEPARATION, AND RETIREMENT**

\* \* \* \* \*

**§ 641. Applicability of chapter**

Officers in the following categories are not subject to this chapter (other than section 640 and, in the case of warrant officers, section 628):

- (1) Reserve officers—
  - (A) on active duty for training;
  - (B) on active duty under section 3038, 5143, 5144, 8038, 10211, 10301 through 10305, 10502, 10505, 10506(a), 10506(b), 10507, or 12402 of this title or section 708 of title 32;

\* \* \* \* \*

**CHAPTER 38—JOINT OFFICER MANAGEMENT**

\* \* \* \* \*

**§ 662. Promotion policy objectives for joint officers**

(a) \* \* \*

(b) [REPORT.—The Secretary of Defense shall periodically (and not less often than every six months) report to Congress on the promotion rates] *ANNUAL REPORT.—Not later than January 1 of each year, the Secretary of Defense shall submit to Congress a report on the promotion rates during the preceding fiscal year* of officers who are serving in, or have served in, joint duty assignments, especially with respect to the record of officer selection boards in meeting the objectives of [clauses] *paragraphs* (1), (2), and (3) of subsection (a). If such promotion rates fail to meet such objectives *for any fiscal year*, the Secretary shall include in the [periodic report required by this subsection] *report for that fiscal year* information on such failure and on what action the Secretary has taken or plans to take to prevent further failures.

**§ 663. Education**

(a) \* \* \*

\* \* \* \* \*

(d) POST-EDUCATION JOINT DUTY ASSIGNMENTS.—(1) \* \* \*

\* \* \* \* \*

(3) The Secretary of Defense may exclude from the requirements of paragraph (1) or (2) an officer who is a member of an Acquisition Corps established pursuant to 1731 of this title if the officer—

(A) has graduated from a senior level course of instruction designed for personnel serving in critical acquisition positions; and

(B) is assigned, upon graduation, to a critical acquisition position designated pursuant to section 1733 of this title.

\* \* \* \* \*

**CHAPTER 39—ACTIVE DUTY**

\* \* \* \* \*

**§ 691. Permanent end strength levels to support two major regional contingencies**

(a) \* \* \*

\* \* \* \* \*

[(c) No funds appropriated to the Department of Defense may be used to implement a reduction of the active duty end strength for any of the armed forces for any fiscal year below the level specified in subsection (b) unless the Secretary of Defense submits to Congress notice of the proposed lower end strength levels and a justification for those levels. No action may then be taken to implement such a reduction for that fiscal year until the end of the six-month period beginning on the date of the receipt of such notice by Congress.]

*(c) The budget for the Department of Defense for any fiscal year as submitted to Congress shall include amounts for funding for each of the armed forces (other than the Coast Guard) at least in the amounts necessary to maintain the active duty end strengths prescribed in subsection (b), as in effect at the time that such budget is submitted.*

*(d) No funds appropriated to the Department of Defense may be used to implement a reduction of the active duty end strength for any of the armed forces (other than the Coast Guard) for any fiscal year below the level specified in subsection (b) unless the reduction in end strength for that armed force for that fiscal year is specifically authorized by law.*

[(d)] *(e) For a fiscal year for which the active duty end strength authorized by law pursuant to section 115(a)(1)(A) of this title for any of the armed forces is identical to the number applicable to that armed force under subsection (b), the Secretary of Defense may reduce that number by not more than 0.5 percent.*

[(e)] *(f) The number of members of the armed forces on active duty shall be counted for purposes of this section in the same manner as applies under section 115(a)(1) of this title.*

\* \* \* \* \*

**CHAPTER 45—THE UNIFORM**

\* \* \* \* \*



**§ 772. When wearing by persons not on active duty authorized**

(a) \* \* \*

\* \* \* \* \*

(h) While attending a course of military instruction conducted by the Army, Navy, Air Force, or Marine Corps, a civilian may wear the uniform prescribed by that armed force *if the wear of such uniform is specifically authorized under regulations prescribed by the Secretary of the military department concerned.*

\* \* \* \* \*

**CHAPTER 47—UNIFORM CODE OF MILITARY JUSTICE**

\* \* \* \* \*

**SUBCHAPTER IV—COURT-MARTIAL JURISDICTION**

\* \* \* \* \*

**§ 820. Art. 20. Jurisdiction of summary courts-martial**

(a) Subject to section 817 of this title (article 17), summary courts-martial have jurisdiction to try persons subject to this chapter, except officers, cadets, aviation cadets, and midshipmen, for any noncapital offense made punishable by this chapter. **[No person with respect to whom summary courts-martial have jurisdiction may be brought to trial before a summary court-martial if he objects thereto. If objection to trial by summary court-martial is made by an accused, trial may be ordered by special or general court-martial as may be appropriate.]**

(b) *An accused with respect to whom summary courts-martial have jurisdiction may not be brought to trial before a summary court-martial if the accused objects thereto. If an accused so objects to trial by summary court-martial, the convening authority may order trial by special or general court-martial, as may be appropriate.*

(c) Summary courts-martial may, under such limitations as the President may prescribe, adjudge any punishment not forbidden by this chapter except death, dismissal, dishonorable or bad-conduct discharge, confinement for more than one month, hard-labor without confinement for more than 45 days, restriction to specified limits for more than two months, or forfeiture of more than two-thirds of one month's pay.

\* \* \* \* \*

**SUBCHAPTER VII—TRIAL PROCEDURE**

\* \* \* \* \*

**§ 854. Art. 54. Record of trial**

(a) \* \* \*

\* \* \* \* \*

(c)(1) A **[complete record of the proceedings and testimony]** *verbatim record of the proceedings* shall be prepared—

(A) in each general court-martial case in which the sentence adjudged includes death, a dismissal, a discharge, or (if the sentence adjudged does not include a discharge) any other punishment which exceeds that which may otherwise be adjudged by a special court-martial; and

(B) in each special court-martial case in which the sentence adjudged includes a bad-conduct discharge.

\* \* \* \* \*

SUBCHAPTER XII—UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

\* \* \* \* \*

§ 943. Art. 143. Organization and employees

(a) \* \* \*

\* \* \* \* \*

(c) STATUS OF ATTORNEY AND CERTAIN OTHER POSITIONS.—(1) Attorney positions of employment under the Court of Appeals for the Armed Forces and non-attorney positions on the personal staff of a judge are excepted from the competitive service. Appointments to such positions shall be made by the court, without the concurrence of any other officer or employee of the executive branch, in the same manner as appointments are made to other executive branch positions of a confidential or policy-determining character for which it is not practicable to examine or to hold a competitive examination. Such positions shall not be counted as positions of that character for purposes of any limitation on the number of positions of that character provided in law.

\* \* \* \* \*

CHAPTER 53—MISCELLANEOUS RIGHTS AND BENEFITS

\* \* \* \* \*

§ 1044. Legal assistance

(a) Subject to the availability of legal staff resources, the Secretary concerned may provide legal assistance in connection with their personal civil legal affairs [to—] to the following persons:

(1) [members] Members of the armed forces [under his jurisdiction] who are on active duty[;].

(2) [members] Members and former members [under his jurisdiction] entitled to retired or retainer pay or equivalent pay[; and].

[(3) dependents of members and former members described in clauses (1) and (2).]

(3) Officers of the commissioned corps of the Public Health Service who are on active duty or entitled to retired or equivalent pay.

(4) Dependents of members and former members described in paragraphs (1), (2), and (3).

(b) Under such regulations as may be prescribed by the Secretary concerned, the Judge Advocate General (as defined in section 801(1) of this title) under the jurisdiction of the Secretary is re-

sponsible for the establishment and supervision of legal assistance programs under this section.

(c) This section does not authorize legal counsel to be provided to represent a member or former member of the [armed forces] *uniformed services described in subsection (a)*, or the dependent of such a member or former member, in a legal proceeding if the member or former member can afford legal fees for such representation without undue hardship.

(d) The Secretary concerned shall define “dependent” for the purposes of this section.

**§ 1044a. Authority to act as notary**

(a) \* \* \*

(b) Persons with the powers described in subsection (a) are the following:

(1) All judge advocates [on active duty or performing inactive-duty training], *including reserve judge advocates not on active duty.*

(2) All civilian attorneys serving as legal assistance officers.

(3) All adjutants, assistant adjutants, and personnel [adjutants on active duty or performing inactive-duty training] *adjutants, including reserve members not on active duty.*

(4) All other [persons on active duty or performing inactive-duty training] *members of the armed forces, including reserve members not on active duty, who are designated by regulations of the armed forces or by statute to have those powers.*

\* \* \* \* \*

**CHAPTER 55—MEDICAL AND DENTAL CARE**

Sec.

1071. Purpose of this chapter.

\* \* \* \* \*

[1074a. Medical and dental care: members on duty other than active duty for a period of more than 30 days.]

1074a. *Medical and dental care: reserve component members in a duty status.*

\* \* \* \* \*

1079a. *CHAMPUS: treatment of refunds and other amounts collected.*

\* \* \* \* \*

**§ 1074. Medical and dental care for members and certain former members**

(a) \* \* \*

\* \* \* \* \*

[(d)(1) The Secretary of Defense may require, by regulation, a private CHAMPUS provider to apply the CHAMPUS payment rules (subject to any modifications considered appropriate by the Secretary) in imposing charges for health care that the private CHAMPUS provider provides to a member of the uniformed services who is enrolled in a health care plan of a facility deemed to be a facility of the uniformed services under section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)) when the health care is provided outside the catchment area of the facility.

[(2) In this subsection:

[(A) The term “private CHAMPUS provider” means a private facility or health care provider that is a health care provider under the Civilian Health and Medical Program of the Uniformed Services.

[(B) The term “CHAMPUS payment rules” means the payment rules referred to in subsection (c).

[(3) The Secretary of Defense shall prescribe regulations under this subsection after consultation with the other administering Secretaries.]

\* \* \* \* \*

**[(§ 1074a. Medical and dental care: members on duty other than active duty for a period of more than 30 days**

[(a) Under joint regulations prescribed by the administering Secretaries, the following persons are entitled to the benefits described in subsection (b):

[(1) Each member of a uniformed service who incurs or aggravates an injury, illness, or disease in the line of duty while performing—

[(A) active duty for a period of 30 days or less; or

[(B) inactive-duty training.

[(2) Each member of a uniformed service who incurs or aggravates an injury, illness, or disease while traveling directly to or from the place at which that member is to perform or has performed—

[(A) active duty for a period of 30 days or less; or

[(B) inactive-duty training.

[(3) Each member of the armed forces who incurs or aggravates an injury, illness, or disease in the line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member’s residence.

[(b) A person described in subsection (a) is entitled to—

[(1) the medical and dental care appropriate for the treatment of the injury, illness, or disease of that person until the resulting disability cannot be materially improved by further hospitalization or treatment; and

[(2) subsistence during hospitalization.

[(c) A member is not entitled to benefits under subsection (b) if the injury, illness, or disease, or aggravation of an injury, illness, or disease described in subsection (a)(2), is the result of the gross negligence or misconduct of the member.

[(d)(1) The Secretary of the Army shall provide to members of the Selected Reserve of the Army who are assigned to units scheduled for deployment within 75 days after mobilization the following medical and dental services:

[(A) An annual medical screening.

[(B) For members who are over 40 years of age, a full physical examination not less often than once every two years.

[(C) An annual dental screening.

[(D) The dental care identified in an annual dental screening as required to ensure that a member meets the dental standards required for deployment in the event of mobilization.

[(2) The services provided under this subsection shall be provided at no cost to the member.]

**§ 1074a. Medical and dental care: reserve component members in a duty status**

(a) *HEALTH CARE DESCRIBED.*—A person described in subsection (b) is entitled to the medical and dental care appropriate for the treatment of the injury, illness, or disease of the person until the person completes treatment and is physically able to resume the military duties of the person or has completed processing in accordance with chapter 61 of this title.

(b) *MEMBERS ENTITLED TO CARE.*—Under joint regulations prescribed by the administering Secretaries, the following persons are entitled to the benefits described in this section:

(1) Each member of a reserve component who incurs or aggravates an injury, illness, or disease in the line of duty while performing—

(A) active duty, including active duty for training and annual training duty, or full-time National Guard duty; or

(B) inactive-duty training, regardless of whether the member is in a pay or nonpay status.

(2) Each member of a reserve component who incurs or aggravates an injury, illness, or disease while traveling directly to or from the place at which that member is to perform or has performed—

(A) active duty, including active duty for training and annual training duty, or full-time National Guard duty, or

(B) inactive-duty training, regardless of whether the member is in a pay or nonpay status.

(3) Each member of a reserve component who incurs or aggravates an injury, illness, or disease in the line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site of inactive-duty training is outside reasonable commuting distance from the member's residence.

(c) *ADDITIONAL BENEFITS.*—(1) At the request of a person described in paragraph (1)(A) or (2)(A) of subsection (b), the person may continue on active duty or full-time National Guard duty during any period of hospitalization resulting from the injury, illness, or disease.

(2) A person described in subsection (b) is entitled to the pay and allowances authorized in accordance with subsections (g) and (h) of section 204 of title 37.

(d) *LIMITATION.*—A person described in subsection (b) is not entitled to benefits under this section if the injury, illness, or disease, or aggravation of the injury, illness, or disease, is the result of the gross negligence or misconduct of the person.

\* \* \* \* \*

**§1078a. Continued health benefits coverage**

(a) PROVISION OF CONTINUED HEALTH COVERAGE.—[Beginning on October 1, 1994, the] *The* Secretary of Defense shall implement and carry out a program of continued health benefits coverage in accordance with this section to provide persons described in subsection (b) with temporary health benefits comparable to the health benefits provided for former civilian employees of the Federal Government and other persons under section 8905a of title 5.

\* \* \* \* \*

**§ 1079. Contracts for medical care for spouses and children: plans**

(a) To assure that medical care is available for dependents, as described in subparagraphs (A), (D), and (I) of section 1072(2) of this title, of members of the uniformed services who are on active duty for a period of more than 30 days, the Secretary of Defense, after consulting with the other administering Secretaries, shall contract, under the authority of this section, for medical care for those persons under such insurance, medical service, or health plans as he considers appropriate. The types of health care authorized under this section shall be the same as those provided under section 1076 of this title, [except that—] *except as follows*:

(1) [with] *With* respect to dental care, only that care required as a necessary adjunct to medical or surgical treatment may be provided[;].

(2) [consistent] *Consistent* with such regulations as the Secretary of Defense may prescribe regarding the content of health promotion and disease prevention visits, the schedule of pap smears and mammograms, and the types and schedule of immunizations—

(A) for dependents under six years of age, both health promotion and disease prevention visits and immunizations may be provided; and

(B) for dependents six years of age or older, health promotion and disease prevention visits may be provided in connection with immunizations or with diagnostic or preventive pap smears and mammograms[;].

(3) [not] *Not* more than one eye examination may be provided to a patient in any calendar year[;].

(4) [under] *Under* joint regulations to be prescribed by the administering Secretaries, the services of Christian Science practitioners and nurses and services obtained in Christian Science sanatoriums may be provided[;].

(5) [durable] *Durable* equipment, such as wheelchairs, iron lungs and hospital beds may be provided on a rental basis[;].

(6) [inpatient] *Inpatient* mental health services may not (except as provided in subsection (i)) be provided to a patient in excess of—

(A) 30 days in any year, in the case of a patient 19 years of age or older;

(B) 45 days in any year, in the case of a patient under 19 years of age; or

(C) 150 days in any year, in the case of inpatient mental health services provided as residential treatment care[;].

(7) [services] *Services* in connection with nonemergency inpatient hospital care may not be provided if such services are available at a facility of the uniformed services located within a 40-mile radius of the residence of the patient, except that those services may be provided in any case in which another insurance plan or program provides primary coverage for those services[;].

(8) [services] *Services* of pastoral counselors, family and child counselors, or marital counselors (other than certified marriage and family therapists) may not be provided unless the patient has been referred to the counselor by a medical doctor for treatment of a specific problem with the results of that treatment to be communicated back to the medical doctor who made the referral and services of certified marriage and family therapists may be provided consistent with such rules as may be prescribed by the Secretary of Defense, including credentialing criteria and a requirement that the therapists accept payment under this section as full payment for all services provided[;].

(9) [special] *Special* education may not be provided, except when provided as secondary to the active psychiatric treatment on an institutional inpatient basis[;].

(10) [therapy] *Therapy* or counseling for sexual dysfunctions or sexual inadequacies may not be provided[;].

(11) [treatment] *Treatment* of obesity may not be provided if obesity is the sole or major condition treated[;].

(12) [surgery] *Surgery* which improves physical appearance but is not expected to significantly restore functions (including mammary augmentation, face lifts, and sex gender changes) may not be provided, except that—

(A) breast reconstructive surgery following a mastectomy may be provided;

(B) reconstructive surgery to correct serious deformities caused by congenital anomalies or accidental injuries may be provided; and

(C) neoplastic surgery may be provided[;].

(13) [any] *Any* service or supply which is not medically or psychologically necessary to prevent, diagnose, or treat a mental or physical illness, injury, or bodily malfunction as assessed or diagnosed by a physician, dentist, clinical psychologist, certified marriage and family therapist, optometrist, podiatrist, certified nurse-midwife, certified nurse practitioner, or certified clinical social worker, as appropriate, may not be provided, except as authorized in paragraph (4)[;]. *Pursuant to an agreement with the Secretary of Health and Human Services and under such regulations as the Secretary of Defense may prescribe, the Secretary of Defense may waive the operation of this paragraph in connection with clinical trials sponsored or approved by the National Institutes of Health if the Secretary of Defense determines that such a waiver will promote access by covered beneficiaries to promising new treatments and contribute to the development of such treatments.*

(14) **[the]** *The* prohibition contained in section 1077(b)(3) of this title shall not apply in the case of a member or former member of the uniformed services**;**.

(15) **[electronic]** *Electronic* cardio-respiratory home monitoring equipment (apnea monitors) for home use may be provided if a physician prescribes and supervises the use of the monitor for an infant)—

(A) who has had an apparent life-threatening event,

(B) who is a subsequent sibling of a victim of sudden infant death syndrome,

(C) whose birth weight was 1,500 grams or less, or

(D) who is a pre-term infant with pathologic apnea,

in which case the coverage may include the cost of the equipment, hard copy analysis of physiological alarms, professional visits, diagnostic testing, family training on how to respond to apparent life threatening events, and assistance necessary for proper use of the equipment**;**.

(16) **[hospice]** *Hospice* care may be provided only in the manner and under the conditions provided in section 1861(dd) of the Social Security Act (42 U.S.C. 1395x(dd))**;** and**].**

(17) **[the]** *The* Secretary of Defense may establish a program for the individual case management of a person covered by this section or section 1086 of this title who has extraordinary medical or psychological disorders and, under such a program, may waive benefit limitations contained in paragraphs (5) and (13) of this subsection or section 1077(b)(1) of this title and authorize the payment for comprehensive home health care services, supplies, and equipment if the Secretary determines that such a waiver is cost-effective and appropriate.

(b)(1) Plans covered by subsection (a) shall include provisions for payment by the patient of the following amounts:

**[(1)]** (A) \$25 for each admission to a hospital, or the amount the patient would have been charged under section 1078(a) of this title had the care being paid for been obtained in a hospital of the uniformed services, whichever amount is the greater. The Secretary of Defense may exempt a patient from paying such amount if the hospital to which the patient is admitted does not impose a legal obligation on any of its patients to pay for inpatient care.

**[(2)]** (B) Except as provided in **[clause (3)]** *subparagraph (C)*, the first \$150 each fiscal year of the charges for all types of care authorized by subsection (a) and received while in an outpatient status and 20 percent of all subsequent charges for such care during a fiscal year. Notwithstanding the preceding sentence, in the case of a dependent of an enlisted member in a pay grade below E-5, the initial deductible each fiscal year under this paragraph shall be limited to \$50.

**[(3)]** (C) A family group of two or more persons covered by this section shall not be required to pay collectively more than the first \$300 (or in the case of the family group of an enlisted member in a pay grade below E-5, the first \$100) each fiscal year of the charges for all types of care authorized by subsection (a) and received while in an outpatient status and 20



percent of the additional charges for such care during a fiscal year.

[(4)] (D) \$25 for surgical care that is authorized by subsection (a) and received while in an outpatient status and that has been designated (under joint regulations to be prescribed by the administering Secretaries) as care to be treated as inpatient care for purposes of this subsection. Any care for which payment is made under [this clause] *this subparagraph* shall not be considered to be care received while in an outpatient status for purposes of [clauses (2) and (3)] *subparagraphs (B) and (C)*.

[(5)] (E) An individual or family group of two or more persons covered by this section may not be required by reason of this subsection to pay a total of more than \$1,000 for health care received during any fiscal year under a plan under subsection (a).

(2) *The Secretary of Defense may waive or reduce the deductible amounts required by subparagraphs (B) and (C) of paragraph (1) in the case of the dependents of a member of a reserve component of the uniformed services who serves on active duty in support of a contingency operation under a call or order to active duty of less than one year.*

\* \* \* \* \*

(h)(1) \* \* \*

\* \* \* \* \*

(4) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to provide for such exceptions to the payment limitations under paragraph (1) as the Secretary determines to be necessary to assure that covered beneficiaries retain adequate access to health care services. Such exceptions may include the payment of amounts higher than the amount allowed under paragraph (1) when enrollees in managed care programs obtain covered [emergency] services from non-participating providers. To provide a suitable transition from the payment methodologies in effect before the date of the enactment of this paragraph to the methodology required by paragraph (1), the amount allowable for any service may not be reduced by more than 15 percent below the amount allowed for the same service during the immediately preceding 12-month period (or other period as established by the Secretary of Defense).

(5) *Except in an area in which the Secretary of Defense has entered into an at-risk contract for the provision of health care services, the Secretary may authorize the commander of a facility of the uniformed services, the lead agent (if other than the commander), and the health care contractor to modify the payment limitations under paragraph (1) for certain health care providers when necessary to ensure both the availability of certain services for covered beneficiaries and costs lower than standard CHAMPUS for the required services.*

[(5)] (6) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to establish limitations (similar to the limitations established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)) on beneficiary

liability for charges of an individual health care professional (or other noninstitutional health care provider).

\* \* \* \* \*

(j)(1) A benefit may not be paid under a plan covered by this section in the case of a person enrolled in, or covered by, any other insurance, medical service, or health plan (*including any plan offered by a third-party payer (as defined in section 1095(h)(1) of this title)*) to the extent that the benefit is also a benefit under the other plan, except in the case of a plan administered under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

\* \* \* \* \*

**§ 1079a. CHAMPUS: treatment of refunds and other amounts collected**

*All refunds and other amounts collected in the administration of the Civilian Health and Medical Program of the Uniformed Services shall be credited to the appropriation supporting the program in the year in which the amount is collected.*

**§ 1080. Contracts for medical care for spouses and children: election of facilities**

(a) ELECTION.—A dependent covered by section 1079 of this title may elect to receive *inpatient* medical care either in (1) the facilities of the uniformed services, under the conditions prescribed by sections 1076–1078 of this title, or (2) the facilities provided under a plan contracted for under section 1079 of this title. However, under such regulations as the Secretary of Defense, after consulting the other administering Secretaries, may prescribe, the right to make this election may be limited for dependents residing in the area where the member concerned is assigned, if adequate medical facilities of the uniformed services are available in that area for those dependents.

(b) ISSUANCE OF [NONAVAILABILITY OF HEALTH CARE STATEMENTS] *NONAVAILABILITY-OF-HEALTH-CARE STATEMENTS*.—In determining whether to issue a [nonavailability of health care statement] *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.

(c) *WAIVERS AND EXCEPTIONS TO REQUIREMENTS*.—(1) *A covered beneficiary enrolled in a managed care plan offered pursuant to any contract or agreement under this chapter for the provision of health care services shall not be required to obtain a nonavailability-of-health-care statement as a condition for the receipt of health care.*

(2) *The Secretary of Defense may waive the requirement to obtain nonavailability-of-health-care statements following an evaluation of the effectiveness of such statements in optimizing the use of facilities of the uniformed services.*

\* \* \* \* \*

**§ 1086. Contracts for health benefits for certain members, former members, and their dependents**

(a) \* \* \*

\* \* \* \* \*

(e) A person covered by this section may elect to receive [benefits] *inpatient medical care* either in (1) Government facilities, under the conditions prescribed in sections 1074 and 1076–1078 of this title, or (2) the facilities provided under a plan contracted for under this section. However, under joint regulations issued by the administering Secretaries, the right to make this election may be limited for those persons residing in an area where adequate facilities of the uniformed service are available. In addition, [section 1080(b)] *subsections (b) and (c) of section 1080* 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.

\* \* \* \* \*

**§ 1095. Health care services incurred on behalf of covered beneficiaries: collection from third-party payers**

(a) \* \* \*

\* \* \* \* \*

(g)(1) Amounts collected under this section from a third-party payer or under any other provision of law from any other payer for the costs of health care services provided at *or through* a facility of the uniformed services shall be credited to the appropriation supporting the maintenance and operation of the facility and shall not be taken into consideration in establishing the operating budget of the facility.

\* \* \* \* \*

(h) In this section:

(1) The term “third-party payer” means an entity that provides an insurance, medical service, or health plan by contract or agreement, including an automobile liability insurance or no fault insurance carrier *and a workers’ compensation program or plan*. Such term also includes entities described in subsection (j) under the terms and to the extent provided in such subsection.

(2) The term “insurance, medical service, or health plan” includes a preferred provider organization [and], an insurance plan described as Medicare supplemental insurance, *and personal injury protection or medical payments benefits in cases involving personal injuries resulting from operation of a motor vehicle*.

\* \* \* \* \*

## CHAPTER 59—SEPARATION

Sec.

1161. Commissioned officers: limitations on dismissal.

\* \* \* \* \*

1177. *Members infected with HIV-1 virus: mandatory discharge or retirement.*

\* \* \* \* \*

**§ 1161. Commissioned officers: limitations on dismissal**

(a) \* \* \*

(b) The President may drop from the rolls of any armed force any commissioned officer (1) who has been absent without authority for at least three months, (2) who may be separated under [section 1178] *section 1167* of this title by reason of a sentence to confinement adjudged by a court-martial, or (3) who is sentenced to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final.

\* \* \* \* \*

**§ 1167. Members under confinement by sentence of court-martial: separation after six months confinement**

Except as otherwise provided in regulations prescribed by the Secretary of Defense, a member sentenced by a court-martial to a period of confinement for more than six months may be separated from the member's armed force at any time after the sentence to confinement has become final under chapter 47 of this title and the [person] *member* has served in confinement for a period of six months.

\* \* \* \* \*

**§ 1177. *Members infected with HIV-1 virus: mandatory discharge or retirement***

(a) *MANDATORY SEPARATION.—(1) A member of the Army, Navy, Air Force, or Marine Corps who is HIV-positive and who on the date on which the medical determination is made that the member is HIV-positive has less than 15 years of creditable service shall be separated. Such separation shall be made on a date determined by the Secretary concerned, which shall be as soon as practicable after the date on which the medical determination is made that the member is HIV-positive and not later than the last day of the second month beginning after such date.*

(2) *In determining the years of creditable service of a member for purposes of paragraph (1)—*

(A) *in the case of a member on active duty or full-time National Guard duty, the member's years of creditable service are the number of years of service of the member as computed for the purpose of determining the member's eligibility for retirement under any provision of law (other than chapter 61 or 1223 of this title); and*

(B) in the case of a member in an active status, the member's years of creditable service are the number of years of service creditable to the member under section 12732 of this title.

(b) *FORM OF SEPARATION.*—The characterization of the service of the member shall be determined without regard to the determination that the member is HIV-positive.

(c) *SEPARATION TO BE CONSIDERED INVOLUNTARY.*—A separation under this section shall be considered to be an involuntary separation for purposes of any other provision of law.

(d) *COUNSELING ABOUT AVAILABLE MEDICAL CARE.*—A member to be separated under this section shall be provided information, in writing, before such separation of the available medical care (through the Department of Veterans Affairs and otherwise) to treat the member's condition. Such information shall include identification of specific medical locations near the member's home of record or point of discharge at which the member may seek necessary medical care.

(e) *HIV-POSITIVE MEMBERS.*—A member shall be considered to be HIV-positive for purposes of this section if there is serologic evidence that the member is infected with the virus known as Human Immunodeficiency Virus-1 (HIV-1), the virus most commonly associated with the acquired immune deficiency syndrome (AIDS) in the United States. Such serologic evidence shall be considered to exist if there is a reactive result given by an enzyme-linked immunosorbent assay (ELISA) serologic test that is confirmed by a reactive and diagnostic immunoelectrophoresis test (Western blot) on two separate samples. Any such serologic test must be one that is approved by the Food and Drug Administration.

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## CHAPTER 73—ANNUITIES BASED ON RETIRED OR RETAINER PAY

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### [SUBCHAPTER II—SURVIVOR BENEFIT PLAN

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#### [§ 1447. Definitions

[In this subchapter:

[(1) The term "Plan" means the Survivor Benefit Plan established by this subchapter.

[(2) The term "base amount" means—

[(A) in the case of a person who dies after becoming entitled to retired pay, the amount of monthly retired pay (determined without regard to any reduction under section 1409(b)(2) of this title) to which the person—

- [(i) was entitled when he became eligible for that pay;  
or  
[(ii) later became entitled by being advanced on the retired list, performing active duty, or being transferred from the temporary disability retired list to the permanent disability retired list;
- [(B) in the case of a person who would have become eligible for reserve-component retired pay but for the fact that he died before becoming 60 years of age, the amount of monthly retired pay for which the person would have been eligible—
- [(i) if he had been 60 years of age on the date of his death, for purposes of an annuity to become effective on the day after his death in accordance with a designation made under section 1448(e) of this title; or
- [(ii) upon becoming 60 years of age (if he had lived to that age), for purposes of an annuity to become effective on the 60th anniversary of his birth in accordance with a designation made under section 1448(e) of this title; or
- [(C) any amount which is less than the amount otherwise applicable under clause (A) or (B) with respect to an annuity provided under the Plan but which is not less than \$300 and which is designated by the person (with the concurrence of the person's spouse, if required under section 1448(a)(3) of this title) providing the annuity on or before (i) the first day for which he becomes eligible for retired pay, in the case of a person providing a standard annuity, or (ii) the end of the 90-day period beginning on the date on which he receives the notification required by section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay in the case of a person providing a reserve-component annuity.
- [(3) The term "widow" means the surviving wife of a person who, if not married to the person at the time he became eligible for retired pay—
- [(A) was married to him for at least one year immediately before his death; or
- [(B) is the mother of issue by that marriage.
- [(4) The term "widower" means the surviving husband of a person who, if not married to the person at the time she became eligible for retired pay—
- [(A) was married to her for at least one year immediately before her death; or
- [(B) is the father of issue by that marriage.
- [(5) The term "dependent child" means a person who is—
- [(A) unmarried;
- [(B) (i) under 18 years of age; (ii) at least 18, but under 22, years of age and pursuing a full-time course of study or training in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution; or (iii) incapable of supporting himself because of a mental or physical incapacity existing before his eighteenth birthday or incurred on or after that birthday, but before his twenty-second birthday, while pursuing such a full-time course of study or training; and

[(C) the child of a person to whom the Plan applies, including (i) an adopted child, and (ii) a stepchild, foster child, or recognized natural child who lived with that person in a regular parent-child relationship.

For the purpose of this paragraph, a child whose twenty-second birthday occurs before July 1 or after August 31 of a calendar year, and while he is regularly pursuing such a course of study or training, is considered to have become 22 years of age on the first day of July after that birthday. A child who is a student is considered not to have ceased to be a student during an interim between school years if the interim is not more than 150 days and if he shows to the satisfaction of the Secretary of Defense that he has a bona fide intention of continuing to pursue a course of study or training in the same or a different school during the school semester (or other period into which the school year is divided) immediately after the interim. Under this paragraph, a foster child, to qualify as the dependent child of a person to whom the Plan applies, must, at the time of the death of that person, also reside with, and receive over one-half of his support from, that person, and not be cared for under a social agency contract. The temporary absence of a foster child from the residence of that person, while he is a student as described in this paragraph, will not be considered to affect the residence of such a foster child.

[(6) The term “former spouse” means the surviving former husband or wife of a person who is eligible to participate in the Plan.

[(7) The term “court” has the meaning given that term by section 1408(a)(1) of this title.

[(8) The term “court order” means a court’s final decree of divorce, dissolution, or annulment or a court ordered, ratified, or approved property settlement incident to such a decree (including a final decree modifying the terms of a previously issued decree of divorce, dissolution, annulment, or legal separation, or of a court ordered, ratified, or approved property settlement agreement incident to such previously issued decree).

[(9) The term “final decree” means a decree from which no appeal may be taken or from which no appeal has been taken within the time allowed for the taking of such appeals under the laws applicable to such appeals, or a decree from which timely appeal has been taken and such appeal has been finally decided under the laws applicable to such appeals.

[(10) The term “regular on its face”, when used in connection with a court order, means a court order that meets the conditions prescribed in section 1408(b)(2) of this title.

[(11) The term “retired pay” includes retainer pay paid under section 6330 of this title.

[(12) The term “standard annuity” means an annuity provided by virtue of eligibility under section 1448(a)(1)(A) of this title.

[(13) The term “reserve-component annuity” means an annuity provided by virtue of eligibility under section 1448(a)(1)(B) of this title.

[(14) The term “reserve-component retired pay” means retired pay under chapter 1223 of this title (or under chapter 67 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act).

**§ 1448. Application of Plan**

[(a)(1) The program established by this subchapter shall be known as the Survivor Benefit Plan. The following persons are eligible to participate in the Plan:

[(A) Persons entitled to retired pay.

[(B) Persons who would be eligible for reserve-component retired pay but for the fact that they are under 60 years of age.

[(2) The Plan applies—

[(A) to a person who is eligible to participate in the Plan under paragraph (1)(A) and who is married or has a dependent child when he becomes entitled to retired pay, unless he elects (with his spouse's concurrence, if required under paragraph (3)) not to participate in the Plan before the first day for which he is eligible for that pay; and

[(B) to a person who (i) is eligible to participate in the Plan under paragraph (1)(B), (ii) is married or has a dependent child when he is notified under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay, and (iii) elects to participate in the Plan (and makes a designation under subsection (e)) before the end of the 90-day period beginning on the date he receives such notification.

A person described in subclauses (i) and (ii) of clause (B) who does not elect to participate in the Plan before the end of the 90-day period referred to in such clause shall remain eligible, upon reaching 60 years of age and otherwise becoming entitled to retired pay, to participate in the Plan in accordance with eligibility under paragraph (1)(A).

[(3)(A) A married person who is eligible to provide a standard annuity may not without the concurrence of the person's spouse elect—

[(i) not to participate in the Plan;

[(ii) to provide an annuity for the person's spouse at less than the maximum level; or

[(iii) to provide an annuity for a dependent child but not for the person's spouse.

[(B) A married person who elects to provide a reserve-component annuity may not without the concurrence of the person's spouse elect—

[(i) to provide an annuity for the person's spouse at less than the maximum level; or

[(ii) to provide an annuity for a dependent child but not for the person's spouse.

[(C) A person may make an election described in subparagraph (A) or (B) without the concurrence of the person's spouse if the person establishes to the satisfaction of the Secretary concerned—

[(i) that the spouse's whereabouts cannot be determined; or

[(ii) that, due to exceptional circumstances, requiring the person to seek the spouse's consent would otherwise be inappropriate.

[(D) This paragraph does not affect any right or obligation to elect to provide an annuity for a former spouse (or for a former spouse and dependent child) under subsection (b)(2).



[(E) If a married person who is eligible to provide a standard annuity elects to provide an annuity for a former spouse (or for a former spouse and dependent child) under subsection (b)(2), that person's spouse shall be notified of that election.

[(4)(A) An election under paragraph (2)(A) not to participate in the Plan is irrevocable if not revoked before the date on which the person first becomes entitled to retire.

[(B) An election under paragraph (2)(B) to participate in the Plan is irrevocable if not revoked before the end of the 90-day period referred to in such paragraph.

[(5) A person who is not married when he becomes eligible to participate in the Plan but who later marries or acquires a dependent child may elect to participate in the Plan, but his election must be written, signed by him, and received by the Secretary concerned within one year after he marries or acquires that dependent child. Such an election may not be revoked except in accordance with subsection (b)(3). His election is effective as of the first day of the first calendar month following the month in which his election is received by the Secretary concerned. In the case of a person providing a reserve-component annuity, such an election shall include a designation under subsection (e).

[(6)(A) A person—

[(i) who is a participant in the Plan and is providing coverage for a spouse or a spouse and child;

[(ii) who does not have an eligible spouse beneficiary under the Plan; and

[(iii) who remarries,

may elect not to provide coverage under the Plan for the person's spouse.

[(B) If such an election is made, no reduction in the retired pay of such person under section 1452 of this title may be made. An election under this paragraph—

[(i) is irrevocable;

[(ii) shall be made within one year after the person's remarriage; and

[(iii) shall be made in such form and manner as may be prescribed in regulations under section 1455 of this title.

[(C) If a person makes an election under this paragraph—

[(i) not to participate in the Plan;

[(ii) to provide an annuity for the person's spouse at less than the maximum level; or

[(iii) to provide an annuity for a dependent child but not for the person's spouse,

the person's spouse shall be notified of that election.

[(D) This paragraph does not affect any right or obligation to elect to provide an annuity to a former spouse under subsection (b).

[(b)(1)(A) A person who is not married and does not have a dependent child when he becomes eligible to participate in the Plan may elect to provide an annuity to a natural person with an insurable interest in that person. In the case of a person providing a reserve-component annuity, such an election shall include a designation under subsection (e).

[(B) An election under subparagraph (A) for a beneficiary who is not the former spouse of the person providing the annuity may be

terminated. Any such termination shall be made by a participant by the submission to the Secretary concerned of a request to discontinue participation in the Plan, and such participation in the Plan shall be discontinued effective on the first day of the first month following the month in which the request is received by the Secretary concerned. Effective on such date, the Secretary concerned shall discontinue the reduction being made in such person's retired pay on account of participation in the Plan or, in the case of a person who has been required to make deposits in the Treasury on account of participation in the Plan, such person may discontinue making such deposits effective on such date.

[(C) A request under subparagraph (B) to discontinue participation in the Plan shall be in such form and shall contain such information as may be required under regulations prescribed by the Secretary of Defense.

[(D) The Secretary concerned shall furnish promptly to each person who submits a request under subparagraph (B) to discontinue participation in the Plan a written statement of the advantages and disadvantages of participating in the Plan and the possible disadvantages of discontinuing participation. A person may withdraw the request to discontinue participation if withdrawn within 30 days after having been submitted to the Secretary concerned.

[(E) Once participation is discontinued, benefits may not be paid in conjunction with the earlier participation in the Plan and premiums paid may not be refunded. Participation in the Plan may not later be resumed except through a qualified election under paragraph (5) of subsection (a).

[(2) A person who has a former spouse when he becomes eligible to participate in the Plan may elect to provide an annuity to that former spouse. In the case of a person with a spouse or a dependent child, such an election prevents payment of an annuity to that spouse or child (other than a child who is a beneficiary under an election under paragraph (4)), including payment under subsection (d). If there is more than one former spouse, the person shall designate which former spouse is to be provided the annuity. In the case of a person providing a reserve-component annuity, such an election shall include a designation under subsection (e).

[(3)(A) A person—

[(i) who is a participant in the Plan and is providing coverage for a spouse or a spouse and child (even though there is no beneficiary currently eligible for such coverage), and

[(ii) who has a former spouse who was not that person's former spouse when he became eligible to participate in the Plan,

may (subject to subparagraph (B)) elect to provide an annuity to that former spouse. Any such election terminates any previous coverage under the Plan and must be written, signed by the person, and received by the Secretary concerned within one year after the date of the decree of divorce, dissolution, or annulment.

[(B) A person may not make an election under subparagraph (A) to provide an annuity to a former spouse who that person married after becoming eligible for retired pay unless—

[(i) the person was married to that former spouse for at least one year, or

[(ii) that former spouse is the parent of issue by that marriage.

[(C) An election under this paragraph may not be revoked except in accordance with section 1450(f) of this title and is effective as of the first day of the first calendar month following the month in which it is received by the Secretary concerned. This paragraph does not provide the authority to change a designation previously made under subsection (e).

[(D) If a person who is married makes an election to provide an annuity to a former spouse under this paragraph, that person's spouse shall be notified of that election.

[(4) A person who elects to provide an annuity for a former spouse under paragraph (2) or (3) may, at the time of the election, elect to provide coverage under that annuity for both the former spouse and a dependent child, if the child resulted from the person's marriage to that former spouse.

[(5) A person who elects to provide an annuity to a former spouse under paragraph (2) or (3) shall, at the time of making the election, provide the Secretary concerned with a written statement (in a form to be prescribed by that Secretary and signed by such person and the former spouse) setting forth (A) whether the election is being made pursuant to the requirements of a court order, or (B) whether the election is being made pursuant to a written agreement previously entered into voluntarily by such person as a part of or incident to a proceeding of divorce, dissolution, or annulment and (if so) whether such voluntary written agreement has been incorporated in, or ratified or approved by, a court order.

[(c) The application of the Plan to a person whose name is on the temporary disability retired list terminates when his name is removed from that list and he is no longer entitled to disability retired pay.

[(d)(1) The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of a member who dies on active duty after—

[(A) becoming eligible to receive retired pay;

[(B) qualifying for retired pay except that he has not applied for or been granted that pay; or

[(C) completing 20 years of active service but before he is eligible to retire as a commissioned officer because he has not completed 10 years of active commissioned service.

[(2) The Secretary concerned shall pay an annuity under this subchapter to the dependent child of a member described in paragraph (1) if there is no surviving spouse or if the member's surviving spouse subsequently dies.

[(3) If a member described in paragraph (1) is required under a court order or spousal agreement to provide an annuity to a former spouse upon becoming eligible to be a participant in the Plan or has made an election under subsection (b) to provide an annuity to a former spouse, the Secretary—

[(A) may not pay an annuity under paragraph (1) or (2); but

[(B) shall pay an annuity to that former spouse as if the member had been a participant in the Plan and had made an election under subsection (b) to provide an annuity to the former spouse, or in accordance with that election, as the case

may be, if the Secretary receives a written request from the former spouse concerned that the election be deemed to have been made in the same manner as provided in section 1450(f)(3) of this title.

[(4) An annuity that may be provided under this subsection shall be provided in preference to an annuity that may be provided under any other provision of this subchapter on account of service of the same member.

[(5) The amount of an annuity under this subsection is computed under section 1451(c) of this title.

[(e) In any case in which a person electing to participate in the Plan is required to make a designation under this subsection, the person making such election shall designate whether, in the event he dies before becoming 60 years of age, the annuity provided shall become effective on the day after the date of his death or on the 60th anniversary of his birth.

[(f)(1) The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of a person who is eligible to provide a reserve-component annuity and who dies—

[(A) before being notified under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay; or

[(B) during the 90-day period beginning on the date he receives notification under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay if he had not made an election under subsection (a)(2)(B) to participate in the Plan.

[(2) The Secretary concerned shall pay an annuity under this subchapter to the dependent child of a person described in paragraph (1) if there is no surviving spouse or if the person's surviving spouse subsequently dies.

[(3) If a person described in paragraph (1) is required under a court order or spousal agreement to provide an annuity to a former spouse upon becoming eligible to be a participant in the Plan or has made an election under subsection (b) to provide an annuity to a former spouse, the Secretary—

[(A) may not pay an annuity under paragraph (1) or (2); but

[(B) shall pay an annuity to that former spouse as if the person had been a participant in the Plan and had made an election under subsection (b) to provide an annuity to the former spouse, or in accordance with that election, as the case may be, if the Secretary receives a written request from the former spouse concerned that the election be deemed to have been made in the same manner as provided in section 1450(f)(3) of this title.

[(4) The amount of an annuity under this subsection is computed under section 1451(c) of this title.

[(g)(1) A person—

[(A) who is a participant in the Plan and is providing coverage under subsection (a) for a spouse or a spouse and child, but at less than the maximum level; and

[(B) who remarries,

may elect, within one year of such remarriage, to increase the level of coverage provided under the Plan to a level not in excess of the current retired pay of that person.

[(2) Such an election shall be contingent on the person paying to the United States the amount determined under paragraph (3) plus interest on such amount at a rate determined under regulations prescribed by the Secretary of Defense.

[(3) The amount referred to in paragraph (2) is the amount equal to the difference between—

[(A) the amount that would have been withheld from such person's retired pay under section 1452 of this title if the higher level of coverage had been in effect from the time the person became a participant in the Plan; and

[(B) the amount of such person's retired pay actually withheld.

[(4) An election under paragraph (1) shall be made in such manner as the Secretary shall prescribe and shall become effective upon receipt of the payment required by paragraph (2).

[(5) A payment received under this subsection by the Secretary of Defense shall be deposited into the Department of Defense Military Retirement Fund. Any other payment received under this subsection shall be deposited in the Treasury as miscellaneous receipts.

**[(§ 1449. Mental incompetency of member**

[(If a person to whom section 1448 of this title applies is determined to be mentally incompetent by medical officers of the armed force concerned or of the Department of Veterans Affairs, or by a court of competent jurisdiction, any election described in subsection (a)(2) or (b) of section 1448 of this title may be made on behalf of that person by the Secretary concerned. If the person for whom the Secretary has made an election is later determined to be mentally competent by an authority named in the first sentence, he may, within 180 days after that determination revoke that election. Any deductions made from by reason of such an election will not be refunded.

**[(§ 1450. Payment of annuity: beneficiaries**

[(a) Effective as of the first day after the death of a person to whom section 1448 of this title applies (or on such other day as he may provide under subsection (j)), a monthly annuity under section 1451 of this title shall be paid to—

[(1) the eligible widow or widower or the eligible former spouse;

[(2) the surviving dependent children in equal shares, if the eligible widow or widower or the eligible former spouse is dead, dies, or otherwise becomes ineligible under this section;

[(3) the dependent children in equal shares if the person to whom section 1448 of this title applies (with the concurrence of the person's spouse, if required under section 1448(a)(3) of this title) elected to provide an annuity for dependent children but not for the spouse or former spouse; or

[(4) the natural person designated under section 1448(b) of this title, unless the election to provide an annuity to the natural person has been changed as provided in subsection (f).

[(b) An annuity payable to the beneficiary terminates effective as of the first day of the month in which eligibility is lost. An annuity for a widow, widower, or former spouse shall be paid to the widow, widower, or former spouse while the widow, widower, or former spouse is living or, if the widow, widower, or former spouse remarries before reaching age 55, until the widow, widower, or former spouse remarries. If the widow, widower, or former spouse remarries before reaching age 55 and that marriage is terminated by death, annulment, or divorce, payment of the annuity will be resumed effective as of the first day of the month in which the marriage is so terminated. However, if the widow, widower, or former spouse is also entitled to an annuity under the Plan based upon the marriage so terminated, the widow, widower, or former spouse may not receive both annuities but must elect which to receive.

[(c) If, upon the death of a person to whom section 1448 of this title applies, the widow, widower, or former spouse of that person is also entitled to dependency and indemnity compensation under section 1311(a) of title 38, the widow, widower, or former spouse may be paid an annuity under this section, but only in the amount that the annuity otherwise payable under this section would exceed that compensation. A reduction in an annuity under this section required by the preceding sentence shall be effective on the date of the commencement of the period of payment of such compensation under title 38.

[(d) If, upon the death of a person to whom section 1448 of this title applies, that person had in effect a waiver of his retired pay for the purposes of subchapter III of chapter 83 of title 5, an annuity under this section shall not be payable unless, in accordance with section 8339(j) of title 5, he notified the Office of Personnel Management that he did not desire any spouse surviving him to receive an annuity under section 8341(b) of that title.

[(e) If no annuity under this section is payable because of subsection (c), any amounts deducted from the retired pay of the deceased under section 1452 of this title shall be refunded to the widow, widower, or former spouse. If, because of subsection (c), the annuity payable is less than the amount established under section 1451 of this title, the annuity payable shall be recalculated under that section. The amount of the reduction in the retired pay required to provide that recalculated annuity shall be computed under section 1452 of this title, and the difference between the amount deducted prior to the computation of that recalculated annuity and the amount that would have been deducted on the basis of that recalculated annuity shall be refunded to the widow, widower, or former spouse.

[(f)(1) A person who elects to provide an annuity to a person designated by him under section 1448(b) of this title may, subject to paragraph (2), change that election and provide an annuity to his spouse or dependent child. The Secretary concerned shall notify the former spouse or other natural person previously designated under section 1448(b) of this title of any change of election under the first sentence of this paragraph. Any such change of election is subject

to the same rules with respect to execution, revocation, and effectiveness as are set forth in section 1448(a)(5) of this title (without regard to the eligibility of the person making the change of election to make an election under such section).

[(2) A person who, incident to a proceeding of divorce, dissolution, or annulment, is required by a court order to elect under section 1448(b) of this title to provide an annuity to a former spouse (or to both a former spouse and child), or who enters into a written agreement (whether voluntary or required by a court order) to make such an election, and who makes an election pursuant to such order or agreement, may not change such election under paragraph (1) unless—

[(A) in a case in which the election is required by a court order, or in which an agreement to make the election has been incorporated in or ratified or approved by a court order, the person—

[(i) furnishes to the Secretary concerned a certified copy of a court order which is regular on its face and modifies the provisions of all previous court orders relating to such election, or the agreement to make such election, so as to permit the person to change the election; and

[(ii) certifies to the Secretary concerned that the court order is valid and in effect; or

[(B) in a case of a written agreement that has not been incorporated or ratified or approved by a court order, the person—

[(i) furnishes to the Secretary concerned a statement, in such form as the Secretary concerned may prescribe, signed by the former spouse and evidencing the former spouse's agreement to a change in the election under paragraph (1); and

[(ii) certifies to the Secretary concerned that the statement is current and in effect.

[(3)(A) If a person described in paragraph (2) or (3) of section 1448(b) of this title enters, incident to a proceeding of divorce, dissolution, or annulment, into a written agreement to elect under section 1448(b) of this title to provide an annuity to a former spouse and such agreement has been incorporated in or ratified or approved by a court order or has been filed with the court of appropriate jurisdiction in accordance with applicable State law, or if such person is required by a court order to make such an election and such person then fails or refuses to make such an election, such person shall be deemed to have made such an election if the Secretary concerned receives a written request, in such manner as the Secretary shall prescribe, from the former spouse concerned requesting that such an election be deemed to have been made and receives a copy of the court order, regular on its face, which requires such election or incorporates, ratifies, or approves the written agreement of such person or receives a statement from the clerk of the court (or other appropriate official) that such agreement has been filed with the court in accordance with applicable State law.

[(B) An election may not be deemed to have been made under subparagraph (A) in the case of any person unless the Secretary

concerned receives a request from the former spouse of the person within one year of the date of the court order or filing involved.

[(C) An election deemed to have been made under subparagraph (A) shall become effective on the first day of the first month which begins after the date of the court order or filing involved.

[(4) A court order may require a person to elect (or to enter into an agreement to elect) under section 1448(b) of this title to provide an annuity to a former spouse (or to both a former spouse and child).

[(g) Except as provided in section 1449 of this title or in subsection (f) of this section, an election under this section may not be changed or revoked.

[(h) Except as provided in section 1451 of this title, an annuity under this section is in addition to any other payment to which a person is entitled under any other provision of law. Such annuity shall be considered as income under laws administered by the Department of Veterans Affairs.

[(i) Except as provided in subsection (l)(3)(B), an annuity under this section is not assignable or subject to execution, levy, attachment, garnishment, or other legal process.

[(j) An annuity elected by a person providing a reserve-component annuity shall be effective in accordance with the designation made by such person under section 1448(e) of this title. An annuity payable under section 1448(f) of this title shall be effective on the day after the date of the death of the person upon whose service the right to the annuity is based.

[(k)(1) If a widow, widower, or former spouse whose annuity has been adjusted under subsection (c) subsequently loses entitlement to compensation under section 1311(a) of title 38 because of the remarriage of such widow, widower, or former spouse, and if at the time of such remarriage such widow, widower, or former spouse is 55 years of age or more, the amount of the annuity of such widow, widower, or former spouse shall be readjusted, effective on the effective date of such loss of compensation, to the amount of the annuity which would be in effect with respect to such widow, widower, or former spouse if the adjustment under subsection (c) had never been made.

[(2) A widow, widower, or former spouse whose annuity is readjusted under paragraph (1) shall repay any amount refunded under subsection (e) by reason of the adjustment under subsection (c). If the repayment is not made in a lump sum, the widow, widower, or former spouse shall pay interest on the amount to be repaid commencing on the date on which the first such payment is due and applied over the period during which any part of the repayment remains to be paid. The manner in which such repayment shall be made, and the rate of any such interest, shall be prescribed in regulations under section 1455 of this title. An amount repaid under this paragraph (including any such interest) received by the Secretary of Defense shall be deposited into the Department of Defense Military Retirement Fund. Any other amount repaid under this paragraph shall be deposited into the Treasury as miscellaneous receipts.

[(l)(1) Upon application of the beneficiary of a participant in the Plan whose retired pay has been suspended on the basis that the



participant is missing (or of a participant in the Plan who would be eligible for reserve-component retired pay but for the fact that he is under 60 years of age and whose retired pay, if he were entitled to retired pay, would be suspended on the basis that he is missing), the Secretary concerned may determine for purposes of this subchapter that the participant is presumed dead. Any such determination shall be made in accordance with regulations prescribed under section 1455 of this title. The Secretary concerned may not make a determination for purposes of this subchapter that a participant is presumed dead unless he finds—

[(A) that the participant has been missing for at least 30 days; and

[(B) that the circumstances under which the participant is missing would lead a reasonably prudent person to conclude that the participant is dead.

[(2) Upon a determination under paragraph (1) with respect to a participant in the Plan, an annuity otherwise payable under this subchapter shall be paid as if the participant died on the date as of which the retired pay of the participant was suspended.

[(3)(A) If, after a determination under paragraph (1), the Secretary concerned determines that the participant is alive, any annuity being paid under this subchapter by reason of this subsection shall be terminated and the total amount of any annuity payments made by reason of this subsection shall constitute a debt to the United States which may be collected or offset—

[(i) from any retired pay otherwise payable to the participant;

[(ii) if the participant is entitled to compensation under chapter 11 of title 38, from that compensation; or

[(iii) if the participant is entitled to any other payment from the United States, from that payment.

[(B) If the participant dies before the full recovery of the amount of annuity payments described in subparagraph (A) has been made by the United States, the remaining amount of such annuity payments may be collected from his beneficiary under the Plan if that beneficiary was the recipient of the annuity payments made by reason of this subsection.

#### **[(§ 1451. Amount of annuity**

[(a)(1) In the case of a standard annuity provided to a beneficiary under section 1450(a) of this title (other than under section 1450(a)(4)), the monthly annuity payable to the beneficiary shall be determined as follows:

[(A) If the beneficiary is under 62 years of age or is a dependent child when becoming entitled to the annuity, the monthly annuity shall be the amount equal to 55 percent of the base amount.

[(B) If the beneficiary (other than a dependent child) is 62 years of age or older when becoming entitled to the annuity, the monthly annuity shall be the amount equal to 35 percent of the base amount. However, if the beneficiary is eligible to have the annuity computed under subsection (e) and if, at the time the beneficiary becomes entitled to the annuity, computation of the annuity under that subsection is more favorable to

the beneficiary, the annuity shall be computed under that subsection.

[(2) In the case of a reserve-component annuity provided to a beneficiary under section 1450(a) of this title (other than under section 1450(a)(4)), the monthly annuity payable to the beneficiary shall be determined as follows:

[(A) If the beneficiary is under 62 years of age or is a dependent child when becoming entitled to the annuity, the monthly annuity shall be the amount equal to a percentage of the base amount that—

[(i) is less than 55 percent; and

[(ii) is determined under subsection (f).

[(B) If the beneficiary (other than a dependent child) is 62 years of age or older when becoming entitled to the annuity, the monthly annuity shall be the amount equal to a percentage of the base amount that—

[(i) is less than 35 percent; and

[(ii) is determined under subsection (f).

However, if the beneficiary is eligible to have the annuity computed under subsection (e) and if, at the time the beneficiary becomes entitled to the annuity, computation of the annuity under that subsection is more favorable to the beneficiary, the annuity shall be computed under that subsection.

[(b)(1) In the case of a standard annuity provided to a beneficiary under section 1450(a)(4) of this title, the monthly annuity payable to the beneficiary shall be the amount equal to 55 percent of the retired pay of the person who elected to provide the annuity after the reduction in that pay in accordance with section 1452(c) of this title.

[(2) In the case of a reserve-component annuity provided to a beneficiary under section 1450(a)(4) of this title, the monthly annuity payable to the beneficiary shall be the amount equal to a percentage of the retired pay of the person who elected to provide the annuity after the reduction in such pay in accordance with section 1452(c) of this title that—

[(A) is less than 55 percent; and

[(B) is determined under subsection (f).

[(3) For the purposes of paragraph (2), a person—

[(A) who provides an annuity that is determined in accordance with that paragraph;

[(B) who dies before becoming 60 years of age; and

[(C) who at the time of death is otherwise entitled to retired pay,

shall be considered to have been entitled to retired pay at the time of death. The retired pay of such person for the purposes of such paragraph shall be computed on the basis of the rates of basic pay in effect on the date on which the annuity provided by such person is to become effective in accordance with the designation of such person under section 1448(e) of this title.

[(c)(1) In the case of an annuity provided under section 1448(d) or 1448(f) of this title, the amount of the annuity shall be determined as follows:

[(A) If the person receiving the annuity is under 62 years of age or is a dependent child when the member or former mem-

ber dies, the monthly annuity shall be the amount equal to 55 percent of the retired pay to which the member or former member would have been entitled if the member or former member had been entitled to that pay based upon his years of active service when he died.

[(B) If the person receiving the annuity (other than a dependent child) is 62 years of age or older when the member or former member dies, the monthly annuity shall be the amount equal to 35 percent of the retired pay to which the member or former member would have been entitled if the member or former member had been entitled to that pay based upon his years of active service when he died. However, if the beneficiary is eligible to have the annuity computed under subsection (e) and if, at the time the beneficiary becomes entitled to the annuity, computation of the annuity under that subsection is more favorable to the beneficiary, the annuity shall be computed under that subsection.

[(2) An annuity computed under paragraph (1) that is paid to a surviving spouse shall be reduced by the amount of dependency and indemnity compensation to which the surviving spouse is entitled under section 1311(a) of title 38. Any such reduction shall be effective on the date of the commencement of the period of payment of such compensation under title 38.

[(3) In the case of an annuity provided by reason of the service of a member described in section 1448(d)(1)(B) or 1448(d)(1)(C) of this title who first became a member of a uniformed service before September 8, 1980, the retired pay to which the member would have been entitled when he died shall be determined for purposes of paragraph (1) based upon the rate of basic pay in effect at the time of death for the grade in which the member was serving at the time of death, unless (as determined by the Secretary concerned) the member would have been entitled to be retired in a higher grade.

[(4) In the case of an annuity paid under section 1448(f) of this title by reason of the service of a person who first became a member of a uniformed service before September 8, 1980, the retired pay of the person providing the annuity shall for the purposes of paragraph (1) be computed on the basis of the rates of basic pay in effect on the effective date of the annuity.

[(d)(1) The annuity of a person whose annuity is computed under clause (A) of subsection (a)(1), (a)(2), or (c)(1) shall be reduced on the first day of the month after the month in which the person becomes 62 years of age.

[(2)(A) Except as provided in subparagraph (B), the reduced amount of the annuity shall be the amount of the annuity that the person would be receiving on that date if the annuity had initially been computed under clause (B) of that subsection.

[(B) In the case of a person eligible to have the annuity computed under subsection (e) and for whom, at the time the person becomes 62 years of age, an annuity computed with a reduction under subsection (e)(3) is more favorable than an annuity with a reduction described in subparagraph (A), the reduction in the annuity shall be computed in the same manner as a reduction under subsection (e)(3).

[(e)(1) The following beneficiaries under the Plan are eligible to have an annuity under the Plan computed under this subsection:

[(A) A beneficiary receiving an annuity under the Plan on October 1, 1985, as the widow, widower, or former spouse of the person providing the annuity.

[(B) A spouse or former spouse beneficiary of a person who on October 1, 1985—

[(i) was a participant in the Plan;

[(ii) was entitled to retired pay or was qualified for that pay except that he had not applied for and been granted that pay; or

[(iii) would have been eligible for retired pay under chapter 67 of this title but for the fact that he was under 60 years of age.

[(2) Subject to paragraph (3), an annuity computed under this subsection shall be determined as follows:

[(A) In the case of a beneficiary of a standard annuity under section 1450(a) of this title, the annuity shall be the amount equal to 55 percent of the base amount.

[(B) In the case of a beneficiary of a reserve-component annuity under section 1450(a) of this title, the annuity shall be the percentage of the base amount that—

[(i) is less than 55 percent; and

[(ii) is determined under subsection (f).

[(C) In the case of a beneficiary of an annuity under section 1448(d) or 1448(f) of this title, the annuity shall be the amount equal to 55 percent of the retired pay of the person providing the annuity (as that pay is determined under subsection (c)).

[(3) An annuity computed under this subsection shall be reduced by the lesser of—

[(A) the amount of the survivor benefit, if any, to which the widow or widower or former spouse would be entitled under title II of the Social Security Act (42 U.S.C. 401 et seq.) based solely upon service by the person concerned as described in section 210(l)(1) of such Act (42 U.S.C. 410(l)(1)) and calculated assuming that the person concerned lives to age 65; or

[(B) 40 percent of the amount of the monthly annuity as determined under paragraph (2).

[(4)(A) For the purpose of paragraph (3), a widow or widower or former spouse shall not be considered as entitled to a benefit under title II of the Social Security Act (42 U.S.C. 401 et seq.) to the extent that such benefit has been offset by deductions under section 203 of such Act (42 U.S.C. 403) on account of work.

[(B) In the computation of any reduction made under paragraph (3), there shall be excluded any period of service described in section 210(l)(1) of the Social Security Act (42 U.S.C. 410(l)(1))—

[(i) which was performed after December 1, 1980; and

[(ii) which involved periods of service of less than 30 continuous days for which the person concerned is entitled to receive a refund under section 6413(c) of the Internal Revenue Code of 1986 of the social security tax which the person had paid.

[(f) The percentage to be applied in determining the amount of an annuity computed under subsection (a)(2), (b)(2), or (e)(2)(B) shall be determined under regulations prescribed by the Secretary

of Defense. Such regulations shall be prescribed taking into consideration—

[(1) the age of the person electing to provide the annuity at the time of such election;

[(2) the difference in age between such person and the beneficiary of the annuity;

[(3) whether such person provided for the annuity to become effective (in the event he died before becoming 60 years of age) on the day after his death or on the 60th anniversary of his birth;

[(4) appropriate group annuity tables; and

[(5) such other factors as the Secretary considers relevant.

[(g)(1) Whenever retired pay is increased under section 1401a of this title (or any other provision of law), each annuity that is payable under the Plan shall be increased at the same time. The increase shall, in the case of any annuity, be by the same percent as the percent by which the retired pay of the person providing the annuity would have been increased at such time if the person were alive (and otherwise entitled to such pay). The amount of the increase shall be based on the monthly annuity payable before any reduction under section 1450(c) of this title or under subsection (c)(2).

[(2) The monthly amount of an annuity payable under this subchapter, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.

[(h)(1) Whenever retired pay is increased under section 1401a of this title (or any other provision of law), the base amount applicable to each participant in the Plan shall be increased at the same time. The increase shall be by the same percent as the percent by which the retired pay of the participant is increased.

[(2) When the retired pay of a person who first became a member of a uniformed service on or after August 1, 1986, and who is a participant in the Plan is recomputed under section 1410 of this title upon the person's becoming 62 years of age, the base amount applicable to that person shall be recomputed (effective on the effective date of the recomputation of such retired pay under section 1410 of this title) so as to be the amount equal to the amount of the base amount that would be in effect on that date if increases in such base amount under paragraph (1) had been computed as provided in paragraph (2) of section 1401a(b) of this title (rather than under paragraph (3) of that section).

[(3) Computation of a member's retired pay for purposes of this section shall be made without regard to any reduction under section 1409(b)(2) of this title.

[(i) In the case of an annuity under the Plan which is computed on the basis of the retired pay of a member or former member who would have been entitled to have that retired pay recomputed under section 1410 of this title upon attaining 62 years of age, but who died before attaining such age, such annuity shall be recomputed, effective on the first day of the first month beginning after the date on which the member or former member would have attained 62 years of age, so as to be the amount equal to the amount of the annuity that would be in effect on that date if increases under subsection (h)(1) in the base amount applicable to that annu-

ity to the time of the death of the member or former member, and increases in such annuity under subsection (g)(1), had been computed as provided in paragraph (2) of section 1401a(b) of this title (rather than under paragraph (3) of that section).

**§ 1452. Reduction in retired pay**

**[(a) SPOUSE AND FORMER SPOUSE ANNUITIES.—**

**[(1) REQUIRED REDUCTION IN RETIRED PAY.—**Except as provided in subsection (b), the retired pay of a participant in the Plan who is providing spouse coverage (as described in paragraph (5)) shall be reduced as follows:

**[(A) STANDARD ANNUITY.—**If the annuity coverage being provided is a standard annuity, the reduction shall be as follows:

**[(i) DISABILITY AND NONREGULAR SERVICE RETIREES.—**In the case of a person who is entitled to retired pay under chapter 61 or chapter 67 of this title, the reduction shall be in whichever of the alternative reduction amounts is more favorable to that person.

**[(ii) MEMBERS AS OF ENACTMENT OF FLAT-RATE REDUCTION.—**In the case of a person who first became a member of a uniformed service before March 1, 1990, the reduction shall be in whichever of the alternative reduction amounts is more favorable to that person.

**[(iii) NEW ENTRANTS AFTER ENACTMENT OF FLAT-RATE REDUCTION.—**In the case of a person who first becomes a member of a uniformed service on or after March 1, 1990, and who is entitled to retired pay under a provision of law other than chapter 61 or chapter 67<sup>2</sup> of this title, the reduction shall be in an amount equal to 6½ percent of the base amount.

**[(iv) ALTERNATIVE REDUCTION AMOUNTS.—**For purposes of clauses (i) and (ii), the alternative reduction amounts are the following:

**[(I) An amount equal to 6½ percent of the base amount.**

**[(II) An amount equal to 2½ percent of the first \$337 (as adjusted after November 1, 1989, under paragraph (4)) of the base amount plus 10 percent of the remainder of the base amount.**

**[(B) RESERVE-COMPONENT ANNUITY.—**If the annuity coverage being provided is a reserve-component annuity, the reduction shall be in whichever of the following amounts is more favorable to that person:

**[(i) An amount equal to 6½ percent of the base amount plus an amount determined in accordance with regulations prescribed by the Secretary of Defense as a premium for the additional coverage provided through reserve-component annuity coverage under the Plan.**

**[(ii) An amount equal to 2½ percent of the first \$337 (as adjusted after November 1, 1989, under paragraph (4)) of the base amount plus 10 percent of the remainder of the base amount plus an amount deter-**

mined in accordance with regulations prescribed by the Secretary of Defense as a premium for the additional coverage provided through reserve-component annuity coverage under the Plan.

[(2) If there is a dependent child as well as a spouse or former spouse, the amount prescribed under paragraph (1) shall be increased by an amount prescribed under regulations of the Secretary of Defense.

[(3) The reduction in retired pay prescribed by paragraph (1) shall not be applicable during any month in which there is no eligible spouse or former spouse beneficiary.

[(4)(A) Whenever there is an increase in the rates of basic pay of members of the uniformed services effective on or after October 1, 1985, amounts under paragraph (1) with respect to which the percentage factor of 2½ is applied shall be increased by the overall percentage of such increase in the rates of basic pay. The increase under the preceding sentence shall apply only with respect to persons whose retired pay is computed based on the rates of basic pay in effect on or after the date of such increase in rates of basic pay.

[(B) In addition to the increase under paragraph (4)(A), the amounts under paragraph (1) with respect to which the percentage factor of 2½ is applied shall be further increased at the same time and by the same percentage as an increase in retired pay under section 1401a of this title effective on or after October 1, 1985. Such increase under the preceding sentence shall apply only with respect to persons who initially participate in the Plan on a date which is after both the effective date of such increase under section 1401a and the effective date of the rates of basic pay upon which their retired pay is computed.

[(5) For the purposes of paragraph (1), a participant in the Plan who is providing spouse coverage is a participant who—

[(A) has (i) a spouse or former spouse, or (ii) a spouse or former spouse and a dependent child; and

[(B) has not elected to provide an annuity to a person designated by him under section 1448(b)(1) of this title or, having made such an election, has changed his election in favor of his spouse under section 1450(f) of this title.

[(b) CHILD-ONLY ANNUITIES.—

[(1) REQUIRED REDUCTION IN RETIRED PAY.—The retired pay of a participant in the Plan who is providing child-only coverage (as described in paragraph (4)) shall be reduced by an amount prescribed under regulations by the Secretary of Defense.

[(2) NO REDUCTION WHEN NO CHILD.—There shall be no reduction in retired pay under paragraph (1) for any month during which the participant has no eligible dependent child.

[(3) SPECIAL RULE FOR CERTAIN RCSBP PARTICIPANTS.—In the case of a participant in the Plan who is participating in the Plan under an election under section 1448(a)(2)(B) of this title and who provided child-only coverage during a period before the participant becomes entitled to receive retired pay, the retired pay of the participant shall be reduced by an amount prescribed under regulations by the Secretary of Defense to reflect the coverage provided under the Plan during the period before

the participant became entitled to receive retired pay. A reduction under this paragraph is in addition to any reduction under paragraph (1) and is made without regard to whether there is an eligible dependent child during a month for which the reduction is made.

[(4) CHILD-ONLY COVERAGE DEFINED.—For the purposes of this subsection, a participant in the Plan who is providing child-only coverage is a participant who has a dependent child and who—

[(A) does not have an eligible spouse or former spouse;

or

[(B) has a spouse or former spouse but has elected to provide an annuity for dependent children only.

[(c) The retired pay of a person who has elected to provide an annuity to a person designated by him under section 1450(a)(4) of this title shall be reduced—

[(1) in the case of a person providing a standard annuity, by 10 percent plus 5 percent for each full five years the individual designated is younger than that person; or

[(2) in the case of a person providing a reserve-component annuity, by an amount prescribed under regulations of the Secretary of Defense.

However, the total reduction under clause (1) may not exceed 40 percent. The reduction in retired pay prescribed by this subsection shall continue during the lifetime of the person designated under section 1450(a)(4) of this title or until the person receiving retired pay changes his election under section 1450(f) of this title. Computation of a member's retired pay for purposes of this subsection shall be made without regard to any reduction under section 1409(b)(2) of this title.

[(d) If a person who has elected to participate in the Plan has been awarded retired pay and is not entitled to that pay for any period, he must deposit in the Treasury the amount that would otherwise have been deducted from his pay for that period, except when he is called or ordered to active duty for a period of more than 30 days.

[(e) When a person who has elected to participate in the Plan waives his retired pay for the purposes of subchapter III of chapter 83 of title 5, he shall not be required to make the deposit otherwise required by subsection (d) as long as that waiver is in effect unless, in accordance with section 8339(i) of title 5, he has notified the Office of Personnel Management that he does not desire any spouse surviving him to receive an annuity under section 8341(b) of title 5.

[(f) Except as provided in section 1450(e) of this title, a person is not entitled to any refunds of amounts deducted from retired pay under this section unless the amounts were deducted through administrative error.

[(g)(1) Notwithstanding any other provision of this subchapter but subject to paragraphs (2) and (3), any person who has elected to participate in the Plan and who is suffering from a service-connected disability rated by the Department of Veterans Affairs as totally disabling and has suffered from such disability while so rated for a continuous period of 10 or more years (or, if so rated for a



lesser period, has suffered from such disability while so rated for a continuous period of not less than 5 years from the date of such person's last discharge or release from active duty) may discontinue participation in the Plan by submitting to the Secretary concerned a request to discontinue participation in the Plan. Any such person's participation in the Plan shall be discontinued effective on the first day of the first month following the month in which a request under this paragraph is received by the Secretary concerned. Effective on such date, the Secretary concerned shall discontinue the reduction being made in such person's retired pay on account of participation in the Plan or, in the case of a person who has been required to make deposits in the Treasury on account of participation in the Plan, such person may discontinue making such deposits effective on such date. Any request under this paragraph to discontinue participation in the Plan shall be in such form and shall contain such information as the Secretary concerned may require by regulation.

[(2) A person described in paragraph (1) may not discontinue participation in the Plan under such paragraph without the written consent of the beneficiary or beneficiaries of such person under the Plan.

[(3) The Secretary concerned shall furnish promptly to each person who files a request under paragraph (1) to discontinue participation in the Plan a written statement of the advantages of participating in the Plan and the possible disadvantages of discontinuing participation. A person may withdraw a request made under paragraph (1) if it is withdrawn within 30 days after having been submitted to the Secretary concerned.

[(4) Upon the death of any person described in paragraph (1) who has discontinued participation in the Plan in accordance with this subsection, any amounts deducted from the retired pay of the deceased under this section shall be refunded to the widow or widower.

[(5) Any person described in paragraph (1) who had discontinued participation in the Plan may again elect to participate in the Plan if (A) at any time after having discontinued participation in the Plan the Department of Veterans Affairs reduces such person's service-connected disability rating to less than total, and (B) such person applies to the Secretary concerned, within such period of time after the reduction in such person's service-connected disability rating has been made as the Secretary concerned may prescribe, to again participate in the Plan and includes in such application such information as the Secretary concerned may require. Such person's participation in the Plan under this paragraph is effective beginning on the first day of the month after the month in which the Secretary concerned receives the application for resumption of participation in the Plan, and the Secretary concerned shall begin making reductions in such person's retired pay, or require such person to make deposits in the Treasury under subsection (d), as appropriate, effective on such day.

[(h) Whenever retired pay is increased under section 1401a of this title (or any other provision of law), the amount of the reduction to be made under subsection (a) or (b) in the retired pay of any

person shall be increased at the same time and by the same percentage as such retired pay is so increased.

[(i) When the retired pay of a person who first became a member of a uniformed service on or after August 1, 1986, and who is a participant in the Plan is recomputed under section 1410 of this title upon the person's becoming 62 years of age, the amount of the reduction in such retired pay under this section shall be recomputed (effective on the effective date of the recomputation of such retired pay under section 1410 of this title) so as to be the amount equal to the amount of such reduction that would be in effect on that date if increases in such retired pay under section 1401a(b) of this title, and increases in reductions in such retired pay under subsection (h), had been computed as provided in paragraph (2) of section 1401a(b) of this title (rather than under paragraph (3) of that section).

**[(§ 1453. Recovery of annuity erroneously paid**

[In addition to other methods of recovery provided by law, the Secretary concerned may authorize the recovery, by deduction from later payments to a person, of any amount erroneously paid to him under this subchapter. However, recovery is not required if, in the judgment of the Secretary concerned and the Comptroller General, there has been no fault by the person to whom the amount was erroneously paid and recovery would be contrary to the purposes of this subchapter or against equity and good conscience.

**[(§ 1454. Correction of administrative errors**

[The Secretary concerned may, under regulations prescribed under section 1455 of this title, correct or revoke any election under this subchapter when he considers it necessary to correct an administrative error. Except when procured by fraud, a correction or revocation under this section is final and conclusive on all officers of the United States.

**[(§ 1455. Regulations**

[(a) The President shall prescribe regulations to carry out this subchapter. Those regulations shall, so far as practicable, be uniform for the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service. Those regulations shall—

[(1) provide that before the date the member becomes entitled to retired pay—

[(A) if the member is married, the member and the member's spouse shall be informed of the elections available under section 1448(a) of this title and the effects of such elections; and

[(B) if the notification referred to in section 1448(a)(3)(E) of this title is required, any former spouse of the member shall be informed of the elections available and the effects of such elections; and

[(2) establish procedures for depositing the amounts referred to in sections 1448(g), 1450(k)(2), and 1452(d) of this title.

[(b) The regulations prescribed pursuant to subsection (a) shall provide procedures for the payment of an annuity under this subchapter in the case of—

[(1) a person for whom a guardian or other fiduciary has been appointed; and

[(2) a minor, mentally incompetent, or otherwise legally disabled person for whom a guardian or other fiduciary has not been appointed.

[(c) The regulations under subsection (b) may include provisions for the following:

[(1) In the case of an annuitant referred to in subsection (b)(1), payment of the annuity to the appointed guardian or other fiduciary.

[(2) In the case of an annuitant referred to in subsection (b)(2), payment of the annuity to any person who, in the judgment of the Secretary concerned, is responsible for the care of the annuitant.

[(3) Subject to paragraphs (4) and (5), a requirement for the payee of an annuity to spend or invest the amounts paid on behalf of the annuitant solely for benefit of the annuitant.

[(4) Authority for the Secretary concerned to permit the payee to withhold from the annuity payment such amount, not in excess of 4 percent of the annuity, as the Secretary concerned considers a reasonable fee for the fiduciary services of the payee when a court appointment order provides for payment of such a fee to the payee for such services or the Secretary concerned determines that payment of a fee to such payee is necessary in order to obtain the fiduciary services of the payee.

[(5) Authority for the Secretary concerned to require the payee to provide a surety bond in an amount sufficient to protect the interests of the annuitant and to pay for such bond out of the annuity.

[(6) A requirement for the payee of an annuity to maintain and, upon request, to provide to the Secretary concerned an accounting of expenditures and investments of amounts paid to the payee.

[(7) In the case of an annuitant referred to in subsection (b)(2)—

[(A) procedures for determining incompetency and for selecting a payee to represent the annuitant for the purposes of this section, including provisions for notifying the annuitant of the actions being taken to make such a determination and to select a representative payee, an opportunity for the annuitant to review the evidence being considered, and an opportunity for the annuitant to submit additional evidence before the determination is made; and

[(B) standards for determining incompetency, including standards for determining the sufficiency of medical evidence and other evidence.

[(8) Provisions for any other matters that the President considers appropriate in connection with the payment of an annuity in the case of a person referred to in subsection (b).

[(d) An annuity paid to a person on behalf of an annuitant in accordance with the regulations prescribed pursuant to subsection (b) discharges the obligation of the United States for payment to the annuitant of the amount of the annuity so paid.]

## SUBCHAPTER II—SURVIVOR BENEFIT PLAN

Sec.

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- 1455. Regulations.

### § 1447. Definitions

*In this subchapter:*

(1) *PLAN.*—The term “Plan” means the Survivor Benefit Plan established by this subchapter.

(2) *STANDARD ANNUITY.*—The term “standard annuity” means an annuity provided by virtue of eligibility under section 1448(a)(1)(A) of this title.

(3) *RESERVE-COMPONENT ANNUITY.*—The term “reserve-component annuity” means an annuity provided by virtue of eligibility under section 1448(a)(1)(B) of this title.

(4) *RETIRED PAY.*—The term “retired pay” includes retainer pay paid under section 6330 of this title.

(5) *RESERVE-COMPONENT RETIRED PAY.*—The term “reserve-component retired pay” means retired pay under chapter 1223 of this title (or under chapter 67 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act).

(6) *BASE AMOUNT.*—The term “base amount” means the following:

(A) *FULL AMOUNT UNDER STANDARD ANNUITY.*—In the case of a person who dies after becoming entitled to retired pay, such term means the amount of monthly retired pay (determined without regard to any reduction under section 1409(b)(2) of this title) to which the person—

(i) was entitled when he became eligible for that pay;

or

(ii) later became entitled by being advanced on the retired list, performing active duty, or being transferred from the temporary disability retired list to the permanent disability retired list.

(B) *FULL AMOUNT UNDER RESERVE-COMPONENT ANNUITY.*—In the case of a person who would have become eligible for reserve-component retired pay but for the fact that he died before becoming 60 years of age, such term means the amount of monthly retired pay for which the person would have been eligible—

(i) if he had been 60 years of age on the date of his death, for purposes of an annuity to become effective on

the day after his death in accordance with a designation made under section 1448(e) of this title.

(ii) upon becoming 60 years of age (if he had lived to that age), for purposes of an annuity to become effective on the 60th anniversary of his birth in accordance with a designation made under section 1448(e) of this title.

(C) **REDUCED AMOUNT.**—Such term means any amount less than the amount otherwise applicable under subparagraph (A) or (B) with respect to an annuity provided under the Plan but which is not less than \$300 and which is designated by the person (with the concurrence of the person's spouse, if required under section 1448(a)(3) of this title) providing the annuity on or before—

(i) the first day for which he becomes eligible for retired pay, in the case of a person providing a standard annuity, or

(ii) the end of the 90-day period beginning on the date on which he receives the notification required by section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay, in the case of a person providing a reserve-component annuity.

(7) **WIDOW.**—The term “widow” means the surviving wife of a person who, if not married to the person at the time he became eligible for retired pay—

(A) was married to the person for at least one year immediately before the person's death; or

(B) is the mother of issue by that marriage.

(8) **WIDOWER.**—The term “widower” means the surviving husband of a person who, if not married to the person at the time she became eligible for retired pay—

(A) was married to her for at least one year immediately before her death; or

(B) is the father of issue by that marriage.

(9) **SURVIVING SPOUSE.**—The term “surviving spouse” means a widow or widower.

(10) **FORMER SPOUSE.**—The term “former spouse” means the surviving former husband or wife of a person who is eligible to participate in the Plan.

(11) **DEPENDENT CHILD.**—

(A) **IN GENERAL.**—The term “dependent child” means a person who—

(i) is unmarried;

(ii) is (I) under 18 years of age, (II) at least 18, but under 22, years of age and pursuing a full-time course of study or training in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution, or (III) incapable of self support because of a mental or physical incapacity existing before the person's eighteenth birthday or incurred on or after that birthday, but before the person's twenty-second birth-

day, while pursuing such a full-time course of study or training; and

(iii) is the child of a person to whom the Plan applies, including (I) an adopted child, and (II) a stepchild, foster child, or recognized natural child who lived with that person in a regular parent-child relationship.

(B) *SPECIAL RULES FOR COLLEGE STUDENTS.*—For the purpose of subparagraph (A), a child whose twenty-second birthday occurs before July 1 or after August 31 of a calendar year, and while regularly pursuing such a course of study or training, is considered to have become 22 years of age on the first day of July after that birthday. A child who is a student is considered not to have ceased to be a student during an interim between school years if the interim is not more than 150 days and if the child shows to the satisfaction of the Secretary of Defense that the child has a bona fide intention of continuing to pursue a course of study or training in the same or a different school during the school semester (or other period into which the school year is divided) immediately after the interim.

(C) *FOSTER CHILDREN.*—A foster child, to qualify under this paragraph as the dependent child of a person to whom the Plan applies, must, at the time of the death of that person, also reside with, and receive over one-half of his support from, that person, and not be cared for under a social agency contract. The temporary absence of a foster child from the residence of that person, while a student as described in this paragraph, shall not be considered to affect the residence of such a foster child.

(12) *COURT.*—The term “court” has the meaning given that term by section 1408(a)(1) of this title.

(13) *COURT ORDER.*—

(A) *IN GENERAL.*—The term “court order” means a court’s final decree of divorce, dissolution, or annulment or a court ordered, ratified, or approved property settlement incident to such a decree (including a final decree modifying the terms of a previously issued decree of divorce, dissolution, annulment, or legal separation, or of a court ordered, ratified, or approved property settlement agreement incident to such previously issued decree).

(B) *FINAL DECREE.*—The term “final decree” means a decree from which no appeal may be taken or from which no appeal has been taken within the time allowed for the taking of such appeals under the laws applicable to such appeals, or a decree from which timely appeal has been taken and such appeal has been finally decided under the laws applicable to such appeals.

(C) *REGULAR ON ITS FACE.*—The term “regular on its face”, when used in connection with a court order, means a court order that meets the conditions prescribed in section 1408(b)(2) of this title.

**§ 1448. Application of plan**

(a) **GENERAL RULES FOR PARTICIPATION IN THE PLAN.**—

(1) **NAME OF PLAN; ELIGIBLE PARTICIPANTS.**—*The program established by this subchapter shall be known as the Survivor Benefit Plan. The following persons are eligible to participate in the Plan:*

(A) *Persons entitled to retired pay.*

(B) *Persons who would be eligible for reserve-component retired pay but for the fact that they are under 60 years of age.*

(2) **PARTICIPANTS IN THE PLAN.**—*The Plan applies to the following persons, who shall be participants in the Plan:*

(A) **STANDARD ANNUITY PARTICIPANTS.**—*A person who is eligible to participate in the Plan under paragraph (1)(A) and who is married or has a dependent child when he becomes entitled to retired pay, unless he elects (with his spouse's concurrence, if required under paragraph (3)) not to participate in the Plan before the first day for which he is eligible for that pay.*

(B) **RESERVE-COMPONENT ANNUITY PARTICIPANTS.**—*A person who (i) is eligible to participate in the Plan under paragraph (1)(B), (ii) is married or has a dependent child when he is notified under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay, and (iii) elects to participate in the Plan (and makes a designation under subsection (e)) before the end of the 90-day period beginning on the date he receives such notification.*

*A person described in clauses (i) and (ii) of subparagraph (B) who does not elect to participate in the Plan before the end of the 90-day period referred to in that clause remains eligible, upon reaching 60 years of age and otherwise becoming entitled to retired pay, to participate in the Plan in accordance with eligibility under paragraph (1)(A).*

(3) **ELECTIONS.**—

(A) **SPOUSAL CONSENT FOR CERTAIN ELECTIONS RESPECTING STANDARD ANNUITY.**—*A married person who is eligible to provide a standard annuity may not without the concurrence of the person's spouse elect—*

(i) *not to participate in the Plan;*

(ii) *to provide an annuity for the person's spouse at less than the maximum level; or*

(iii) *to provide an annuity for a dependent child but not for the person's spouse.*

(B) **SPOUSAL CONSENT FOR CERTAIN ELECTIONS RESPECTING RESERVE-COMPONENT ANNUITY.**—*A married person who elects to provide a reserve-component annuity may not without the concurrence of the person's spouse elect—*

(i) *to provide an annuity for the person's spouse at less than the maximum level; or*

(ii) *to provide an annuity for a dependent child but not for the person's spouse.*

(C) **EXCEPTION WHEN SPOUSE UNAVAILABLE.**—*A person may make an election described in subparagraph (A) or (B)*

without the concurrence of the person's spouse if the person establishes to the satisfaction of the Secretary concerned—

(i) that the spouse's whereabouts cannot be determined; or

(ii) that, due to exceptional circumstances, requiring the person to seek the spouse's consent would otherwise be inappropriate.

(D) CONSTRUCTION WITH FORMER SPOUSE ELECTION PROVISIONS.—This paragraph does not affect any right or obligation to elect to provide an annuity for a former spouse (or for a former spouse and dependent child) under subsection (b)(2).

(E) NOTICE TO SPOUSE OF ELECTION TO PROVIDE FORMER SPOUSE ANNUITY.—If a married person who is eligible to provide a standard annuity elects to provide an annuity for a former spouse (or for a former spouse and dependent child) under subsection (b)(2), that person's spouse shall be notified of that election.

(4) IRREVOCABILITY OF ELECTIONS.—

(A) STANDARD ANNUITY.—An election under paragraph (2)(A) not to participate in the Plan is irrevocable if not revoked before the date on which the person first becomes entitled to retired pay.

(B) RESERVE-COMPONENT ANNUITY.—An election under paragraph (2)(B) to participate in the Plan is irrevocable if not revoked before the end of the 90-day period referred to in that paragraph.

(5) PARTICIPATION BY PERSON MARRYING AFTER RETIREMENT, ETC.—

(A) ELECTION TO PARTICIPATE IN PLAN.—A person who is not married and has no dependent child upon becoming eligible to participate in the Plan but who later marries or acquires a dependent child may elect to participate in the Plan.

(B) MANNER AND TIME OF ELECTION.—Such an election must be written, signed by the person making the election, and received by the Secretary concerned within one year after the date on which that person marries or acquires that dependent child.

(C) LIMITATION ON REVOCATION OF ELECTION.—Such an election may not be revoked except in accordance with subsection (b)(3).

(D) EFFECTIVE DATE OF ELECTION.—The election is effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.

(E) DESIGNATION IF RCSBP ELECTION.—In the case of a person providing a reserve-component annuity, such an election shall include a designation under subsection (e).

(6) ELECTION OUT OF PLAN BY PERSON WITH SPOUSE COVERAGE WHO REMARRIES.—

(A) GENERAL RULE.—A person—



(i) who is a participant in the Plan and is providing coverage under the Plan for a spouse (or a spouse and child);

(ii) who does not have an eligible spouse beneficiary under the Plan; and

(iii) who remarries,

may elect not to provide coverage under the Plan for the person's spouse.

(B) *EFFECT OF ELECTION ON RETIRED PAY.*—If such an election is made, reductions in the retired pay of that person under section 1452 of this title shall not be made.

(C) *TERMS AND CONDITIONS OF ELECTION.*—An election under this paragraph—

(i) is irrevocable;

(ii) shall be made within one year after the person's remarriage; and

(iii) shall be made in such form and manner as may be prescribed in regulations under section 1455 of this title.

(D) *NOTICE TO SPOUSE.*—If a person makes an election under this paragraph—

(i) not to participate in the Plan;

(ii) to provide an annuity for the person's spouse at less than the maximum level; or

(iii) to provide an annuity for a dependent child but not for the person's spouse,

the person's spouse shall be notified of that election.

(E) *CONSTRUCTION WITH FORMER SPOUSE ELECTION PROVISIONS.*—This paragraph does not affect any right or obligation to elect to provide an annuity to a former spouse under subsection (b).

(b) *INSURABLE INTEREST AND FORMER SPOUSE COVERAGE.*—

(1) *COVERAGE FOR PERSON WITH INSURABLE INTEREST.*—

(A) *GENERAL RULE.*—A person who is not married and does not have a dependent child upon becoming eligible to participate in the Plan may elect to provide an annuity under the Plan to a natural person with an insurable interest in that person. In the case of a person providing a reserve-component annuity, such an election shall include a designation under subsection (e).

(B) *TERMINATION OF COVERAGE.*—An election under subparagraph (A) for a beneficiary who is not the former spouse of the person providing the annuity may be terminated. Any such termination shall be made by a participant by the submission to the Secretary concerned of a request to discontinue participation in the Plan, and such participation in the Plan shall be discontinued effective on the first day of the first month following the month in which the request is received by the Secretary concerned. Effective on such date, the Secretary concerned shall discontinue the reduction being made in such person's retired pay on account of participation in the Plan or, in the case of a person who has been required to make deposits in the Treasury on account of participation in the Plan, such per-

son may discontinue making such deposits effective on such date.

(C) *FORM FOR DISCONTINUATION.*—A request under subparagraph (B) to discontinue participation in the Plan shall be in such form and shall contain such information as may be required under regulations prescribed by the Secretary of Defense.

(D) *WITHDRAWAL OF REQUEST FOR DISCONTINUATION.*—The Secretary concerned shall furnish promptly to each person who submits a request under subparagraph (B) to discontinue participation in the Plan a written statement of the advantages and disadvantages of participating in the Plan and the possible disadvantages of discontinuing participation. A person may withdraw the request to discontinue participation if withdrawn within 30 days after having been submitted to the Secretary concerned.

(E) *CONSEQUENCES OF DISCONTINUATION.*—Once participation is discontinued, benefits may not be paid in conjunction with the earlier participation in the Plan and premiums paid may not be refunded. Participation in the Plan may not later be resumed except through a qualified election under paragraph (5) of subsection (a).

(2) *FORMER SPOUSE COVERAGE UPON BECOMING A PARTICIPANT IN THE PLAN.*—

(A) *GENERAL RULE.*—A person who has a former spouse upon becoming eligible to participate in the Plan may elect to provide an annuity to that former spouse.

(B) *EFFECT OF FORMER SPOUSE ELECTION ON SPOUSE OR DEPENDENT CHILD.*—In the case of a person with a spouse or a dependent child, such an election prevents payment of an annuity to that spouse or child (other than a child who is a beneficiary under an election under paragraph (4)), including payment under subsection (d).

(C) *DESIGNATION IF MORE THAN ONE FORMER SPOUSE.*—If there is more than one former spouse, the person shall designate which former spouse is to be provided the annuity.

(D) *DESIGNATION IF RCSBP ELECTION.*—In the case of a person providing a reserve-component annuity, such an election shall include a designation under subsection (e).

(3) *FORMER SPOUSE COVERAGE BY PERSONS ALREADY PARTICIPATING IN PLAN.*—

(A) *ELECTION OF COVERAGE.*—

(i) *AUTHORITY FOR ELECTION.*—A person—

(I) who is a participant in the Plan and is providing coverage for a spouse or a spouse and child (even though there is no beneficiary currently eligible for such coverage), and

(II) who has a former spouse who was not that person's former spouse when that person became eligible to participate in the Plan, may (subject to subparagraph (B)) elect to provide an annuity to that former spouse.

(ii) *TERMINATION OF PREVIOUS COVERAGE.*—Any such election terminates any previous coverage under the Plan.

(iii) *MANNER AND TIME OF ELECTION.*—Any such election must be written, signed by the person making the election, and received by the Secretary concerned within one year after the date of the decree of divorce, dissolution, or annulment.

(B) *LIMITATION ON ELECTION.*—A person may not make an election under subparagraph (A) to provide an annuity to a former spouse who that person married after becoming eligible for retired pay unless—

(i) the person was married to that former spouse for at least one year, or

(ii) that former spouse is the parent of issue by that marriage.

(C) *IRREVOCABILITY, EFFECTIVE DATE, ETC.*—An election under this paragraph may not be revoked except in accordance with section 1450(f) of this title. Such an election is effective as of the first day of the first calendar month following the month in which it is received by the Secretary concerned. This paragraph does not provide the authority to change a designation previously made under subsection (e).

(D) *NOTICE TO SPOUSE.*—If a person who is married makes an election to provide an annuity to a former spouse under this paragraph, that person's spouse shall be notified of the election.

(4) *FORMER SPOUSE AND CHILD COVERAGE.*—A person who elects to provide an annuity for a former spouse under paragraph (2) or (3) may, at the time of the election, elect to provide coverage under that annuity for both the former spouse and a dependent child, if the child resulted from the person's marriage to that former spouse.

(5) *DISCLOSURE OF WHETHER ELECTION OF FORMER SPOUSE COVERAGE IS REQUIRED.*—A person who elects to provide an annuity to a former spouse under paragraph (2) or (3) shall, at the time of making the election, provide the Secretary concerned with a written statement (in a form to be prescribed by that Secretary and signed by such person and the former spouse) setting forth—

(A) whether the election is being made pursuant to the requirements of a court order; or

(B) whether the election is being made pursuant to a written agreement previously entered into voluntarily by such person as a part of or incident to a proceeding of divorce, dissolution, or annulment and (if so) whether such voluntary written agreement has been incorporated in, or ratified or approved by, a court order.

(c) *PERSONS ON TEMPORARY DISABILITY RETIRED LIST.*—The application of the Plan to a person whose name is on the temporary disability retired list terminates when his name is removed from that list and he is no longer entitled to disability retired pay.

(d) *COVERAGE FOR SURVIVORS OF RETIREMENT-ELIGIBLE MEMBERS WHO DIE ON ACTIVE DUTY.*—

(1) *SURVIVING SPOUSE ANNUITY.*—*The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of a member who dies on active duty after—*

(A) *becoming eligible to receive retired pay;*

(B) *qualifying for retired pay except that he has not applied for or been granted that pay; or*

(C) *completing 20 years of active service but before he is eligible to retire as a commissioned officer because he has not completed 10 years of active commissioned service.*

(2) *DEPENDENT CHILD ANNUITY.*—*The Secretary concerned shall pay an annuity under this subchapter to the dependent child of a member described in paragraph (1) if there is no surviving spouse or if the member's surviving spouse subsequently dies.*

(3) *MANDATORY FORMER SPOUSE ANNUITY.*—*If a member described in paragraph (1) is required under a court order or spousal agreement to provide an annuity to a former spouse upon becoming eligible to be a participant in the Plan or has made an election under subsection (b) to provide an annuity to a former spouse, the Secretary—*

(A) *may not pay an annuity under paragraph (1) or (2); but*

(B) *shall pay an annuity to that former spouse as if the member had been a participant in the Plan and had made an election under subsection (b) to provide an annuity to the former spouse, or in accordance with that election, as the case may be, if the Secretary receives a written request from the former spouse concerned that the election be deemed to have been made in the same manner as provided in section 1450(f)(3) of this title.*

(4) *PRIORITY.*—*An annuity that may be provided under this subsection shall be provided in preference to an annuity that may be provided under any other provision of this subchapter on account of service of the same member.*

(5) *COMPUTATION.*—*The amount of an annuity under this subsection is computed under section 1451(c) of this title.*

(e) *DESIGNATION FOR COMMENCEMENT OF RESERVE-COMPONENT ANNUITY.*—*In any case in which a person electing to participate in the Plan is required to make a designation under this subsection, the person making such election shall designate whether, in the event he dies before becoming 60 years of age, the annuity provided shall become effective on—*

(1) *the day after the date of his death; or*

(2) *the 60th anniversary of his birth.*

(f) *COVERAGE OF SURVIVORS OF PERSONS DYING WHEN ELIGIBLE TO ELECT RESERVE-COMPONENT ANNUITY.*—

(1) *SURVIVING SPOUSE ANNUITY.*—*The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of a person who is eligible to provide a reserve-component annuity and who dies—*

(A) before being notified under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay; or

(B) during the 90-day period beginning on the date he receives notification under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay if he had not made an election under subsection (a)(2)(B) to participate in the Plan.

(2) *DEPENDENT CHILD ANNUITY.*—The Secretary concerned shall pay an annuity under this subchapter to the dependent child of a person described in paragraph (1) if there is no surviving spouse or if the person's surviving spouse subsequently dies.

(3) *MANDATORY FORMER SPOUSE ANNUITY.*—If a person described in paragraph (1) is required under a court order or spousal agreement to provide an annuity to a former spouse upon becoming eligible to be a participant in the Plan or has made an election under subsection (b) to provide an annuity to a former spouse, the Secretary—

(A) may not pay an annuity under paragraph (1) or (2);  
but

(B) shall pay an annuity to that former spouse as if the person had been a participant in the Plan and had made an election under subsection (b) to provide an annuity to the former spouse, or in accordance with that election, as the case may be, if the Secretary receives a written request from the former spouse concerned that the election be deemed to have been made in the same manner as provided in section 1450(f)(3) of this title.

(4) *COMPUTATION.*—The amount of an annuity under this subsection is computed under section 1451(c) of this title.

(g) *ELECTION TO INCREASE COVERAGE UPON REMARRIAGE.*—

(1) *ELECTION.*—A person—

(A) who is a participant in the Plan and is providing coverage under subsection (a) for a spouse or a spouse and child, but at less than the maximum level; and

(B) who remarries,

may elect, within one year of such remarriage, to increase the level of coverage provided under the Plan to a level not in excess of the current retired pay of that person.

(2) *PAYMENT REQUIRED.*—Such an election shall be contingent on the person paying to the United States the amount determined under paragraph (3) plus interest on such amount at a rate determined under regulations prescribed by the Secretary of Defense.

(3) *AMOUNT TO BE PAID.*—The amount referred to in paragraph (2) is the amount equal to the difference between—

(A) the amount that would have been withheld from such person's retired pay under section 1452 of this title if the higher level of coverage had been in effect from the time the person became a participant in the Plan; and

(B) the amount of such person's retired pay actually withheld.

(4) *MANNER OF MAKING ELECTION.*—An election under paragraph (1) shall be made in such manner as the Secretary shall prescribe and shall become effective upon receipt of the payment required by paragraph (2).

(5) *DISPOSITION OF PAYMENTS.*—A payment received under this subsection by the Secretary of Defense shall be deposited into the Department of Defense Military Retirement Fund. Any other payment received under this subsection shall be deposited in the Treasury as miscellaneous receipts.

**§ 1449. Mental incompetency of member**

(a) *ELECTION BY SECRETARY CONCERNED ON BEHALF OF MENTALLY INCOMPETENT MEMBER.*—If a person to whom section 1448 of this title applies is determined to be mentally incompetent by medical officers of the armed force concerned or of the Department of Veterans Affairs, or by a court of competent jurisdiction, an election described in subsection (a)(2) or (b) of section 1448 of this title may be made on behalf of that person by the Secretary concerned.

(b) *REVOCAION OF ELECTION BY MEMBER.*—

(1) *AUTHORITY UPON SUBSEQUENT DETERMINATION OF MENTAL COMPETENCE.*—If a person for whom the Secretary has made an election under subsection (a) is later determined to be mentally competent by an authority named in that subsection, that person may, within 180 days after that determination, revoke that election.

(2) *DEDUCTIONS FROM RETIRED PAY NOT TO BE REFUNDED.*—Any deduction made from retired pay by reason of such an election may not be refunded.

**§ 1450. Payment of annuity: beneficiaries**

(a) *IN GENERAL.*—Effective as of the first day after the death of a person to whom section 1448 of this title applies (or on such other day as that person may provide under subsection (j)), a monthly annuity under section 1451 of this title shall be paid to the person's beneficiaries under the Plan, as follows:

(1) *SURVIVING SPOUSE OR FORMER SPOUSE.*—The eligible surviving spouse or the eligible former spouse.

(2) *SURVIVING CHILDREN.*—The surviving dependent children in equal shares, if the eligible surviving spouse or the eligible former spouse is dead, dies, or otherwise becomes ineligible under this section.

(3) *DEPENDENT CHILDREN.*—The dependent children in equal shares if the person to whom section 1448 of this title applies (with the concurrence of the person's spouse, if required under section 1448(a)(3) of this title) elected to provide an annuity for dependent children but not for the spouse or former spouse.

(4) *NATURAL PERSON DESIGNATED UNDER "INSURABLE INTEREST" COVERAGE.*—The natural person designated under section 1448(b)(1) of this title, unless the election to provide an annuity to the natural person has been changed as provided in subsection (f).

(b) *TERMINATION OF ANNUITY FOR DEATH, REMARRIAGE BEFORE AGE 55, ETC.*—

(1) *GENERAL RULE.*—An annuity payable to the beneficiary terminates effective as of the first day of the month in which eligibility is lost.

(2) *TERMINATION OF SPOUSE ANNUITY UPON DEATH OR REMARRIAGE BEFORE AGE 55.*—An annuity for a surviving spouse or former spouse shall be paid to the surviving spouse or former spouse while the surviving spouse or former spouse is living or, if the surviving spouse or former spouse remarries before reaching age 55, until the surviving spouse or former spouse remarries.

(3) *EFFECT OF TERMINATION OF SUBSEQUENT MARRIAGE BEFORE AGE 55.*—If the surviving spouse or former spouse remarries before reaching age 55 and that marriage is terminated by death, annulment, or divorce, payment of the annuity shall be resumed effective as of the first day of the month in which the marriage is so terminated. However, if the surviving spouse or former spouse is also entitled to an annuity under the Plan based upon the marriage so terminated, the surviving spouse or former spouse may not receive both annuities but must elect which to receive.

(c) *OFFSET FOR AMOUNT OF DEPENDENCY AND INDEMNITY COMPENSATION.*—

(1) *REQUIRED OFFSET.*—If, upon the death of a person to whom section 1448 of this title applies, the surviving spouse or former spouse of that person is also entitled to dependency and indemnity compensation under section 1311(a) of title 38, the surviving spouse or former spouse may be paid an annuity under this section, but only in the amount that the annuity otherwise payable under this section would exceed that compensation.

(2) *EFFECTIVE DATE OF OFFSET.*—A reduction in an annuity under this section required by paragraph (1) shall be effective on the date of the commencement of the period of payment of such dependency and indemnity compensation under title 38.

(d) *LIMITATION ON PAYMENT OF ANNUITIES WHEN COVERAGE UNDER CIVIL SERVICE RETIREMENT ELECTED.*—If, upon the death of a person to whom section 1448 of this title applies, that person had in effect a waiver of that person's retired pay for the purposes of subchapter III of chapter 83 of title 5, an annuity under this section shall not be payable unless, in accordance with section 8339(j) of title 5, that person notified the Office of Personnel Management that he did not desire any spouse surviving him to receive an annuity under section 8341(b) of that title.

(e) *REFUND OF AMOUNTS DEDUCTED FROM RETIRED PAY WHEN DIC OFFSET IS APPLICABLE.*—

(1) *FULL REFUND WHEN DIC GREATER THAN SBP ANNUITY.*—If an annuity under this section is not payable because of subsection (c), any amount deducted from the retired pay of the deceased under section 1452 of this title shall be refunded to the surviving spouse or former spouse.

(2) *PARTIAL REFUND WHEN SBP ANNUITY REDUCED BY DIC.*—If, because of subsection (c), the annuity payable is less than the amount established under section 1451 of this title, the annuity payable shall be recalculated under that section. The amount of

*the reduction in the retired pay required to provide that recalculated annuity shall be computed under section 1452 of this title, and the difference between the amount deducted before the computation of that recalculated annuity and the amount that would have been deducted on the basis of that recalculated annuity shall be refunded to the surviving spouse or former spouse.*

**(f) CHANGE IN ELECTION OF INSURABLE INTEREST OR FORMER SPOUSE BENEFICIARY.—**

**(1) AUTHORIZED CHANGES.—**

**(A) ELECTION IN FAVOR OF SPOUSE OR CHILD.—***A person who elects to provide an annuity to a person designated by him under section 1448(b) of this title may, subject to paragraph (2), change that election and provide an annuity to his spouse or dependent child.*

**(B) NOTICE.—***The Secretary concerned shall notify the former spouse or other natural person previously designated under section 1448(b) of this title of any change of election under subparagraph (A).*

**(C) PROCEDURES, EFFECTIVE DATE, ETC.—***Any such change of election is subject to the same rules with respect to execution, revocation, and effectiveness as are set forth in section 1448(a)(5) of this title (without regard to the eligibility of the person making the change of election to make such an election under that section).*

**(2) LIMITATION ON CHANGE IN BENEFICIARY WHEN FORMER SPOUSE COVERAGE IN EFFECT.—***A person who, incident to a proceeding of divorce, dissolution, or annulment, is required by a court order to elect under section 1448(b) of this title to provide an annuity to a former spouse (or to both a former spouse and child), or who enters into a written agreement (whether voluntary or required by a court order) to make such an election, and who makes an election pursuant to such order or agreement, may not change that election under paragraph (1) unless, of the following requirements, whichever are applicable in a particular case are satisfied:*

**(A)** *In a case in which the election is required by a court order, or in which an agreement to make the election has been incorporated in or ratified or approved by a court order, the person—*

*(i) furnishes to the Secretary concerned a certified copy of a court order which is regular on its face and which modifies the provisions of all previous court orders relating to such election, or the agreement to make such election, so as to permit the person to change the election; and*

*(ii) certifies to the Secretary concerned that the court order is valid and in effect.*

**(B)** *In a case of a written agreement that has not been incorporated in or ratified or approved by a court order, the person—*

*(i) furnishes to the Secretary concerned a statement, in such form as the Secretary concerned may prescribe, signed by the former spouse and evidencing the former*



spouse's agreement to a change in the election under paragraph (1); and

(ii) certifies to the Secretary concerned that the statement is current and in effect.

(3) **REQUIRED FORMER SPOUSE ELECTION TO BE DEEMED TO HAVE BEEN MADE.**—

(A) **DEEMED ELECTION UPON REQUEST BY FORMER SPOUSE.**—If a person described in paragraph (2) or (3) of section 1448(b) of this title is required (as described in subparagraph (B)) to elect under section 1448(b) of this title to provide an annuity to a former spouse and such person then fails or refuses to make such an election, such person shall be deemed to have made such an election if the Secretary concerned receives the following:

(i) **REQUEST FROM FORMER SPOUSE.**—A written request, in such manner as the Secretary shall prescribe, from the former spouse concerned requesting that such an election be deemed to have been made.

(ii) **COPY OF COURT ORDER OR OTHER OFFICIAL STATEMENT.**—Either—

(I) a copy of the court order, regular on its face, which requires such election or incorporates, ratifies, or approves the written agreement of such person; or

(II) a statement from the clerk of the court (or other appropriate official) that such agreement has been filed with the court in accordance with applicable State law.

(B) **PERSONS REQUIRED TO MAKE ELECTION.**—A person shall be considered for purposes of subparagraph (A) to be required to elect under section 1448(b) of this title to provide an annuity to a former spouse if—

(i) the person enters, incident to a proceeding of divorce, dissolution, or annulment, into a written agreement to make such an election and the agreement (I) has been incorporated in or ratified or approved by a court order, or (II) has been filed with the court of appropriate jurisdiction in accordance with applicable State law; or

(ii) the person is required by a court order to make such an election.

(C) **TIME LIMIT FOR REQUEST BY FORMER SPOUSE.**—An election may not be deemed to have been made under subparagraph (A) in the case of any person unless the Secretary concerned receives a request from the former spouse of the person within one year of the date of the court order or filing involved.

(D) **EFFECTIVE DATE OF DEEMED ELECTION.**—An election deemed to have been made under subparagraph (A) shall become effective on the first day of the first month which begins after the date of the court order or filing involved.

(4) **FORMER SPOUSE COVERAGE MAY BE REQUIRED BY COURT ORDER.**—A court order may require a person to elect (or to enter into an agreement to elect) under section 1448(b) of this title to

provide an annuity to a former spouse (or to both a former spouse and child).

(g) **LIMITATION ON CHANGING OR REVOKING ELECTIONS.**—

(1) **IN GENERAL.**—An election under this section may not be changed or revoked.

(2) **EXCEPTIONS.**—Paragraph (1) does not apply to—

(A) a revocation of an election under section 1449(b) of this title; or

(B) a change in an election under subsection (f).

(h) **TREATMENT OF ANNUITIES UNDER OTHER LAWS.**—Except as provided in section 1451 of this title, an annuity under this section is in addition to any other payment to which a person is entitled under any other provision of law. Such annuity shall be considered as income under laws administered by the Secretary of Veterans Affairs.

(i) **ANNUITIES EXEMPT FROM CERTAIN LEGAL PROCESS.**—Except as provided in subsection (l)(3)(B), an annuity under this section is not assignable or subject to execution, levy, attachment, garnishment, or other legal process.

(j) **EFFECTIVE DATE OF RESERVE-COMPONENT ANNUITIES.**—

(1) **PERSONS MAKING SECTION 1448(e) DESIGNATION.**—An annuity elected by a person providing a reserve-component annuity shall be effective in accordance with the designation made by such person under section 1448(e) of this title.

(2) **PERSONS DYING BEFORE MAKING SECTION 1448(e) DESIGNATION.**—An annuity payable under section 1448(f) of this title shall be effective on the day after the date of the death of the person upon whose service the right to the annuity is based.

(k) **ADJUSTMENT OF SPOUSE OR FORMER SPOUSE ANNUITY UPON LOSS OF DEPENDENCY AND INDEMNITY COMPENSATION.**—

(1) **READJUSTMENT IF BENEFICIARY 55 YEARS OF AGE OR MORE.**—If a surviving spouse or former spouse whose annuity has been adjusted under subsection (c) subsequently loses entitlement to dependency and indemnity compensation under section 1311(a) of title 38 because of the remarriage of the surviving spouse, or former spouse, and if at the time of such remarriage the surviving spouse or former spouse is 55 years of age or more, the amount of the annuity of the surviving spouse or former spouse shall be readjusted, effective on the effective date of such loss of dependency and indemnity compensation, to the amount of the annuity which would be in effect with respect to the surviving spouse or former spouse if the adjustment under subsection (c) had never been made.

(2) **REPAYMENT OF AMOUNTS PREVIOUSLY REFUNDED.**—

(A) **GENERAL RULE.**—A surviving spouse or former spouse whose annuity is readjusted under paragraph (1) shall repay any amount refunded under subsection (e) by reason of the adjustment under subsection (c).

(B) **INTEREST REQUIRED IF REPAYMENT NOT A LUMP SUM.**—If the repayment is not made in a lump sum, the surviving spouse or former spouse shall pay interest on the amount to be repaid. Such interest shall commence on the date on which the first such payment is due and shall be

applied over the period during which any part of the repayment remains to be paid.

(C) *MANNER OF REPAYMENT; RATE OF INTEREST.*—The manner in which such repayment shall be made, and the rate of any such interest, shall be prescribed in regulations under section 1455 of this title.

(D) *DEPOSIT OF AMOUNTS REPAID.*—An amount repaid under this paragraph (including any such interest) received by the Secretary of Defense shall be deposited into the Department of Defense Military Retirement Fund. Any other amount repaid under this paragraph shall be deposited into the Treasury as miscellaneous receipts.

(l) *PARTICIPANTS IN THE PLAN WHO ARE MISSING.*—

(1) *AUTHORITY TO PRESUME DEATH OF MISSING PARTICIPANT.*—

(A) *IN GENERAL.*—Upon application of the beneficiary of a participant in the Plan who is missing, the Secretary concerned may determine for purposes of this subchapter that the participant is presumed dead.

(B) *PARTICIPANT WHO IS MISSING.*—A participant in the Plan is considered to be missing for purposes of this subsection if—

(i) the retired pay of the participant has been suspended on the basis that the participant is missing; or

(ii) in the case of a participant in the Plan who would be eligible for reserve-component retired pay but for the fact that he is under 60 years of age, his retired pay, if he were entitled to retired pay, would be suspended on the basis that he is missing.

(C) *REQUIREMENTS APPLICABLE TO PRESUMPTION OF DEATH.*—Any such determination shall be made in accordance with regulations prescribed under section 1455 of this title. The Secretary concerned may not make a determination for purposes of this subchapter that a participant who is missing is presumed dead unless the Secretary finds that—

(i) the participant has been missing for at least 30 days; and

(ii) the circumstances under which the participant is missing would lead a reasonably prudent person to conclude that the participant is dead.

(2) *COMMENCEMENT OF ANNUITY.*—Upon a determination under paragraph (1) with respect to a participant in the Plan, an annuity otherwise payable under this subchapter shall be paid as if the participant died on the date as of which the retired pay of the participant was suspended.

(3) *EFFECT OF PERSON NOT BEING DEAD.*—

(A) *TERMINATION OF ANNUITY.*—If, after a determination under paragraph (1), the Secretary concerned determines that the participant is alive—

(i) any annuity being paid under this subchapter by reason of this subsection shall be terminate; and

(ii) the total amount of any annuity payments made by reason of this subsection shall constitute a debt to the United States.

(B) COLLECTION FROM PARTICIPANT OF ANNUITY AMOUNTS ERRONEOUSLY PAID.—A debt under subparagraph (A)(ii) may be collected or offset—

(i) from any retired pay otherwise payable to the participant;

(ii) if the participant is entitled to compensation under chapter 11 of title 38, from that compensation; or

(iii) if the participant is entitled to any other payment from the United States, from that payment.

(C) COLLECTION FROM BENEFICIARY.—If the participant dies before the full recovery of the amount of annuity payments described in subparagraph (A)(ii) has been made by the United States, the remaining amount of such annuity payments may be collected from the participant's beneficiary under the Plan if that beneficiary was the recipient of the annuity payments made by reason of this subsection.

#### **§ 1451. Amount of annuity**

(a) COMPUTATION OF ANNUITY FOR A SPOUSE, FORMER SPOUSE, OR CHILD.—

(1) STANDARD ANNUITY.—In the case of a standard annuity provided to a beneficiary under section 1450(a) of this title (other than under section 1450(a)(4)), the monthly annuity payable to the beneficiary shall be determined as follows:

(A) BENEFICIARY UNDER 62 YEARS OF AGE.—If the beneficiary is under 62 years of age or is a dependent child when becoming entitled to the annuity, the monthly annuity shall be the amount equal to 55 percent of the base amount.

(B) BENEFICIARY 62 YEARS OF AGE OR OLDER.—

(i) GENERAL RULE.—If the beneficiary (other than a dependent child) is 62 years of age or older when becoming entitled to the annuity, the monthly annuity shall be the amount equal to 35 percent of the base amount.

(ii) RULE IF BENEFICIARY ELIGIBLE FOR SOCIAL SECURITY OFFSET COMPUTATION.—If the beneficiary is eligible to have the annuity computed under subsection (e) and if, at the time the beneficiary becomes entitled to the annuity, computation of the annuity under that subsection is more favorable to the beneficiary than computation under clause (i), the annuity shall be computed under that subsection rather than under clause (i).

(2) RESERVE-COMPONENT ANNUITY.—In the case of a reserve-component annuity provided to a beneficiary under section 1450(a) of this title (other than under section 1450(a)(4)), the monthly annuity payable to the beneficiary shall be determined as follows:

(A) BENEFICIARY UNDER 62 YEARS OF AGE.—If the beneficiary is under 62 years of age or is a dependent child

when becoming entitled to the annuity, the monthly annuity shall be the amount equal to a percentage of the base amount that—

- (i) is less than 55 percent; and
- (ii) is determined under subsection (f).

**(B) BENEFICIARY 62 YEARS OF AGE OR OLDER.—**

(i) **GENERAL RULE.**—If the beneficiary (other than a dependent child) is 62 years of age or older when becoming entitled to the annuity, the monthly annuity shall be the amount equal to a percentage of the base amount that—

- (I) is less than 35 percent; and
- (II) is determined under subsection (f).

(ii) **RULE IF BENEFICIARY ELIGIBLE FOR SOCIAL SECURITY OFFSET COMPUTATION.**—If the beneficiary is eligible to have the annuity computed under subsection (e) and if, at the time the beneficiary becomes entitled to the annuity, computation of the annuity under that subsection is more favorable to the beneficiary than computation under clause (i), the annuity shall be computed under that subsection rather than under clause (i).

**(b) INSURABLE INTEREST BENEFICIARY.—**

(1) **STANDARD ANNUITY.**—In the case of a standard annuity provided to a beneficiary under section 1450(a)(4) of this title, the monthly annuity payable to the beneficiary shall be the amount equal to 55 percent of the retired pay of the person who elected to provide the annuity after the reduction in that pay in accordance with section 1452(c) of this title.

(2) **RESERVE-COMPONENT ANNUITY.**—In the case of a reserve-component annuity provided to a beneficiary under section 1450(a)(4) of this title, the monthly annuity payable to the beneficiary shall be the amount equal to a percentage of the retired pay of the person who elected to provide the annuity after the reduction in such pay in accordance with section 1452(c) of this title that—

- (A) is less than 55 percent; and
- (B) is determined under subsection (f).

(3) **COMPUTATION OF RESERVE-COMPONENT ANNUITY WHEN PARTICIPANT DIES BEFORE AGE 60.**—For the purposes of paragraph (2), a person—

- (A) who provides an annuity that is determined in accordance with that paragraph;
- (B) who dies before becoming 60 years of age; and
- (C) who at the time of death is otherwise entitled to retired pay,

shall be considered to have been entitled to retired pay at the time of death. The retired pay of such person for the purposes of such paragraph shall be computed on the basis of the rates of basic pay in effect on the date on which the annuity provided by such person is to become effective in accordance with the designation of such person under section 1448(e) of this title.

**(c) ANNUITIES FOR SURVIVORS OF CERTAIN PERSONS DYING DURING A PERIOD OF SPECIAL ELIGIBILITY FOR SBP.—**

(1) *IN GENERAL.*—*In the case of an annuity provided under section 1448(d) or 1448(f) of this title, the amount of the annuity shall be determined as follows:*

(A) *BENEFICIARY UNDER 62 YEARS OF AGE.*—*If the person receiving the annuity is under 62 years of age or is a dependent child when the member or former member dies, the monthly annuity shall be the amount equal to 55 percent of the retired pay to which the member or former member would have been entitled if the member or former member had been entitled to that pay based upon his years of active service when he died.*

(B) *BENEFICIARY 62 YEARS OF AGE OR OLDER.*—

(i) *GENERAL RULE.*—*If the person receiving the annuity (other than a dependent child) is 62 years of age or older when the member or former member dies, the monthly annuity shall be the amount equal to 35 percent of the retired pay to which the member or former member would have been entitled if the member or former member had been entitled to that pay based upon his years of active service when he died.*

(ii) *RULE IF BENEFICIARY ELIGIBLE FOR SOCIAL SECURITY OFFSET COMPUTATION.*—*If the beneficiary is eligible to have the annuity computed under subsection (e) and if, at the time the beneficiary becomes entitled to the annuity, computation of the annuity under that subsection is more favorable to the beneficiary than computation under clause (i), the annuity shall be computed under that subsection rather than under clause (i).*

(2) *DIC OFFSET.*—*An annuity computed under paragraph (1) that is paid to a surviving spouse shall be reduced by the amount of dependency and indemnity compensation to which the surviving spouse is entitled under section 1311(a) of title 38. Any such reduction shall be effective on the date of the commencement of the period of payment of such compensation under title 38.*

(3) *OFFICER WITH ENLISTED SERVICE WHO IS NOT YET ELIGIBLE TO RETIRE AS AN OFFICER.*—*In the case of an annuity provided by reason of the service of a member described in section 1448(d)(1)(B) or 1448(d)(1)(C) of this title who first became a member of a uniformed service before September 8, 1980, the retired pay to which the member would have been entitled when he died shall be determined for purposes of paragraph (1) based upon the rate of basic pay in effect at the time of death for the grade in which the member was serving at the time of death, unless (as determined by the Secretary concerned) the member would have been entitled to be retired in a higher grade.*

(4) *RATE OF PAY TO BE USED IN COMPUTING ANNUITY.*—*In the case of an annuity paid under section 1448(f) of this title by reason of the service of a person who first became a member of a uniformed service before September 8, 1980, the retired pay of the person providing the annuity shall for the purposes of paragraph (1) be computed on the basis of the rates of basic pay in effect on the effective date of the annuity.*

*(d) REDUCTION OF ANNUITIES AT AGE 62.—*

*(1) REDUCTION REQUIRED.—The annuity of a person whose annuity is computed under subparagraph (A) of subsection (a)(1), (a)(2), or (c)(1) shall be reduced on the first day of the month after the month in which the person becomes 62 years of age.*

*(2) AMOUNT OF ANNUITY AS REDUCED.—*

*(A) 35 PERCENT ANNUITY.—Except as provided in subparagraph (B), the reduced amount of the annuity shall be the amount of the annuity that the person would be receiving on that date if the annuity had initially been computed under subparagraph (B) of that subsection.*

*(B) SAVINGS PROVISION FOR BENEFICIARIES ELIGIBLE FOR SOCIAL SECURITY OFFSET COMPUTATION.—In the case of a person eligible to have an annuity computed under subsection (e) and for whom, at the time the person becomes 62 years of age, the annuity computed with a reduction under subsection (e)(3) is more favorable than the annuity with a reduction described in subparagraph (A), the reduction in the annuity shall be computed in the same manner as a reduction under subsection (e)(3).*

*(e) SAVINGS PROVISION FOR CERTAIN BENEFICIARIES.—*

*(1) PERSONS COVERED.—The following beneficiaries under the Plan are eligible to have an annuity under the Plan computed under this subsection:*

*(A) A beneficiary receiving an annuity under the Plan on October 1, 1985, as the surviving spouse or former spouse of the person providing the annuity.*

*(B) A spouse or former spouse beneficiary of a person who on October 1, 1985—*

*(i) was a participant in the Plan;*

*(ii) was entitled to retired pay or was qualified for that pay except that he had not applied for and been granted that pay; or*

*(iii) would have been eligible for reserve-component retired pay but for the fact that he was under 60 years of age.*

*(2) AMOUNT OF ANNUITY.—Subject to paragraph (3), an annuity computed under this subsection is determined as follows:*

*(A) STANDARD ANNUITY.—In the case of the beneficiary of a standard annuity, the annuity shall be the amount equal to 55 percent of the base amount.*

*(B) RESERVE COMPONENT ANNUITY.—In the case of the beneficiary of a reserve-component annuity, the annuity shall be the percentage of the base amount that—*

*(i) is less than 55 percent; and*

*(ii) is determined under subsection (f).*

*(C) BENEFICIARIES OF PERSONS DYING DURING A PERIOD OF SPECIAL ELIGIBILITY FOR SBP.—In the case of the beneficiary of an annuity under section 1448(d) or 1448(f) of this title, the annuity shall be the amount equal to 55 percent of the retired pay of the person providing the annuity (as that pay is determined under subsection (c)).*

(3) *SOCIAL SECURITY OFFSET.*—An annuity computed under this subsection shall be reduced by the lesser of the following:

(A) *SOCIAL SECURITY COMPUTATION.*—The amount of the survivor benefit, if any, to which the surviving spouse (or the former spouse, in the case of a former spouse beneficiary who became a former spouse under a divorce that became final after November 29, 1989) would be entitled under title II of the Social Security Act (42 U.S.C. 401 et seq.) based solely upon service by the person concerned as described in section 210(l)(1) of such Act (42 U.S.C. 410(l)(1)) and calculated assuming that the person concerned lives to age 65.

(B) *MAXIMUM AMOUNT OF REDUCTION.*—40 percent of the amount of the monthly annuity as determined under paragraph (2).

(4) *SPECIAL RULES FOR SOCIAL SECURITY OFFSET COMPUTATION.*—

(A) *TREATMENT OF DEDUCTIONS MADE ON ACCOUNT OF WORK.*—For the purpose of paragraph (3), a surviving spouse (or a former spouse, in the case of a person who becomes a former spouse under a divorce that becomes final after November 29, 1989) shall not be considered as entitled to a benefit under title II of the Social Security Act (42 U.S.C. 401 et seq.) to the extent that such benefit has been offset by deductions under section 203 of such Act (42 U.S.C. 403) on account of work.

(B) *TREATMENT OF CERTAIN PERIODS FOR WHICH SOCIAL SECURITY REFUNDS ARE MADE.*—In the computation of any reduction made under paragraph (3), there shall be excluded any period of service described in section 210(l)(1) of the Social Security Act (42 U.S.C. 410(l)(1))—

- (i) which was performed after December 1, 1980; and
- (ii) which involved periods of service of less than 30 continuous days for which the person concerned is entitled to receive a refund under section 6413(c) of the Internal Revenue Code of 1986 of the social security tax which the person had paid.

(f) *DETERMINATION OF PERCENTAGES APPLICABLE TO COMPUTATION OF RESERVE-COMPONENT ANNUITIES.*—The percentage to be applied in determining the amount of an annuity computed under subsection (a)(2), (b)(2), or (e)(2)(B) shall be determined under regulations prescribed by the Secretary of Defense. Such regulations shall be prescribed taking into consideration the following:

(1) The age of the person electing to provide the annuity at the time of such election.

(2) The difference in age between such person and the beneficiary of the annuity.

(3) Whether such person provided for the annuity to become effective (in the event he died before becoming 60 years of age) on the day after his death or on the 60th anniversary of his birth.

(4) Appropriate group annuity tables.

(5) Such other factors as the Secretary considers relevant.

(g) *ADJUSTMENTS TO ANNUITIES.*—



## (1) PERIODIC ADJUSTMENTS FOR COST-OF-LIVING.—

(A) INCREASES IN ANNUITIES WHEN RETIRED PAY INCREASED.—Whenever retired pay is increased under section 1401a of this title (or any other provision of law), each annuity that is payable under the Plan shall be increased at the same time.

(B) PERCENTAGE OF INCREASE.—The increase shall, in the case of any annuity, be by the same percent as the percent by which the retired pay of the person providing the annuity would have been increased at such time if the person were alive (and otherwise entitled to such pay).

(C) CERTAIN REDUCTIONS TO BE DISREGARDED.—The amount of the increase shall be based on the monthly annuity payable before any reduction under section 1450(c) of this title or under subsection (c)(2).

(2) ROUNDING DOWN.—The monthly amount of an annuity payable under this subchapter, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.

## (h) ADJUSTMENTS TO BASE AMOUNT.—

## (1) PERIODIC ADJUSTMENTS FOR COST-OF-LIVING.—

(A) INCREASES IN BASE AMOUNT WHEN RETIRED PAY INCREASED.—Whenever retired pay is increased under section 1401a of this title (or any other provision of law), the base amount applicable to each participant in the Plan shall be increased at the same time.

(B) PERCENTAGE OF INCREASE.—The increase shall be by the same percent as the percent by which the retired pay of the participant is so increased.

(2) RECOMPUTATION AT AGE 62.—When the retired pay of a person who first became a member of a uniformed service on or after August 1, 1986, and who is a participant in the Plan is recomputed under section 1410 of this title upon the person's becoming 62 years of age, the base amount applicable to that person shall be recomputed (effective on the effective date of the recomputation of such retired pay under section 1410 of this title) so as to be the amount equal to the amount of the base amount that would be in effect on that date if increases in such base amount under paragraph (1) had been computed as provided in paragraph (2) of section 1401a(b) of this title (rather than under paragraph (3) of that section).

(3) DISREGARDING OF RETIRED PAY REDUCTIONS FOR RETIREMENT BEFORE 30 YEARS OF SERVICE.—Computation of a member's retired pay for purposes of this section shall be made without regard to any reduction under section 1409(b)(2) of this title.

(i) RECOMPUTATION OF ANNUITY FOR CERTAIN BENEFICIARIES.—In the case of an annuity under the Plan which is computed on the basis of the retired pay of a person who would have been entitled to have that retired pay recomputed under section 1410 of this title upon attaining 62 years of age, but who dies before attaining that age, the annuity shall be recomputed, effective on the first day of the first month beginning after the date on which the member or former member would have attained 62 years of age, so as to be the amount equal to the amount of the annuity that would be in effect on that

date if increases under subsection (h)(1) in the base amount applicable to that annuity to the time of the death of the member or former member, and increases in such annuity under subsection (g)(1), had been computed as provided in paragraph (2) of section 1401a(b) of this title (rather than under paragraph (3) of that section).

**§ 1452. Reduction in retired pay**

(a) SPOUSE AND FORMER SPOUSE ANNUITIES.—

(1) REQUIRED REDUCTION IN RETIRED PAY.—Except as provided in subsection (b), the retired pay of a participant in the Plan who is providing spouse coverage (as described in paragraph (5)) shall be reduced as follows:

(A) STANDARD ANNUITY.—If the annuity coverage being providing is a standard annuity, the reduction shall be as follows:

(i) DISABILITY AND NONREGULAR SERVICE RETIREES.—In the case of a person who is entitled to retired pay under chapter 61 or chapter 1223 of this title, the reduction shall be in whichever of the alternative reduction amounts is more favorable to that person.

(ii) MEMBERS AS OF ENACTMENT OF FLAT-RATE REDUCTION.—In the case of a person who first became a member of a uniformed service before March 1, 1990, the reduction shall be in whichever of the alternative reduction amounts is more favorable to that person.

(iii) NEW ENTRANTS AFTER ENACTMENT OF FLAT-RATE REDUCTION.—In the case of a person who first becomes a member of a uniformed service on or after March 1, 1990, and who is entitled to retired pay under a provision of law other than chapter 61 or chapter 1223 of this title, the reduction shall be in an amount equal to 6½ percent of the base amount.

(iv) ALTERNATIVE REDUCTION AMOUNTS.—For purposes of clauses (i) and (ii), the alternative reduction amounts are the following:

(I) FLAT-RATE REDUCTION.—An amount equal to 6½ percent of the base amount.

(II) AMOUNT UNDER PRE-FLAT-RATE REDUCTION.—An amount equal to 2½ percent of the first \$421 (as adjusted under paragraph (4)) of the base amount plus 10 percent of the remainder of the base amount.

(B) RESERVE-COMPONENT ANNUITY.—If the annuity coverage being provided is a reserve-component annuity, the reduction shall be in whichever of the following amounts is more favorable to that person:

(i) FLAT-RATE REDUCTION.—An amount equal to 6½ percent of the base amount plus an amount determined in accordance with regulations prescribed by the Secretary of Defense as a premium for the additional coverage provided through reserve-component annuity coverage under the Plan.

(ii) AMOUNT UNDER PRE-FLAT-RATE REDUCTION.—An amount equal to 2½ percent of the first \$421 (as ad-

justed under paragraph (4)) of the base amount plus 10 percent of the remainder of the base amount plus an amount determined in accordance with regulations prescribed by the Secretary of Defense as a premium for the additional coverage provided through reserve-component annuity coverage under the Plan.

(2) *ADDITIONAL REDUCTION FOR CHILD COVERAGE.*—If there is a dependent child as well as a spouse or former spouse, the amount prescribed under paragraph (1) shall be increased by an amount prescribed under regulations of the Secretary of Defense.

(3) *NO REDUCTION WHEN NO BENEFICIARY.*—The reduction in retired pay prescribed by paragraph (1) shall not be applicable during any month in which there is no eligible spouse or former spouse beneficiary.

(4) *PERIODIC ADJUSTMENTS.*—

(A) *ADJUSTMENTS FOR INCREASES IN RATES OF BASIC PAY.*—Whenever there is an increase in the rates of basic pay of members of the uniformed services effective after January 1, 1996, the amounts under paragraph (1) with respect to which the percentage factor of 2½ is applied shall be increased by the overall percentage of such increase in the rates of basic pay. The increase under the preceding sentence shall apply only with respect to persons whose retired pay is computed based on the rates of basic pay in effect on or after the date of such increase in rates of basic pay.

(B) *ADJUSTMENTS FOR RETIRED PAY COLAS.*—In addition to the increase under subparagraph (A), the amounts under paragraph (1) with respect to which the percentage factor of 2½ is applied shall be further increased at the same time and by the same percentage as an increase in retired pay under section 1401a of this title effective after January 1, 1996. Such increase under the preceding sentence shall apply only with respect to a person who initially participates in the Plan on a date which is after both the effective date of such increase under section 1401a and the effective date of the rates of basic pay upon which that person's retired pay is computed.

(5) *SPOUSE COVERAGE DESCRIBED.*—For the purposes of paragraph (1), a participant in the Plan who is providing spouse coverage is a participant who—

(A) has (i) a spouse or former spouse, or (ii) a spouse or former spouse and a dependent child; and

(B) has not elected to provide an annuity to a person designated by him under section 1448(b)(1) of this title or, having made such an election, has changed his election in favor of his spouse under section 1450(f) of this title.

(b) *CHILD-ONLY ANNUITIES.*—

(1) *REQUIRED REDUCTION IN RETIRED PAY.*—The retired pay of a participant in the Plan who is providing child-only coverage (as described in paragraph (4)) shall be reduced by an amount prescribed under regulations by the Secretary of Defense.

(2) *NO REDUCTION WHEN NO CHILD.*—There shall be no reduction in retired pay under paragraph (1) for any month during which the participant has no eligible dependent child.

(3) *SPECIAL RULE FOR CERTAIN RCSBP PARTICIPANTS.*—In the case of a participant in the Plan who is participating in the Plan under an election under section 1448(a)(2)(B) of this title and who provided child-only coverage during a period before the participant becomes entitled to receive retired pay, the retired pay of the participant shall be reduced by an amount prescribed under regulations by the Secretary of Defense to reflect the coverage provided under the Plan during the period before the participant became entitled to receive retired pay. A reduction under this paragraph is in addition to any reduction under paragraph (1) and is made without regard to whether there is an eligible dependent child during a month for which the reduction is made.

(4) *CHILD-ONLY COVERAGE DEFINED.*—For the purposes of this subsection, a participant in the Plan who is providing child-only coverage is a participant who has a dependent child and who—

- (A) does not have an eligible spouse or former spouse; or
- (B) has a spouse or former spouse but has elected to provide an annuity for dependent children only.

(c) *REDUCTION FOR INSURABLE INTEREST COVERAGE.*—

(1) *REQUIRED REDUCTION IN RETIRED PAY.*—The retired pay of a person who has elected to provide an annuity to a person designated by him under section 1450(a)(4) of this title shall be reduced as follows:

(A) *STANDARD ANNUITY.*—In the case of a person providing a standard annuity, the reduction shall be by 10 percent plus 5 percent for each full five years the individual designated is younger than that person.

(B) *RESERVE COMPONENT ANNUITY.*—In the case of a person providing a reserve-component annuity, the reduction shall be by an amount prescribed under regulations of the Secretary of Defense.

(2) *LIMITATION ON TOTAL REDUCTION.*—The total reduction under paragraph (1) may not exceed 40 percent.

(3) *DURATION OF REDUCTION.*—The reduction in retired pay prescribed by this subsection shall continue during the lifetime of the person designated under section 1450(a)(4) of this title or until the person receiving retired pay changes his election under section 1450(f) of this title.

(4) *RULE FOR COMPUTATION.*—Computation of a member's retired pay for purposes of this subsection shall be made without regard to any reduction under section 1409(b)(2) of this title.

(d) *DEPOSITS TO COVER PERIODS WHEN RETIRED PAY NOT PAID.*—

(1) *REQUIRED DEPOSITS.*—If a person who has elected to participate in the Plan has been awarded retired pay and is not entitled to that pay for any period, that person must deposit in the Treasury the amount that would otherwise have been deducted from his pay for that period.

(2) *DEPOSITS NOT REQUIRED WHEN PARTICIPANT ON ACTIVE DUTY.*—Paragraph (1) does not apply to a person with respect to any period when that person is on active duty under a call or order to active duty for a period of more than 30 days.

“(e) *DEPOSITS NOT REQUIRED FOR CERTAIN PARTICIPANTS IN CSRS.*—When a person who has elected to participate in the Plan waives that person’s retired pay for the purposes of subchapter III of chapter 83 of title 5, that person shall not be required to make the deposit otherwise required by subsection (d) as long as that waiver is in effect unless, in accordance with section 8339(i) of title 5, that person has notified the Office of Personnel Management that he does not desire a spouse surviving him to receive any annuity under section 8341(b) of title 5.

(f) *REFUNDS OF DEDUCTIONS NOT ALLOWED.*—

(1) *GENERAL RULE.*—A person is not entitled to refund of any amount deducted from retired pay under this section.

(2) *EXCEPTIONS.*—Paragraph (1) does not apply—

(A) in the case of a refund authorized by section 1450(e) of this title; or

(B) in case of a deduction made through administrative error.

(g) *DISCONTINUATION OF PARTICIPATION BY PARTICIPANTS WHOSE SURVIVING SPOUSES WILL BE ENTITLED TO DIC.*—

(1) *DISCONTINUATION.*—

(A) *CONDITIONS.*—Notwithstanding any other provision of this subchapter but subject to paragraphs (2) and (3), a person who has elected to participate in the Plan and who is suffering from a service-connected disability rated by the Secretary of Veterans Affairs as totally disabling and has suffered from such disability while so rated for a continuous period of 10 or more years (or, if so rated for a lesser period, has suffered from such disability while so rated for a continuous period of not less than 5 years from the date of such person’s last discharge or release from active duty) may discontinue participation in the Plan by submitting to the Secretary concerned a request to discontinue participation in the Plan.

(B) *EFFECTIVE DATE.*—Participation in the Plan of a person who submits a request under subparagraph (A) shall be discontinued effective on the first day of the first month following the month in which the request under subparagraph (A) is received by the Secretary concerned. Effective on such date, the Secretary concerned shall discontinue the reduction being made in such person’s retired pay on account of participation in the Plan or, in the case of a person who has been required to make deposits in the Treasury on account of participation in the Plan, such person may discontinue making such deposits effective on such date.

(C) *FORM FOR REQUEST FOR DISCONTINUATION.*—Any request under this paragraph to discontinue participation in the Plan shall be in such form and shall contain such information as the Secretary concerned may require by regulation.

(2) *CONSENT OF BENEFICIARIES REQUIRED.*—A person described in paragraph (1) may not discontinue participation in the Plan under such paragraph without the written consent of the beneficiary or beneficiaries of such person under the Plan.

(3) *INFORMATION ON PLAN TO BE PROVIDED BY SECRETARY CONCERNED.*—

(A) *INFORMATION TO BE PROVIDED PROMPTLY TO PARTICIPANT.*—The Secretary concerned shall furnish promptly to each person who files a request under paragraph (1) to discontinue participation in the Plan a written statement of the advantages of participating in the Plan and the possible disadvantages of discontinuing participation.

(B) *RIGHT TO WITHDRAW DISCONTINUATION REQUEST.*—A person may withdraw a request made under paragraph (1) if it is withdrawn within 30 days after having been submitted to the Secretary concerned.

(4) *REFUND OF DEDUCTIONS FROM RETIRED PAY.*—Upon the death of a person described in paragraph (1) who discontinued participation in the Plan in accordance with this subsection, any amount deducted from the retired pay of that person under this section shall be refunded to the person's surviving spouse.

(5) *RESUMPTION OF PARTICIPATION IN PLAN.*—

(A) *CONDITIONS FOR RESUMPTION.*—A person described in paragraph (1) who discontinued participation in the Plan may elect to participate again in the Plan if—

(i) after having discontinued participation in the Plan the Secretary of Veterans Affairs reduces that person's service-connected disability rating to a rating of less than total; and

(ii) that person applies to the Secretary concerned, within such period of time after the reduction in such person's service-connected disability rating has been made as the Secretary concerned may prescribe, to again participate in the Plan and includes in such application such information as the Secretary concerned may require.

(B) *EFFECTIVE DATE OF RESUMED COVERAGE.*—Such person's participation in the Plan under this paragraph is effective beginning on the first day of the month after the month in which the Secretary concerned receives the application for resumption of participation in the Plan.

(C) *RESUMPTION OF CONTRIBUTIONS.*—When a person elects to participate in the Plan under this paragraph, the Secretary concerned shall begin making reductions in that person's retired pay, or require such person to make deposits in the Treasury under subsection (d), as appropriate, effective on the effective date of such participation under subparagraph (B).

(h) *INCREASES IN REDUCTION WITH INCREASES IN RETIRED PAY.*—Whenever retired pay is increased under section 1401a of this title (or any other provision of law), the amount of the reduction to be made under subsection (a) or (b) in the retired pay of any person shall be increased at the same time and by the same percentage as such retired pay is so increased.

(i) *RECOMPUTATION OF REDUCTION UPON RECOMPUTATION OF RETIRED PAY.*—When the retired pay of a person who first became a member of a uniformed service on or after August 1, 1986, and who is a participant in the Plan is recomputed under section 1410 of this title upon the person's becoming 62 years of age, the amount of the reduction in such retired pay under this section shall be recomputed (effective on the effective date of the recomputation of such retired pay under section 1410 of this title) so as to be the amount equal to the amount of such reduction that would be in effect on that date if increases in such retired pay under section 1401a(b) of this title, and increases in reductions in such retired pay under subsection (h), had been computed as provided in paragraph (2) of section 1401a(b) of this title (rather than under paragraph (3) of that section).

**§ 1453. Recovery of amounts erroneously paid**

(a) *RECOVERY.*—In addition to any other method of recovery provided by law, the Secretary concerned may authorize the recovery of any amount erroneously paid to a person under this subchapter by deduction from later payments to that person.

(b) *AUTHORITY TO WAIVE RECOVERY.*—Recovery of an amount erroneously paid to a person under this subchapter is not required if, in the judgment of the Secretary concerned and the Comptroller General—

(1) there has been no fault by the person to whom the amount was erroneously paid; and

(2) recovery of such amount would be contrary to the purposes of this subchapter or against equity and good conscience.

**§ 1454. Correction of administrative errors**

(a) *AUTHORITY.*—The Secretary concerned may, under regulations prescribed under section 1455 of this title, correct or revoke any election under this subchapter when the Secretary considers it necessary to correct an administrative error.

(b) *FINALITY.*—Except when procured by fraud, a correction or revocation under this section is final and conclusive on all officers of the United States.

**§ 1455. Regulations**

(a) *IN GENERAL.*—The President shall prescribe regulations to carry out this subchapter. Those regulations shall, so far as practicable, be uniform for the uniformed services.

(b) *NOTICE OF ELECTIONS.*—Regulations prescribed under this section shall provide that before the date on which a member becomes entitled to retired pay—

(1) if the member is married, the member and the member's spouse shall be informed of the elections available under section 1448(a) of this title and the effects of such elections; and

(2) if the notification referred to in section 1448(a)(3)(E) of this title is required, any former spouse of the member shall be informed of the elections available and the effects of such elections.

(c) *PROCEDURE FOR DEPOSITING CERTAIN RECEIPTS.*—Regulations prescribed under this section shall establish procedures for deposit-

ing the amounts referred to in sections 1448(g), 1450(k)(2), and 1452(d) of this title.

(d) *PAYMENTS TO GUARDIANS AND FIDUCIARIES.*—

(1) *IN GENERAL.*—Regulations prescribed under this section shall provide procedures for the payment of an annuity under this subchapter in the case of—

(A) a person for whom a guardian or other fiduciary has been appointed; and

(B) a minor, mentally incompetent, or otherwise legally disabled person for whom a guardian or other fiduciary has not been appointed.

(2) *AUTHORIZED PROCEDURES.*—The regulations under paragraph (1) may include provisions for the following:

(A) In the case of an annuitant referred to in paragraph (1)(A), payment of the annuity to the appointed guardian or other fiduciary.

(B) In the case of an annuitant referred to in paragraph (1)(B), payment of the annuity to any person who, in the judgment of the Secretary concerned, is responsible for the care of the annuitant.

(C) Subject to subparagraphs (D) and (E), a requirement for the payee of an annuity to spend or invest the amounts paid on behalf of the annuitant solely for benefit of the annuitant.

(D) Authority for the Secretary concerned to permit the payee to withhold from the annuity payment such amount, not in excess of 4 percent of the annuity, as the Secretary concerned considers a reasonable fee for the fiduciary services of the payee when a court appointment order provides for payment of such a fee to the payee for such services or the Secretary concerned determines that payment of a fee to such payee is necessary in order to obtain the fiduciary services of the payee.

(E) Authority for the Secretary concerned to require the payee to provide a surety bond in an amount sufficient to protect the interests of the annuitant and to pay for such bond out of the annuity.

(F) A requirement for the payee of an annuity to maintain and, upon request, to provide to the Secretary concerned an accounting of expenditures and investments of amounts paid to the payee.

(G) In the case of an annuitant referred to in paragraph (1)(B)—

(i) procedures for determining incompetency and for selecting a payee to represent the annuitant for the purposes of this section, including provisions for notifying the annuitant of the actions being taken to make such a determination and to select a representative payee, an opportunity for the annuitant to review the evidence being considered, and an opportunity for the annuitant to submit additional evidence before the determination is made; and



(ii) standards for determining incompetency, including standards for determining the sufficiency of medical evidence and other evidence.

(H) Provisions for any other matter that the President considers appropriate in connection with the payment of an annuity in the case of a person referred to in paragraph (1).

(3) LEGAL EFFECT OF PAYMENT TO GUARDIAN OR FIDUCIARY.—An annuity paid to a person on behalf of an annuitant in accordance with the regulations prescribed pursuant to paragraph (1) discharges the obligation of the United States for payment to the annuitant of the amount of the annuity so paid.

\* \* \* \* \*

**CHAPTER 81—CIVILIAN EMPLOYEES**

- Sec. 1581. Foreign National Employees Separation Pay Account.
- 1583. Employment of certain persons without pay.
- 1584. Employment of non-citizens.

\* \* \* \* \*

**【1589. Prohibition on payment of lodging expenses when adequate Government quarters are available.】**

\* \* \* \* \*

**【Sec.】 1599a. Financial assistance to certain employees in acquisition of critical skills.**

\* \* \* \* \*

**§ 1588. Authority to accept certain voluntary services**

(a) \* \* \*

\* \* \* \* \*

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

- (A) Subchapter I of chapter 81 of title 5 (relating to compensation for work-related injuries).
- (B) Section 2733 of this title and chapter 171 of title 28 (relating to claims for damages or loss).
- (C) **【Section 522a】** Section 552a of title 5 (relating to maintenance of records on individuals).

\* \* \* \* \*

**【§ 1589. Prohibition on payment of lodging expenses when adequate Government quarters are available**

**【(a)** Funds available to the Department of Defense (including funds in any working-capital fund) may not be used to pay the lodging expenses of a civilian employee of the Department of Defense while such employee is on official business away from his designated post of duty or, in the case of a person referred to in section 5703 of title 5, while such person is away from his home or regular place of duty, when adequate Government quarters are available but are not occupied by such employee or person.

[(b) Subsection (a) does not apply during a fiscal year to an employee whose duties can be expected to require official travel during more than one-half of the number of the basic administrative work weeks during that fiscal year.]

\* \* \* \* \*

**CHAPTER 87—DEFENSE ACQUISITION WORKFORCE**

\* \* \* \* \*

**SUBCHAPTER II—DEFENSE ACQUISITION POSITIONS**

\* \* \* \* \*

**§ 1723. General education, training, and experience requirements**

(a) **QUALIFICATION REQUIREMENTS.**—The Secretary of Defense shall establish education, training, and experience requirements for each acquisition position, based on the level of complexity of duties carried out in the position. [Unless otherwise provided in this chapter, such requirements shall take effect not later than October 1, 1993.] In establishing such requirements for positions other than critical acquisition positions designated pursuant to section 1733 of this title, the Secretary may state the requirements by categories of positions.

\* \* \* \* \*

**§ 1724. Contracting positions: qualification requirements**

(a) **CONTRACTING OFFICERS.**—The Secretary of Defense shall require that[, beginning on October 1, 1993,] in order to qualify to serve in an acquisition position as a contracting officer with authority to award or administer contracts for amounts above the small purchase threshold referred to in section 2304(g) of this title, a person must (except as provided in subsections (c) and (d))—

(1) \* \* \*

\* \* \* \* \*

(b) **GS-1102 SERIES.**—The Secretary of Defense shall require that[, beginning on October 1, 1993,] a person may not be employed by the Department of Defense in the GS-1102 occupational series unless the person (except as provided in subsections (c) and (d)) meets the requirements set forth in subsection (a)(3).

\* \* \* \* \*

**SUBCHAPTER III—ACQUISITION CORPS**

\* \* \* \* \*

**§ 1733. Critical acquisition positions**

(a) **REQUIREMENT FOR CORPS MEMBER.**—[On and after October 1, 1993, a] A critical acquisition position may be filled only by a member of an Acquisition Corps.

\* \* \* \* \*

**§ 1734. Career development**

(a) **THREE-YEAR ASSIGNMENT PERIOD.**—(1) Except as provided under subsection (b) and paragraph (3), the Secretary of each military department, acting through the service acquisition executive for that department, shall provide that[, on and after October 1, 1993,] any person who is assigned to a critical acquisition position shall be assigned to the position for not fewer than three years. Except as provided in subsection (d), the Secretary concerned may not reassign a person from such an assignment before the end of the three-year period.

\* \* \* \* \*

(b) **ASSIGNMENT PERIOD FOR PROGRAM MANAGERS.**—(1) The Secretary of Defense shall prescribe in regulations—

(A) a requirement that[, on and after October 1, 1991,] a program manager and a deputy program manager (except as provided in paragraph (3)) of a major defense acquisition program be assigned to the position at least until completion of the major milestone that occurs closest in time to the date on which the person has served in the position for four years; and

\* \* \* \* \*

**PART III—TRAINING AND EDUCATION**

\* \* \* \* \*

**CHAPTER 103—SENIOR RESERVE OFFICERS' TRAINING CORPS**

\* \* \* \* \*

**§ 2101. Definitions**

In this chapter:

(1) The term “program” means the Senior Reserve Officers’ Training Corps of an armed force.

(2) The term “member of the program” means a student who is enrolled in the Senior Reserve Officers’ Training Corps of an armed force.

(3) The term “advanced training” means the training and instruction offered in the Senior Reserve Officers’ Training Corps to *students enrolled in an advanced education program beyond the baccalaureate degree level or to students in the third and fourth years of a four-year Senior Reserve Officers’ Training Corps course, or the equivalent period of training in an approved two-year Senior Reserve Officers’ Training Corps course* (except that, in the case of a student enrolled in an academic program which has been approved by the Secretary of the military department concerned and which requires more than four academic years for completion of baccalaureate degree requirements, including elective requirements of the Senior Reserve Officers’ Training Corps course, such term includes a fifth academic year or a combination of a part of a fifth academic year and summer sessions).

\* \* \* \* \*

**§ 2103. Eligibility for membership**

(a) \* \* \*

\* \* \* \* \*

*(e) An educational institution at which a unit of the program has been established shall give priority for enrollment in the program to students who are eligible for advanced training under section 2104 of this title.*

*(f) The Secretary of Defense shall ensure that, in carrying out the program, the Secretaries of the military departments permit any person who is receiving financial assistance under section 2107 of this title simultaneously to be a member of the Selected Reserve.*

\* \* \* \* \*

**§ 2107. Financial assistance program for specially selected members**

(a) The Secretary of the military department concerned may appoint as a cadet or midshipman, as appropriate, in the reserve of an armed force under his jurisdiction any eligible member of the program who will be under **[25 years of age]** *27 years of age* on June 30 of the calendar year in which he is eligible under this section for appointment as an ensign in the Navy or as a second lieutenant in the Army, Air Force, or Marine Corps, as the case may be, except that the age of any such member who has served on active duty in the armed forces may exceed such age limitation on such date by a period equal to the period such member served on active duty, but only if such member will be under **[29 years of age]** *30 years of age* on such date.

\* \* \* \* \*

(c) The Secretary of the military department concerned may provide for the payment of all expenses in his department of administering the financial assistance program under this section, including tuition, fees, books, and laboratory expenses. In the case of a student enrolled in an academic program which has been approved by the Secretary of the military department concerned and which requires more than four academic years for completion of baccalaureate degree requirements, including elective requirements of the Senior Reserve Officers' Training Corps course, financial assistance under this section may also be provided during a fifth academic year or during a combination of a part of a fifth academic year and summer sessions. *The Secretary of the military department concerned may provide similar financial assistance to a student enrolled in an advanced education program beyond the baccalaureate degree level if the student also is a cadet or midshipman in an advanced training program.* At least 50 percent of the cadets and midshipmen appointed under this section must qualify for in-State tuition rates at their respective institutions and will receive tuition benefits at that rate.

\* \* \* \* \*

**§ 2107a. Financial assistance program for specially selected members: Army Reserve and Army National Guard**

(a)(1) The Secretary of the Army may appoint as a cadet in the Army Reserve or Army National Guard of the United States any eligible member of the program who is enrolled in the Advanced Course of the Army Reserve Officers' Training Corps at a military college, military junior college, or civilian institution and who will be under ~~25 years of age~~ *27 years of age* on June 30 of the calendar year in which he is eligible under this section for appointment as a second lieutenant in the Army Reserve or Army National Guard, except that the age of any such member who has served on active duty in the armed forces may exceed such age limitation on such date by a period equal to the period such member served on active duty, but only if such member will be under ~~29 years of age~~ *30 years of age* on such date.

\* \* \* \* \*

**§ 2109. Practical military training**

(a) \* \* \*

\* \* \* \* \*

(c)(1) *A person who is not qualified for, and (as determined by the Secretary concerned) will not be able to become qualified for, advanced training by reason of one or more of the requirements prescribed in paragraphs (1) through (3) of section 2104(b) of this title shall not be permitted to participate in—*

*(A) field training or a practice cruise under section 2106(b)(6) of this title; or*

*(B) practical military training under subsection (a).*

(2) *The Secretary of the military department concerned may waive the limitation in paragraph (1) under procedures prescribed by the Secretary.*

**§ 2114. Students: selection; status; obligation**

(a) \* \* \*

\* \* \* \* \*

(h) *A graduate of the University who is relieved of the graduate's active-duty service obligation under subsection (b) before the completion of the active-duty service obligation may be given, with or without the consent of the graduate, an alternative obligation comparable to the alternative obligations authorized in subparagraphs (A) and (B) of section 2123(e)(1) of this title for members of the Armed Forces Health Professions Scholarship and Financial Assistance program.*

\* \* \* \* \*

**PART III—TRAINING AND EDUCATION**

\* \* \* \* \*

**CHAPTER 105—ARMED FORCES HEALTH PROFESSIONS  
FINANCIAL ASSISTANCE PROGRAMS**

\* \* \* \* \*

**SUBCHAPTER I—HEALTH PROFESSIONS SCHOLARSHIP AND  
FINANCIAL ASSISTANCE PROGRAM FOR ACTIVE SERVICE**

\* \* \* \* \*

**§ 2123. Members of the program: active duty obligation; failure to complete training; release from program**

(a) \* \* \*

\* \* \* \* \*

[(e) Any member of the program relieved of his active duty obligation under this subchapter before the completion of such obligation may, under regulations prescribed by the Secretary of Defense, be assigned to a health professional shortage area designated by the Secretary of Health and Human Services for a period equal to the period of obligation from which he was relieved.]

*(e)(1) A member of the program who is relieved of the member's active duty obligation under this subchapter before the completion of the active duty obligation may be given, with or without the consent of the member, any of the following alternative obligations, as determined by the Secretary of the military department concerned:*

*(A) A service obligation in a component of the Selected Reserve for a period not less than twice as long as the member's remaining active duty service obligation.*

*(B) A service obligation as a civilian employee employed as a health care professional in a facility of the uniformed services for a period of time equal to the member's remaining active duty service obligation.*

*(C) With the concurrence of the Secretary of Health and Human Services, transfer of the active duty service obligation to an obligation equal in time in the National Health Service Corps under section 338C of the Public Health Service Act (42 U.S.C. 254m) and subject to all requirements and procedures applicable to obligated members of the National Health Service Corps.*

*(D) Repayment to the Secretary of Defense of a percentage of the total cost incurred by the Secretary under this subchapter on behalf of the member equal to the percentage of the member's total active duty service obligation being relieved, plus interest.*

*(2) The Secretary of Defense shall prescribe regulations describing the manner in which an alternative obligation may be given under paragraph (1).*

\* \* \* \* \*

**§ 2126. Members of the program: service credit**

**[Service performed]** (a) *GENERAL RULE AGAINST PROVISION OF SERVICE CREDIT.—Except as provided in subsection (b), service performed while a member of the program shall not be counted—*

(1) in determining eligibility for retirement other than by reason of a physical disability incurred while on active duty as a member of the program; or

(2) in computing years of service creditable under section 205 of title 37.

*(b) SERVICE CREDIT FOR CERTAIN PURPOSES.—(1) This subsection applies with respect to a member of the Selected Reserve who—*

*(A) completed a course of study under this subchapter as a member of the program;*

*(B) completed the active duty obligation imposed under section 2123(a) of this title; and*

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

*(2) Upon satisfactory completion of a year of service in the Selected Reserve by a member of the Selected Reserve described in paragraph (1), the Secretary concerned may credit the member with a maximum of 50 points creditable toward the computation of the member's years of service under section 12732(a)(2) of this title for one year of participation in a course of study under this subchapter. Not more than four years of participation in a course of study under this subchapter may be considered under this paragraph.*

*(3) In the case of a member of the Selected Reserve described in paragraph (1), the Secretary concerned may also credit the service of the member while pursuing a course of study under this subchapter, but not to exceed a total of four years, for purposes of computing years of service creditable under section 205 of title 37.*

*(c) LIMITATIONS.—(1) A member of the Selected Reserve relieved of any portion of the minimum active duty obligation imposed under section 2123(a) of this title may not receive any point or service credit under subsection (b).*

*(2) A member of the Selected Reserve awarded points or service credit under subsection (b) shall not be considered to have been in an active status, by reason of the award of the points or credit, while pursuing a course of study under this subchapter for purposes of any provision of law other than section 12732(a)(2) of this title and section 205 of title 37.*

\* \* \* \* \*

SUBCHAPTER II—NURSE OFFICER CANDIDATE ACCESSION PROGRAM

\* \* \* \* \*

**§ 2130a. Financial assistance: nurse officer candidates**

(a) BONUS AUTHORIZED.—(1) A person described in subsection (b) who, during the period beginning on November 29, 1989, and ending on September 30, [1997] 1998, executes a written agreement in accordance with subsection (c) to accept an appointment as a nurse officer may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus of not more than \$5,000. The bonus shall be paid in periodic installments, as determined by the Secretary concerned at the time the agreement is accepted, except that the first installment may not exceed \$2,500.

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**PART IV—SERVICE, SUPPLY, AND  
PROCUREMENT**

\* \* \* \* \*

**CHAPTER 131—PLANNING AND COORDINATION**

- Sec.  
 2201. Apportionment of funds: authority for exemption; excepted expenses.  
 2202. Regulations on procurement, production, warehousing, and supply distribution functions.  
 2203. Budget estimates.  
 \* \* \* \* \*  
 2215. Transfer of funds to other departments and agencies: limitation.  
 2216. Defense Modernization Account.  
**[2216. Defense Business Operations Fund.]**  
 \* \* \* \* \*

**§ 2216. Defense Business Operations Fund**

- (a) \* \* \*  
 \* \* \* \* \*

- (i) DEFINITIONS.—In this section:  
 (1) The term “capital assets” means the following capital assets that have a development or acquisition cost of not less than **[\$50,000] \$100,000**:  
 (A) Minor construction projects financed by the Fund pursuant to section 2805(c)(1) of this title.  
 (B) Automatic data processing equipment, software.  
 (C) Equipment other than equipment described in subparagraph (B).  
 (D) Other capital improvements.

**[The following section is repealed effective October 1, 1998]**

**【§ 2216. Defense Business Operations Fund**

**【(a) MANAGEMENT OF WORKING-CAPITAL FUNDS AND CERTAIN ACTIVITIES.—**The Secretary of Defense may manage the performance of the working-capital funds and industrial, commercial, and support type activities described in subsection (b) through the fund known as the Defense Business Operations Fund, which is established on the books of the Treasury. Except for the funds and activities specified in subsection (b), no other functions, activities, funds, or accounts of the Department of Defense may be managed or converted to management through the Fund.

**【(b) FUNDS AND ACTIVITIES INCLUDED.—**The funds and activities referred to in subsection (a) are the following:

- 【(1)** Working-capital funds established under section 2208 of this title and in existence on December 5, 1991.  
**【(2)** Those activities that, on December 5, 1991, were funded through the use of a working-capital fund established under that section.  
**【(3)** The Defense Finance and Accounting Service.  
**【(4)** The Defense Commissary Agency.  
**【(5)** The Defense Reutilization and Marketing Service.



[(6) The Joint Logistics Systems Center.

[(c) SEPARATE ACCOUNTING, REPORTING, AND AUDITING OF FUNDS AND ACTIVITIES.—(1) The Secretary of Defense shall provide in accordance with this subsection for separate accounting, reporting, and auditing of funds and activities managed through the Fund.

[(2) The Secretary shall maintain the separate identity of each fund and activity managed through the Fund that (before the establishment of the Fund) was managed as a separate Fund or activity.

[(3) The Secretary shall maintain separate records for each function for which payment is made through the Fund and which (before the establishment of the Fund) was paid directly through appropriations, including the separate identity of the appropriation account used to pay for the performance of the function.

[(d) CHARGES FOR GOODS AND SERVICES PROVIDED THROUGH THE FUND.—(1) Charges for goods and services provided through the Fund shall include the following:

[(A) Amounts necessary to recover the full costs of the goods and services, whenever practicable, and the costs of the development, implementation, operation, and maintenance of systems supporting the wholesale supply and maintenance activities of the Department of Defense.

[(B) Amounts for depreciation of capital assets, set in accordance with generally accepted accounting principles.

[(C) Amounts necessary to recover the full cost of the operation of the Defense Finance Accounting Service.

[(2) Charges for goods and services provided through the Fund may not include the following:

[(A) Amounts necessary to recover the costs of a military construction project (as defined in section 2801(b) of this title), other than a minor construction project financed by the Fund pursuant to section 2805(c)(1) of this title.

[(B) Amounts necessary to cover costs incurred in connection with the closure or realignment of a military installation.

[(C) Amounts necessary to recover the costs of functions designated by the Secretary of Defense as mission critical, such as ammunition handling safety, and amounts for ancillary tasks not directly related to the mission of the function or activity managed through the Fund.

[(3)(A) The Secretary of Defense may submit to a customer a bill for the provision of goods and services through the Fund in advance of the provision of those goods and services.

[(B) The Secretary shall submit to Congress a report on advance billings made pursuant to subparagraph (A)—

[(i) when the aggregate amount of all such billings after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 reaches \$100,000,000; and

[(ii) whenever the aggregate amount of all such billings after the date of a preceding report under this subparagraph reaches \$100,000,000.

[(C) Each report under subparagraph (B) shall include, for each such advance billing, the following:

[(i) An explanation of the reason for the advance billing.

[(ii) An analysis of the impact of the advance billing on readiness.

[(iii) An analysis of the impact of the advance billing on the customer so billed.

[(e) CAPITAL ASSET SUBACCOUNT.—(1) Amounts charged for depreciation of capital assets pursuant to subsection (d)(1)(B) shall be credited to a separate capital asset subaccount established within the Fund.

[(2) The Secretary of Defense may award contracts for capital assets of the Fund in advance of the availability of funds in the subaccount.

[(f) PROCEDURES FOR ACCUMULATION OF FUNDS.—The Secretary of Defense shall establish billing procedures to ensure that the balance in the Fund does not exceed the amount necessary to provide for the working capital requirements of the Fund, as determined by the Secretary.

[(g) PURCHASE FROM OTHER SOURCES.—The Secretary of Defense or the Secretary of a military department may purchase goods and services that are available for purchase from the Fund from a source other than the Fund if the Secretary determines that such source offers a more competitive rate for the goods and services than the Fund offers.

[(h) ANNUAL REPORTS AND BUDGET.—The Secretary of Defense shall annually submit to Congress, at the same time that the President submits the budget under section 1105 of title 31, the following:

[(1) A detailed report that contains a statement of all receipts and disbursements of the Fund (including such a statement for each subaccount of the Fund) for the fiscal year ending in the year preceding the year in which the budget is submitted.

[(2) A detailed proposed budget for the operation of the Fund for the fiscal year for which the budget is submitted.

[(3) A comparison of the amounts actually expended for the operation of the Fund for the fiscal year referred to in paragraph (1) with the amount proposed for the operation of the Fund for that fiscal year in the President's budget.

[(4) A report on the capital asset subaccount of the Fund that contains the following information:

[(A) The opening balance of the subaccount as of the beginning of the fiscal year in which the report is submitted.

[(B) The estimated amounts to be credited to the subaccount in the fiscal year in which the report is submitted.

[(C) The estimated amounts of outlays to be paid out of the subaccount in the fiscal year in which the report is submitted.

[(D) The estimated balance of the subaccount at the end of the fiscal year in which the report is submitted.

[(E) A statement of how much of the estimated balance at the end of the fiscal year in which the report is submitted will be needed to pay outlays in the immediately following fiscal year that are in excess of the amount to be credited to the subaccount in the immediately following fiscal year.

[(i) DEFINITIONS.—In this section:

[(1) The term “capital assets” means the following capital assets that have a development or acquisition cost of not less than \$50,000:

[(A) Minor construction projects financed by the Fund pursuant to section 2805(c)(1) of this title.

[(B) Automatic data processing equipment, software.

[(C) Equipment other than equipment described in subparagraph (B).

[(D) Other capital improvements.

[(2) The term “Fund” means the Defense Business Operations Fund.]

\* \* \* \* \*

**CHAPTER 134—MISCELLANEOUS ADMINISTRATIVE PROVISIONS**

\* \* \* \* \*

**SUBCHAPTER II—MISCELLANEOUS ADMINISTRATIVE AUTHORITY**

- Sec.  
 2251. Household furnishings and other property: personnel outside the United States or in Alaska or Hawaii.  
 2252. Rewards: missing property.  
 2253. Motor vehicles.  
 2254. Treatment of reports of aircraft accident investigations.  
 2255. *Aircraft accident investigation boards: independence and objectivity.*

\* \* \* \* \*

**§2255. Aircraft accident investigation boards: independence and objectivity**

(a) *REQUIRED MEMBERSHIP OF BOARDS.—Whenever the Secretary of a military department convenes an aircraft accident investigation board to conduct an accident investigation of an accident involving an aircraft under the jurisdiction of the Secretary, the Secretary shall select the membership of the board so that—*

(1) *a majority of the voting members of the board are selected from units outside the chain of command of the mishap unit; and*

(2) *at least one voting member of the board is an officer or an employee assigned to the relevant service safety center.*

(b) *DETERMINATION OF UNITS OUTSIDE SAME CHAIN OF COMMAND.—For purposes of this section, a unit shall be considered to be outside the chain of command of another unit if the two units do not have a common commander in their respective chains of command below a position for which the authorized grade is major general or rear admiral.*

(c) *MISHAP UNIT DEFINED.—In this section, the term “mishap unit”, with respect to an aircraft accident investigation, means the unit of the armed forces (at the squadron level or equivalent) to which was assigned the flight crew of the aircraft that sustained the accident that is the subject of the investigation.*

(d) *SERVICE SAFETY CENTER.*—For purposes of this section, a service safety center is the single office or separate operating agency of a military department that has responsibility for the management of aviation safety matters for that military department.

\* \* \* \* \*

## CHAPTER 137—PROCUREMENT GENERALLY

\* \* \* \* \*

### § 2302. Definitions

In this chapter:

(1) \* \* \*

\* \* \* \* \*

(5) The term “major system” means a combination of elements that will function together to produce the capabilities required to fulfill a mission need. The elements may include hardware, equipment, software or any combination thereof, but excludes construction or other improvements to real property. A system shall be considered a major system if (A) the Department of Defense is responsible for the system and the total expenditures for research, development, test, and evaluation for the system are estimated to be more than ~~【\$75,000,000 (based on fiscal year 1980 constant dollars)】~~ *\$115,000,000 (based on fiscal year 1990 dollars)* or the eventual total expenditure for procurement of more than ~~【\$300,000,000 (based on fiscal year 1980 constant dollars)】~~ *\$540,000,000 (based on fiscal year 1990 constant dollars)*; (B) a civilian agency is responsible for the system and total expenditures for the system are estimated to exceed \$750,000 (based on fiscal year 1980 constant dollars) or the dollar threshold for a “major system” established by the agency pursuant to Office of Management and Budget (OMB) Circular A-109, entitled “Major Systems Acquisitions,” whichever is greater; or (C) the system is designated a “major system” by the head of the agency responsible for the system. *The Secretary of Defense may adjust the amounts and the base fiscal year provided in clause (A) on the basis of Department of Defense escalation rates. An adjustment under this paragraph shall be effective after the Secretary transmits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a written notification of the adjustment.*

(6) The term “Federal Acquisition Regulation” means the Federal Acquisition Regulation issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)).

(7)(A) The term “simplified acquisition threshold” has the meaning provided that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403), except that, in the case of any contract to be awarded and performed, or purchase to be made, outside the United States in support of a contingency operation or a humanitarian or peacekeeping operation, the term means an amount equal to two times the amount specified for that term in section 4 of such Act.

(B) In subparagraph (A), the term “humanitarian or peacekeeping operation” means a military operation in support of the provision of humanitarian or foreign disaster assistance or in support of a peacekeeping operation under chapter VI or VII of the Charter of the United Nations. The term does not include routine training, force rotation, or stationing.

\* \* \* \* \*

**§ 2305. Contracts: planning, solicitation, evaluation, and award procedures**

(a) \* \* \*

(b)(1) \* \* \*

\* \* \* \* \*

(6)(A) \* \* \*

(B) The contracting officer is required to debrief an excluded offeror in accordance with paragraph (5) [of this section] only if that offeror requested and was refused a preaward debriefing under subparagraph (A) [of this paragraph].

(C) The debriefing conducted under [this subsection] subparagraph (A) shall include—

(i) the executive agency’s evaluation of the significant elements in the offeror’s offer;

(ii) a summary of the rationale for the offeror’s exclusion; and

(iii) reasonable responses to relevant questions posed by the debriefed offeror as to whether source selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the executive agency.

(D) The debriefing conducted [pursuant to this subsection] under subparagraph (A) may not disclose the number or identity of other offerors and shall not disclose information about the content, ranking, or evaluation of other offerors’ proposals.

\* \* \* \* \*

(g) PROHIBITION ON RELEASE OF CONTRACTOR PROPOSALS.—(1) A proposal in the possession or control of the Department of Defense may not be made available to any person under section 552 of title 5.

(2) In this subsection, the term “proposal” means any proposal, including a technical, management, or cost proposal, submitted by a contractor in response to the requirements of a solicitation for a competitive proposal.

\* \* \* \* \*

**§ 2306a. Cost or pricing data: truth in negotiations**

(a) \* \* \*

\* \* \* \* \*

(h) DEFINITIONS.—In this section:

(1) \* \* \*

\* \* \* \* \*

(3) COMMERCIAL ITEM.—The term “commercial item” has the meaning provided such term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

\* \* \* \* \*

**§ 2313. Examination of records of contractor**

(a) \* \* \*

\* \* \* \* \*

[(d) LIMITATION ON PREAWARD AUDITS RELATING TO INDIRECT COSTS.—The head of an agency may not perform a preaward audit to evaluate proposed indirect costs under any contract, subcontract, or modification to be entered into in accordance with this chapter in any case in which the contracting officer determines that the objectives of the audit can reasonably be met by accepting the results of an audit conducted by any other department or agency of the Federal Government within one year preceding the date of the contracting officer’s determination.]

(d) LIMITATION ON AUDITS RELATING TO INDIRECT COSTS.—The head of an agency may not perform an audit of indirect costs under a contract, subcontract, or modification before or after entering into the contract, subcontract, or modification in any case in which the contracting officer determines that the objectives of the audit can reasonably be met by accepting the results of an audit that was conducted by any other department or agency of the Federal Government within one year preceding the date of the contracting officer’s determination.

\* \* \* \* \*

**§ 2323a. Credit for Indian contracting in meeting certain subcontracting goals for small disadvantaged businesses and certain institutions of higher education**

(a) REGULATIONS.—Subject to subsections (b) and (c), in any case in which a subcontracting goal is specified in a Department of Defense contract in the implementation of [section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)] *section 2323 of this title* and section 8(d) of the Small Business Act (15 U.S.C. 637(d)), credit toward meeting that subcontracting goal shall be given for—

(1) \* \* \*

\* \* \* \* \*

**CHAPTER 139—RESEARCH AND DEVELOPMENT**

- Sec. 2351. Availability of appropriations.
- 2353. Contracts: acquisition, construction, or furnishing of test facilities and equipment.
- \* \* \* \* \*
- [2366. Major systems and munitions programs: survivability testing and lethality testing required before full-scale production.]
- 2366. Major systems and munitions programs: vulnerability testing and lethality testing required before full-scale production.
- \* \* \* \* \*

**§ 2361. Award of grants and contracts to colleges and universities: requirement of competition**

(a) \* \* \*

\* \* \* \* \*

[(c)(1) The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives an annual report on the use of competitive procedures for the award of research and development contracts, and the award of construction contracts, to colleges and universities. Each such report shall include—

[(A) a list of each college and university that, during the period covered by the report, received more than \$1,000,000 in such contracts through the use of procedures other than competitive procedures; and

[(B) the cumulative amount of such contracts received during that period by each such college and university.

[(2) Each report under paragraph (1) shall cover the preceding fiscal year and shall be submitted not later than February 1 of the fiscal year after the fiscal year covered by the report.]

\* \* \* \* \*

**§ 2366. Major systems and munitions programs: [survivability] vulnerability and lethality testing required before full-scale production**

(a) REQUIREMENTS.—(1) The Secretary of Defense shall provide that—

(A) a covered system may not proceed beyond low-rate initial production until realistic [survivability] *vulnerability* testing of the system is completed in accordance with this section and the report required by subsection (d) with respect to that testing is submitted in accordance with that subsection; and

(B) a major munition program or a missile program may not proceed beyond low-rate initial production until realistic lethality testing of the program is completed in accordance with this section and the report required by subsection (d) with respect to that testing is submitted in accordance with that subsection.

(2) The Secretary of Defense shall provide that a covered product improvement program may not proceed beyond low-rate initial production until—

(A) in the case of a product improvement to a covered system, realistic [survivability] *vulnerability* testing is completed in accordance with this section; and

(B) in the case of a product improvement to a major munitions program or a missile program, realistic lethality testing is completed in accordance with this section.

(b) TEST GUIDELINES.—(1) [Survivability] *Vulnerability* and lethality tests required under subsection (a) shall be carried out sufficiently early in the development phase of the system or program (including a covered product improvement program) to allow any design deficiency demonstrated by the testing to be corrected in the design of the system, munition, or missile (or in the product

modification or upgrade to the system, munition, or missile) before proceeding beyond low-rate initial production.

(2) The costs of all tests required under that subsection shall be paid from funds available for the system being tested.

(3) *Testing should begin at the component, subsystem, and sub-assembly level, culminating with tests of the complete system configured for combat.*

(c) WAIVER AUTHORITY.—(1) The Secretary of Defense may waive the application of the **【survivability】** *vulnerability* and lethality tests of this section to a covered system, munitions program, missile program, or covered product improvement program if the Secretary, before the system or program enters engineering and manufacturing development, certifies to Congress that live-fire testing of such system or program would be unreasonably expensive and impractical.

(2) In the case of a covered system (or covered product improvement program for a covered system), the Secretary may waive the application of the **【survivability】** *vulnerability* and lethality tests of this section to such system or program and instead allow testing of the system or program in combat by firing munitions likely to be encountered in combat at components, subsystems, and sub-assemblies, together with performing design analyses, modeling and simulation, and analysis of combat data. Such alternative testing may not be carried out in the case of any covered system (or covered product improvement program for a covered system) unless the Secretary certifies to Congress, before the system or program enters engineering and manufacturing development, that the **【survivability】** *vulnerability* and lethality testing of such system or program otherwise required by this section would be unreasonably expensive and impracticable.

(3) The Secretary shall include with any certification under paragraph (1) or (2) a report explaining how the Secretary plans to evaluate the **【survivability】** *vulnerability* or the lethality of the system or program and assessing possible alternatives to realistic **【survivability】** *vulnerability* testing of the system or program.

(4) In time of war or mobilization, the President may suspend the operation of any provision of this section.

(d) REPORTING TO CONGRESS.—At the conclusion of **【survivability】** *vulnerability* or lethality testing under subsection (a), the Secretary of Defense shall submit a report on the testing to the congressional defense committees. Each such report shall describe the results of the **【survivability】** *vulnerability* or lethality testing and shall give the Secretary's overall assessment of the testing.

(e) DEFINITIONS.—In this section:

(1) The term “covered system” means a vehicle, weapon platform, or conventional weapon system—

(A) that includes features designed to provide some degree of protection to users in combat; and

(B) that is a major system within the meaning of that term in section 2302(5) of this title.

(2) The term “major munitions program” means—

(A) a munition program for which more than 1,000,000 rounds are planned to be acquired; or



(B) a conventional munitions program that is a major system within the meaning of that term in section 2302(5) of this title.

(3) The term “realistic [survivability] *vulnerability* testing” means, in the case of a covered system (or a covered product improvement program for a covered system), testing for vulnerability of the system in combat by firing munitions likely to be encountered in combat (or munitions with a capability similar to such munitions) at the system configured for combat, with the primary emphasis on testing vulnerability with respect to potential user casualties and taking into equal consideration the susceptibility to attack and combat performance of the system.

(4) The term “realistic lethality testing” means, in the case of a major munitions program or a missile program (or a covered product improvement program for such a program), testing for lethality by firing the munition or missile concerned at appropriate targets configured for combat.

(5) The term “configured for combat”, with respect to a weapon system, platform, or vehicle, means loaded or equipped with all dangerous materials (including all flammables and explosives) that would normally be on board in combat.

(6) The term “covered product improvement program” means a program under which—

(A) a modification or upgrade will be made to a covered system which (as determined by the Secretary of Defense) is likely to affect significantly the [survivability] *vulnerability* of such system; or

(B) a modification or upgrade will be made to a major munitions program or a missile program which (as determined by the Secretary of Defense) is likely to affect significantly the lethality of the munition or missile produced under the program.

(7) The term “congressional defense committees” means—

(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

\* \* \* \* \*

**CHAPTER 141—MISCELLANEOUS PROCUREMENT PROVISIONS**

\* \* \* \* \*

**§ 2391. Military base reuse studies and community planning assistance**

(a) \* \* \*

(b)(1) \* \* \*

\* \* \* \* \*

(5)(A) The Secretary of Defense may also make grants, conclude cooperative agreements, and supplement other Federal funds in order to assist a State or local government in planning community adjustments and economic diversification even though the State or

local government is not currently eligible for assistance under paragraph (1) if the Secretary determines that a substantial portion of the economic activity or population of the geographic area to be subject to the advance planning is dependent on defense expenditures.

(B) *The Secretary of Defense may also make grants, conclude cooperative agreements, and supplement other Federal funds in order to assist a State in enhancing its capacities—*

*(i) to assist communities, businesses, and workers adversely affected by an action described in paragraph (1);*

*(ii) to support local adjustment and diversification initiatives; and*

*(iii) to stimulate cooperation between statewide and local adjustment and diversification efforts.*

\* \* \* \* \*

**CHAPTER 144—MAJOR DEFENSE ACQUISITION PROGRAMS**

\* \* \* \* \*

**§ 2432. Selected Acquisition Reports**

(a) \* \* \*

\* \* \* \* \*

(c)(1) Each Selected Acquisition Report for the first quarter for a fiscal year shall include—

(A) the same information, in detailed and summarized form, as is provided in reports submitted under section 2431 of this title;

(B) the current program acquisition unit cost for each major defense acquisition program included in the report and the history of that cost from the date the program was first included in a Selected Acquisition Report to the end of the quarter for which the current report is submitted; **[and]**

*(C) the current procurement unit cost for each major defense acquisition program included in the report and the history of that cost from the date the program was first included in a Selected Acquisition Report to the end of the quarter for which the current report is submitted; and*

**[(C)]** (D) such other information as the Secretary of Defense considers appropriate.

\* \* \* \* \*

(e) Information to be included under this subsection in a Quarterly Selected Acquisition Report with respect to a major defense acquisition program is as follows:

(1) \* \* \*

\* \* \* \* \*

**[(8)]** The completion status of the program (A) expressed as the percentage that the number of years for which funds have been appropriated for the program is of the number of years for which it is planned that funds will be appropriated for the program, and (B) expressed as the percentage that the amount of funds that have been appropriated for the program is of the

total amount of funds which it is planned will be appropriated for the program.

[(9)] (8) Program highlights since the last Selected Acquisition Report.

\* \* \* \* \*

**CHAPTER 146—CONTRACTING FOR PERFORMANCE OF CIVILIAN COMMERCIAL OR INDUSTRIAL TYPE FUNCTIONS**

\* \* \* \* \*

**§ 2466. Limitations on the performance of depot-level maintenance of materiel**

(a) \* \* \*

(b) *TREATMENT OF CERTAIN LARGE PROJECTS.*—If a single maintenance or repair project contracted for performance by non-Federal Government personnel accounts for five percent or more of the funds made available in a fiscal year to a military department or a Defense Agency for depot-level maintenance and repair workload, the project and the funds necessary for the project shall not be considered when applying the percentage limitation specified in subsection (a) to that military department or Defense Agency.

\* \* \* \* \*

**CHAPTER 147—UTILITIES AND SERVICES**

Sec.

2481. Utilities and services: sale; expansion and extension of systems and facilities.

\* \* \* \* \*

2490b. *Contracts with other agencies and instrumentalities for goods and services.*

2490c. *Sale or rental of sexually explicit material prohibited.*

\* \* \* \* \*

**§ 2485. Donation of unusable food: commissary stores and other activities**

(a) The Secretary of [a military department] *Defense* may donate food described in subsection (b) to [authorized charitable nonprofit food banks] *entities specified under subsection (d)*.

(b) Food that may be donated under this section is commissary store food, mess food, meals ready-to-eat (MREs), *rations known as humanitarian daily rations (HDRs)*, and other food available to the Secretary of [a military department] *Defense* that—

- (1) is certified as edible by appropriate food inspection technicians;
- (2) would otherwise be destroyed as unusable; and
- (3) in the case of commissary store food, is unmarketable and unsaleable.

\* \* \* \* \*

(d) A donation under this section [may only be made to an entity that is authorized by the Secretary of Defense or the Secretary of Health and Human Services to receive donations under this section.] *may only be made to an entity that is one of the following:*

(1) *A charitable nonprofit food bank that is designated by the Secretary of Defense or the Secretary of Health and Human Services as authorized to receive such donations.*

(2) *A State or local agency that is designated by the Secretary of Defense or the Secretary of Health and Human Services as authorized to receive such donations.*

(3) *A chapter or other local unit of a recognized national veterans organization that provides services to persons without adequate shelter and is designated by the Secretary of Veterans Affairs as authorized to receive such donations.*

(4) *A not-for-profit organization that provides care for homeless veterans and is designated by the Secretary of Veterans Affairs as authorized to receive such donations.*

\* \* \* \* \*

**§ 2486. Commissary stores: merchandise that may be sold; uniform surcharges and pricing**

(a) \* \* \*

\* \* \* \* \*

(e) *The Secretary of Defense may not use the exception provided in section 2304(c)(5) of this title regarding the procurement of a brand-name commercial item for resale in commissary stores unless the commercial item is regularly sold outside of commissary stores under the same brand name as the name by which the commercial item will be sold in commissary stores.*

\* \* \* \* \*

**§ 2490b. Contracts with other agencies and instrumentalities for goods and services**

*An agency or instrumentality of the Department of Defense that supports the operation of the exchange or morale, welfare, and recreation systems of the Department of Defense may enter into a contract or other agreement with another department, agency, or instrumentality of the Department of Defense or another Federal agency to provide goods and services beneficial to the efficient management and operation of the exchange or morale, welfare, and recreation systems.*

**§ 2490c. Sale or rental of sexually explicit material prohibited**

(a) *PROHIBITION OF SALE OR RENTAL.—The Secretary of Defense may not permit the sale or rental of sexually explicit written or videotaped material on property under the jurisdiction of the Department of Defense.*

(b) *PROHIBITION OF OFFICIALLY PROVIDED SEXUALLY EXPLICIT MATERIAL.—A member of the armed forces or a civilian officer or employee of the Department of Defense acting in an official capacity for sale, remuneration, or rental may not provide sexually explicit material to another person.*

(c) *REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement this section.*

(d) *DEFINITIONS.—In this section:*

(1) *The term “sexually explicit material” means an audio recording, a film or video recording, or a periodical with visual depictions, produced in any medium, the dominant theme of which depicts or describes nudity, including sexual or excretory activities or organs, in a lascivious way.*

(2) *The term “property under the jurisdiction of the Department of Defense” includes commissaries, all facilities operated by the Army and Air Force Exchange Service, the Navy Exchange Service Command, the Navy Resale and Services Support Office, Marine Corps exchanges, and ship stores.*

\* \* \* \* \*

**CHAPTER 148—NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, DEFENSE REINVESTMENT, AND DEFENSE CONVERSION**

\* \* \* \* \*

**SUBCHAPTER II—POLICIES AND PLANNING**

\* \* \* \* \*

**§ 2501. National security objectives concerning national technology and industrial base**

(a) NATIONAL SECURITY OBJECTIVES FOR NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—It is the policy of Congress that the national technology and industrial base be capable of meeting the following national security objectives:

(1) \* \* \*

\* \* \* \* \*

(5) *Providing for the development, manufacture, and supply of items and technologies critical to the production and sustainment of advanced military weapon systems with minimal reliance on items for which the source of supply, manufacture, or technology is outside of the United States and Canada and for which there is no immediately available source in the United States or Canada.*

\* \* \* \* \*

**§ 2505. National technology and industrial base: periodic defense capability assessments**

(a) \* \* \*

\* \* \* \* \*

[(c) FOREIGN DEPENDENCY CONSIDERATIONS.—In the preparation of the periodic assessment, the Council shall include considerations of foreign dependency.]

(c) ASSESSMENT OF EXTENT OF DEPENDENCY ON FOREIGN SOURCE ITEMS.—Each assessment under subsection (a) shall include a separate discussion and presentation regarding the extent to which the national technology and industrial base is dependent on items for which the source of supply, manufacture, or technology is outside of the United States and Canada and for which there is no imme-

*diately available source in the United States or Canada. The discussion and presentation shall include the following:*

*(1) An assessment of the overall degree of dependence by the national technology and industrial base on such foreign items, including a comparison with the degree of dependence identified in the preceding assessment.*

*(2) Identification of major systems (as defined in section 2302 of this title) under development or production containing such foreign items, including an identification of all such foreign items for each system.*

*(3) An analysis of the production or development risks resulting from the possible disruption of access to such foreign items, including consideration of both peacetime and wartime scenarios.*

*(4) An analysis of the importance of retaining domestic production sources for the items specified in section 2534 of this title.*

*(5) A discussion of programs and initiatives in place to reduce dependence by the national technology and industrial base on such foreign items.*

*(6) A discussion of proposed policy or legislative initiatives recommended to reduce the dependence of the national technology and industrial base on such foreign items.*

\* \* \* \* \*

SUBCHAPTER V—MISCELLANEOUS TECHNOLOGY BASE  
POLICIES AND PROGRAMS

\* \* \* \* \*

**§ 2534. Miscellaneous limitations on the procurement of goods other than United States goods**

(a) \* \* \*

\* \* \* \* \*

(c) APPLICABILITY TO CERTAIN ITEMS.—

(1) \* \* \*

(2) VALVES AND MACHINE TOOLS.—(A) \* \* \*

\* \* \* \* \*

(C) Subsection (a)(4) and this paragraph shall cease to be effective on October 1, **[1996]** 2001.

(3) BALL BEARINGS AND ROLLER BEARINGS.—Subsection (a)(5) and this paragraph shall cease to be effective on October 1, 2000.

(4) VESSEL PROPELLERS.—Subsection (a)(3)(A)(iii) and this paragraph shall cease to be effective on **[the date occurring two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996]** February 10, 1998.

\* \* \* \* \*

**CHAPTER 153—EXCHANGE OF MATERIAL AND DISPOSAL OF OBSOLETE, SURPLUS, OR UNCLAIMED PROPERTY**

Sec.							
2571.	Interchange of property and services.	*	*	*	*	*	*
2576a.	<i>Excess personal property: sale or donation for law enforcement activities.</i>	*	*	*	*	*	*

**§2576a. Excess personal property: sale or donation for law enforcement activities**

(a) *TRANSFER AUTHORIZED.*—(1) Notwithstanding any other provision of law and subject to subsection (b), the Secretary of Defense may transfer to Federal and State agencies personal property of the Department of Defense, including small arms and ammunition, that the Secretary determines is—

(A) suitable for use by the agencies in law enforcement activities, including counter-drug activities; and

(B) excess to the needs of the Department of Defense.

(2) The Secretary shall carry out this section in consultation with the Attorney General and the Director of National Drug Control Policy.

(b) *CONDITIONS FOR TRANSFER.*—The Secretary may transfer personal property under this section only if—

(1) the property is drawn from existing stocks of the Department of Defense; and

(2) the transfer is made without the expenditure of any funds available to the Department of Defense for the procurement of defense equipment.

(c) *CONSIDERATION.*—Personal property may be transferred under this section without cost to the recipient agency.

(d) *PREFERENCE FOR CERTAIN TRANSFERS.*—In considering applications for the transfer of personal property under this section, the Secretary shall give a preference to those applications indicating that the transferred property will be used in the counter-drug activities of the recipient agency.

\* \* \* \* \*

**CHAPTER 155—ACCEPTANCE OF GIFTS AND SERVICES**

Sec.							
2601.	General gift funds.						
2602.	American National Red Cross: cooperation and assistance.						
2603.	Acceptance of fellowships, scholarships, or grants.	*	*	*	*	*	*
【2609.	Theater Missile Defense: acceptance of contributions from allies; Theater Missile Defense Cooperation Account.】	*	*	*	*	*	*

**§2608. Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account**

(a) *ACCEPTANCE AUTHORITY.*—The Secretary of Defense may accept from any person, foreign government, or international organization any contribution of money or real or personal property made

by such person, foreign government, or international organization for use by the Department of Defense *and may accept from any foreign government or international organization any contribution of services made by such foreign government or international organization for use by the Department of Defense.*

\* \* \* \* \*

**§ 2610. Competitions for excellence: acceptance of monetary awards**

(a) \* \* \*

\* \* \* \* \*

(e) TERMINATION.—The authority of the Secretary under this section shall expire [two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996] *on February 10, 1998.*

\* \* \* \* \*

**CHAPTER 157—TRANSPORTATION**

Sec.

2631. Supplies: preference to United States vessels.

\* \* \* \* \*

**[2634. Motor vehicles: for members on change of permanent station.]**

2634. *Motor vehicles: transportation or storage for members on change of permanent station or extended deployment.*

\* \* \* \* \*

2644. *Control of transportation systems in time of war.*

2645. *Indemnification of Department of Transportation for losses covered by vessel war risk insurance.*

\* \* \* \* \*

**[§ 2634. Motor vehicles: for members on change of permanent station]**

**§ 2634. Motor vehicles: transportation or storage for members on change of permanent station or extended deployment**

(a) \* \* \*

\* \* \* \* \*

(g)(1) *In lieu of transportation authorized by this section, if a member is ordered to make a change of permanent station to a foreign country and the laws, regulations, or other restrictions imposed by the foreign country or the United States preclude entry of a motor vehicle described in subsection (a) into that country, or would require extensive modification of the vehicle as a condition to entry, the member may elect to have the vehicle stored at the expense of the United States at a location approved by the Secretary concerned.*

(2) *If a member is transferred or assigned to duty at a location other than the permanent station of the member for a period of more than 30 consecutive days, but the transfer or assignment is not considered a change of permanent station, the member may elect to have a motor vehicle described in subsection (a) stored at the expense of the United States at a location approved by the Secretary concerned.*



(3) *Authorized expenses under this subsection include costs associated with the delivery of the motor vehicle for storage and removal of the vehicle for delivery to a destination approved by the Secretary concerned.*

\* \* \* \* \*

**§2644. Control of transportation systems in time of war**

*In time of war, the President, acting through the Secretary of Defense, may take possession and assume control of all or any part of a system of transportation to transport troops, war material, and equipment, or for other purposes related to the emergency. So far as necessary, the Secretary may use the transportation system to the exclusion of other traffic.*

**§2645. Indemnification of Department of Transportation for losses covered by vessel war risk insurance**

(a) *PROMPT INDEMNIFICATION REQUIRED.—In the event of a loss that is covered by vessel war risk insurance, the Secretary of Defense shall promptly indemnify the Secretary of Transportation for the amount of the loss. The Secretary of Defense shall make such indemnification—*

(1) *in the case of a claim for a loss to a vessel, not later than 90 days following the date of the adjudication or settlement of the claim by the Secretary of Transportation; and*

(2) *in the case of any other claim, not later than 180 days after the date on which the claim is determined by the Secretary of Transportation to be payable.*

(b) *SOURCE OF FUNDS FOR PAYMENT OF INDEMNITY.—The Secretary may pay an indemnity described in subsection (a) from any funds available to the Department of Defense for operation and maintenance, and such sums as may be necessary for payment of such indemnity are hereby authorized to be transferred to the Secretary of Transportation for such purpose.*

(c) *DEPOSIT OF FUNDS.—(1) Any amount transferred to the Secretary of Transportation under this section shall be deposited in, and merged with amounts in, the Vessel War Risk Insurance Fund as provided in the second sentence of section 1208(a) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1288(a)).*

(2) *In this subsection, the term “Vessel War Risk Insurance Fund” means the insurance fund referred to in the first sentence of section 1208(a) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1288(a)).*

(d) *NOTICE TO CONGRESS.—In the event of a loss that is covered by vessel war risk insurance in the case of an incident in which the covered loss is (or is expected to be) in an amount in excess of \$1,000,000, the Secretary of Defense shall submit to Congress—*

(1) *notification of the loss as soon after the occurrence of the loss as possible and in no event more than 30 days after the date of the loss; and*

(2) *semiannual reports thereafter updating the information submitted under paragraph (1) and showing with respect to losses arising from such incident the total amount expended to cover such losses, the source of such funds, pending litigation, and estimated total cost to the Government.*

(e) *IMPLEMENTING MATTERS.*—(1) *Payment of indemnification under this section is not subject to section 2214 or 2215 of this title or any other provision of law requiring notification to Congress before funds may be transferred.*

(2) *Consolidation of claims arising from the same incident is not required before indemnification of the Secretary of Transportation for payment of a claim may be made under this section.*

(f) *CONSTRUCTION WITH OTHER TRANSFER AUTHORITY.*—*Authority to transfer funds under this section is in addition to any other authority provided by law to transfer funds (whether enacted before, on, or after the date of the enactment of this section) and is not subject to any dollar limitation or notification requirement contained in any other such authority to transfer funds.*

(g) *DEFINITIONS.*—*In this section:*

(1) *VESSEL WAR RISK INSURANCE.*—*The term “vessel war risk insurance” means insurance and reinsurance provided through policies issued by the Secretary of Transportation under title XII of the Merchant Marine Act, 1936 (46 U.S.C. App. 1281 et seq.), that is provided by that Secretary without premium at the request of the Secretary of Defense and is covered by an indemnity agreement between the Secretary of Transportation and the Secretary of Defense.*

(2) *LOSS.*—*The term “loss” includes damage to or destruction of property, personal injury or death, and other liabilities and expenses covered by the vessel war risk insurance.*

\* \* \* \* \*

**CHAPTER 159—REAL PROPERTY; RELATED PERSONAL PROPERTY; AND LEASE OF NONEXCESS PROPERTY**

Sec.

2661. Miscellaneous administrative provisions relating to real property.

\* \* \* \* \*

**[2674. Operation and control of the Pentagon Reservation.]**

2674. *Operation and control of Pentagon Reservation and defense facilities in National Capital Region.*

\* \* \* \* \*

2684. *Cooperative agreements for management of cultural resources.*

\* \* \* \* \*

**§ 2668. Easements for rights-of-way**

(a) If the Secretary of a military department finds that it will not be against the public interest, he may grant, upon such terms as he considers advisable, easements for rights-of-way over, in, and upon public lands permanently withdrawn or reserved for the use of that department, and other lands under his control, to a State, Territory, Commonwealth, or possession, or political subdivision thereof, or to a citizen, association, partnership, or corporation of a State, Territory, Commonwealth, or possession, for—

(1) \* \* \*

\* \* \* \* \*

(9) roads and streets; **[and]**

(10) poles and lines for the transmission and distribution of electrical power;

(11) poles and lines for communication purposes, and for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities; and

[(10)] (12) any other purpose that he considers advisable, except a purpose covered by section 2669 of this title [or by the Act of March 4, 1911 (43 U.S.C. 961)].

\* \* \* \* \*

**【§ 2674. Operation and control of the Pentagon Reservation】**

**§ 2674. Operation and control of Pentagon Reservation and defense facilities in National Capital Region**

(a) \* \* \*

(b) The Secretary may appoint military or civilian personnel or contract personnel to perform law enforcement and security functions for property occupied by, or under the jurisdiction, custody, and control of the Department of Defense, and located [at the Pentagon Reservation] *in the National Capital Region*. Such individuals—

(1) \* \* \*

\* \* \* \* \*

**§ 2684. Cooperative agreements for management of cultural resources**

(a) *AUTHORITY.*—The Secretary of Defense or the Secretary of a military department may enter into a cooperative agreement with a State, local government, or other entity for the preservation, management, maintenance, and improvement of cultural resources on military installations and for the conducting of research regarding the cultural resources. Activities under the cooperative agreement shall be subject to the availability of funds to carry out the cooperative agreement.

(b) *APPLICATION OF OTHER LAWS.*—Section 1535 and chapter 63 of title 31 shall not apply to a cooperative agreement entered into under this section.

(c) *CULTURAL RESOURCE DEFINED.*—In this section, the term “cultural resource” means any of the following:

(1) Any building, structure, site, district, or object included in or eligible for inclusion in the National Register of Historic Places under section 101 of the National Historic Preservation Act (16 U.S.C. 470a).

(2) Cultural items, as defined in section 2(3) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001(3)).

(3) An archaeological resource, as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)).

(4) Archaeological artifact collections and associated records, as defined in section 79 of title 36, Code of Federal Regulations.

\* \* \* \* \*

**CHAPTER 160—ENVIRONMENTAL RESTORATION**

\* \* \* \* \*

**§ 2706. Annual reports to Congress**

(a) \* \* \*

\* \* \* \* \*

[(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)] (c) DEFINITIONS.—In this section:

(1) The term “defense contractor”—

(A) \* \* \*

\* \* \* \* \*

**CHAPTER 169—MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING**

**SUBCHAPTER I—MILITARY CONSTRUCTION**

Sec.

2801. Scope of chapter; definitions.

\* \* \* \* \*

**[2806. Contributions for North Atlantic Treaty Organization Infrastructure.]**

2806. *Contributions for North Atlantic Treaty Organization Security Investment Program.*

\* \* \* \* \*

2814. *Demolition of excess facilities.*

\* \* \* \* \*

**[§ 2806. Contributions for North Atlantic Treaty Organization Infrastructure]**

**§ 2806. Contributions for North Atlantic Treaty Organization Security Investment Program**

(a) \* \* \*

(b) Funds may not be obligated or expended in connection with the **[North Atlantic Treaty Organization Infrastructure program]**

North Atlantic Treaty Organization Security Investment Program in any year unless such funds have been authorized by law for such program.

\* \* \* \* \*

**§2814. Demolition of excess facilities**

(a) *DEMOLITION USING MILITARY CONSTRUCTION APPROPRIATIONS.*—Within an amount equal to 125 percent of the amount appropriated for such purpose in the military construction account, the Secretary concerned may carry out the demolition of a facility on a military installation when the facility is determined by the Secretary concerned to be—

- (1) excess to the needs of the military department or Defense Agency concerned; and
- (2) not suitable for reuse.

(b) *DEMOLITIONS USING OPERATIONS AND MAINTENANCE FUNDS.*—Using funds available to the Secretary concerned for operation and maintenance, the Secretary concerned may carry out a demolition project involving an excess facility described in subsection (a), except that the amount obligated on the project may not exceed the maximum amount authorized for a minor construction project under section 2805(c)(1) of this title.

(c) *ADVANCE APPROVAL OF CERTAIN PROJECTS.*—(1) A demolition project under this section that would cost more than \$500,000 may not be carried out under this section unless approved in advance by the Secretary concerned.

(2) When a decision is made to demolish a facility covered by paragraph (1), the Secretary concerned shall submit a report in writing to the appropriate committees of Congress on that decision. Each such report shall include—

- (A) the justification for the demolition and the current estimate of its costs, and
- (B) the justification for carrying out the project under this section.

(3) The demolition 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.

(d) *CERTAIN PROJECTS PROHIBITED.*—(1) A demolition project involving military family housing may not be carried out under the authority of this section.

(2) A demolition project required as a result of a base closure action 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) or 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) may not be carried out under the authority of this section.

(3) A demolition project required as a result of environmental contamination shall be carried out under the authority of the environmental restoration program under section 2701(b)(3) of this title.

(e) *DEMOLITION INCLUDED IN SPECIFIC MILITARY CONSTRUCTION PROJECT.*—Nothing in this section is intended to preclude the inclusion of demolition of facilities as an integral part of a specific mili-

*tary construction project when the demolition is required for accomplishment of the intent of that construction project.*

\* \* \* \* \*

SUBCHAPTER II—MILITARY FAMILY HOUSING

\* \* \* \* \*

**§ 2824. Authorization for acquisition of existing family housing in lieu of construction**

(a) \* \* \*

\* \* \* \* \*

(c) The net floor area of a family housing unit acquired under the authority of this section may not exceed the applicable limitation specified in section 2826 of this title. The Secretary concerned may waive the limitation set forth in the preceding sentence to family housing units acquired under this section during the five-year period beginning on [the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996] *February 10, 1996.*

\* \* \* \* \*

**§ 2825. Improvements to family housing units**

(a)(1) Authority provided by law to improve existing military family housing units and ancillary family housing support facilities is authority to make alterations, additions, expansions, and extensions.

(2) In this section, the term “improvement” includes rehabilitation of a housing unit and *major* maintenance or repair work to be accomplished concurrently with an improvement project. *Such term does not include day-to-day maintenance and repair.*

(b)(1) \* \* \*

[(2) In determining the applicability of the limitation contained in paragraph (1), there shall be included as part of the cost of the improvement the cost of repairs undertaken in connection with the improvement and any cost in connection with (A) the furnishing of electricity, gas, water and sewage disposal, (B) the construction or repair of roads and walks, and (C) grading and drainage work.]

(2) *In determining the applicability of the limitation contained in paragraph (1), the Secretary concerned shall include as part of the cost of the improvement the following:*

(A) *The cost of major maintenance or repair work (excluding day-to-day maintenance and repair) undertaken in connection with the improvement.*

(B) *Any cost, beyond the five-foot line of a housing unit, in connection with—*

*(i) the furnishing of electricity, gas, water, and sewage disposal;*

*(ii) the construction or repair of roads, drives, and walks;*

*and*

*(iii) grading and drainage work.*

\* \* \* \* \*

**§ 2826. Limitations on space by pay grade**

(a) \* \* \*

\* \* \* \* \*

(i)(1) The Secretary concerned may waive the provisions of subsection (a) with respect to military family housing units constructed, acquired, or improved during the five-year period beginning on [the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996] *February 10, 1996*.

\* \* \* \* \*

**SUBCHAPTER III—ADMINISTRATION OF MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING**

\* \* \* \* \*

**§ 2861. Annual report to Congress**

(a) \* \* \*

(b) Each report under subsection (a) shall include the following:

(1) \* \* \*

\* \* \* \* \*

(3) Information to enable the committees to monitor trends in construction started using funds contributed by the United States under section 2806 of this title to the [North Atlantic Treaty Organization Infrastructure program] *North Atlantic Treaty Organization Security Investment Program* and the status of recoupments under that program.

\* \* \* \* \*

**Subtitle B—Army**

\* \* \* \* \*

**PART I—ORGANIZATION**

\* \* \* \* \*

**CHAPTER 305—THE ARMY STAFF**

\* \* \* \* \*

**§ 3036. Chiefs of branches: appointment; duties**

(a) \* \* \*

\* \* \* \* \*

(d)(1) \* \* \*

\* \* \* \* \*

(3) [For purposes of this subsection,] *In this subsection*, the term “State” includes the several States, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, territories and possessions of the United States, and Indian tribes.

\* \* \* \* \*

**§ 3038. Office of Army Reserve: appointment of Chief**

(a) \* \* \*

\* \* \* \* \*

(d) *BUDGET.*—The Chief of Army Reserve is the official within the executive part of the Department of the Army who, subject to the authority, direction, and control of the Secretary of the Army and the Chief of Staff, is responsible for justification and execution of the personnel, operation and maintenance, and construction budgets for the Army Reserve. As such, the Chief of Army Reserve is the director and functional manager of appropriations made for the Army Reserve in those areas.

(e) *FULL-TIME SUPPORT PROGRAM.*—The Chief of Army Reserve manages, with respect to the Army Reserve, the personnel program of the Department of Defense known as the Full-Time Support Program.

(f) *ANNUAL REPORT.*—(1) The Chief of Army Reserve shall submit to the Secretary of Defense, through the Secretary of the Army, an annual report on the state of the Army Reserve and the ability of the Army Reserve to meet its missions. The report shall be prepared in conjunction with the Chief of Staff of the Army and may be submitted in classified and unclassified versions.

(2) The Secretary of Defense shall transmit the annual report of the Chief of Army Reserve under paragraph (1) to Congress, together with such comments on the report as the Secretary considers appropriate. The report shall be transmitted at the same time each year that the annual report of the Secretary under section 113 of this title is submitted to Congress.

\* \* \* \* \*

**PART III—TRAINING**

\* \* \* \* \*

**CHAPTER 403—UNITED STATES MILITARY ACADEMY**

\* \* \* \* \*

**§ 4346. Cadets: requirements for admission**

(a) To be eligible for admission to the Academy a candidate must be at least 17 years of age and must not have passed his [twenty-second birthday] *twenty-third birthday* on July 1 of the year in which he enters the Academy.

\* \* \* \* \*

**PART IV—SERVICE, SUPPLY, AND  
PROCUREMENT**

\* \* \* \* \*

**CHAPTER 447—TRANSPORTATION**

Sec.  
4741. Control and supervision.



[4742. Control of transportation systems in time of war.]

\* \* \* \* \*

**[§ 4742. Control of transportation systems in time of war**

[In time of war, the President, through the Secretary of the Army, may take possession and assume control of all or part of any system of transportation to transport troops, war material, and equipment, or for other purposes related to the emergency. So far as necessary, he may use the system to the exclusion of other traffic.]

\* \* \* \* \*

**Subtitle C—Navy and Marine Corps**

\* \* \* \* \*

**PART IV—GENERAL ADMINISTRATION**

631. Secretary of the Navy: Miscellaneous Powers and Duties .....	7201
* * * * *	
665. <i>National Oceanographic Partnership Program</i> .....	7901
* * * * *	

**PART I—ORGANIZATION**

\* \* \* \* \*

**CHAPTER 513—BUREAUS; OFFICE OF THE JUDGE  
ADVOCATE GENERAL**

Sec.	
5131. Bureaus: names; location.	
5132. Bureaus: distribution of business; orders; records; expenses.	
5133. Bureau Chiefs: rank; pay and allowances; retirement.	
* * * * *	
5143. <i>Office of Naval Reserve: appointment of Chief.</i>	
5144. <i>Office of Marine Forces Reserve: appointment of Commander.</i>	
* * * * *	

**§ 5143. Office of Naval Reserve: appointment of Chief**

(a) *ESTABLISHMENT OF OFFICE: CHIEF OF NAVAL RESERVE.—There is in the executive part of the Department of the Navy, on the staff of the Chief of Naval Operations, an Office of the Naval Reserve, which is headed by a Chief of Naval Reserve. The Chief of Naval Reserve—*

- (1) *is the principal adviser on Naval Reserve matters to the Chief of Naval Operations; and*
- (2) *is the commander of the Naval Reserve Force.*

(b) *APPOINTMENT.—The President, by and with the advice and consent of the Senate, shall appoint the Chief of Naval Reserve from officers who—*

- (1) *have had at least 10 years of commissioned service;*
- (2) *are in a grade above captain; and*
- (3) *have been recommended by the Secretary of the Navy.*

(c) *GRADE.*—(1) *The Chief of Naval Reserve holds office for a term determined by the Chief of Naval Operations, normally four years, but may be removed for cause at any time. He is eligible to succeed himself.*

(2) *The Chief of Naval Reserve, while so serving, has a grade above rear admiral (lower half), without vacating the officer's permanent grade.*

(d) *BUDGET.*—*The Chief of Naval Reserve is the official within the executive part of the Department of the Navy who, subject to the authority, direction, and control of the Secretary of the Navy and the Chief of Naval Operations, is responsible for preparation, justification, and execution of the personnel, operation and maintenance, and construction budgets for the Naval Reserve. As such, the Chief of Naval Reserve is the director and functional manager of appropriations made for the Naval Reserve in those areas.*

(e) *ANNUAL REPORT.*—(1) *The Chief of Naval Reserve shall submit to the Secretary of Defense, through the Secretary of the Navy, an annual report on the state of the Naval Reserve and the ability of the Naval Reserve to meet its missions. The report shall be prepared in conjunction with the Chief of Naval Operations and may be submitted in classified and unclassified versions.*

(2) *The Secretary of Defense shall transmit the annual report of the Chief of Naval Reserve under paragraph (1) to Congress, together with such comments on the report as the Secretary considers appropriate. The report shall be transmitted at the same time each year that the annual report of the Secretary under section 113 of this title is submitted to Congress.*

**§5144. Office of Marine Forces Reserve: appointment of Commander**

(a) *ESTABLISHMENT OF OFFICE; COMMANDER, MARINE FORCES RESERVE.*—*There is in the executive part of the Department of the Navy an Office of the Marine Forces Reserve, which is headed by the Commander, Marine Forces Reserve. The Commander, Marine Forces Reserve is the principal adviser to the Commandant on Marine Forces Reserve matters.*

(b) *APPOINTMENT.*—*The President, by and with the advice and consent of the Senate, shall appoint the Commander, Marine Forces Reserve, from officers of the Marine Corps who—*

(1) *have had at least 10 years of commissioned service;*

(2) *are in a grade above colonel; and*

(3) *have been recommended by the Secretary of the Navy.*

(c) *TERM OF OFFICE; GRADE.*—(1) *The Commander, Marine Forces Reserve, holds office for a term determined by the Commandant of the Marine Corps, normally four years, but may be removed for cause at any time. He is eligible to succeed himself.*

(2) *The Commander, Marine Forces Reserve, while so serving, has a grade above brigadier general, without vacating the officer's permanent grade.*

(d) *ANNUAL REPORT.*—(1) *The Commander, Marine Forces Reserve, shall submit to the Secretary of Defense, through the Secretary of the Navy, an annual report on the state of the Marine Corps Reserve and the ability of the Marine Corps Reserve to meet its missions. The report shall be prepared in conjunction with the*

*Commandant of the Marine Corps and may be submitted in classified and unclassified versions.*

*(2) The Secretary of Defense shall transmit the annual report of the Commander, Marine Forces Reserve, under paragraph (1) to Congress, together with such comments on the report as the Secretary considers appropriate. The report shall be transmitted at the same time each year that the annual report of the Secretary under section 113 of this title is submitted to Congress.*

\* \* \* \* \*

**PART II—PERSONNEL**

\* \* \* \* \*

**CHAPTER 544—TEMPORARY APPOINTMENTS**

\* \* \* \* \*

**§ 5721. Temporary promotions of certain Navy lieutenants**

(a) \* \* \*

\* \* \* \* \*

[(g) **TERMINATION OF APPOINTMENT AUTHORITY.**—The authority to make appointments under this section terminates on September 30, 1996.]

\* \* \* \* \*

**PART III—EDUCATION AND TRAINING**

\* \* \* \* \*

**CHAPTER 603—UNITED STATES NAVAL ACADEMY**

\* \* \* \* \*

**§ 6958. Midshipmen: qualifications for admission**

(a) Each candidate for admission to the Naval Academy—  
 (1) must be at least 17 years of age and must not have passed his [twenty-second birthday] *twenty-third birthday* on July 1 of the calendar year in which he enters the Academy; and

\* \* \* \* \*

**PART IV—GENERAL ADMINISTRATION**

Chap.		Sec.
631.	Secretary of the Navy: Miscellaneous Powers and Duties .....	7201
	* * * * *	
665.	<i>National Oceanographic Partnership Program</i> .....	7901
	* * * * *	

**CHAPTER 631—SECRETARY OF THE NAVY:  
MISCELLANEOUS POWERS AND DUTIES**

Sec.							
7204.	Schools near naval activities:	financial aid.					
7205.	Promotion of health and prevention of accidents.						
7207.	Administration of liberated and occupied areas.						
	*	*	*	*	*	*	*
【7222.	Office of Naval Records and History gift fund.】						
7222.	<i>Naval Historical Center Fund.</i>						
	*	*	*	*	*	*	*

**【§ 7222. Office of Naval Records and History gift fund】**

**§ 7222. *Naval Historical Center Fund***

(a) The Secretary of the Navy may accept, hold, and administer gifts and bequests of personal property, and loans of personal property other than money, for the benefit of the 【Office of Naval Records and History】 *Naval Historical Center*, its collection, or its services. Gifts or bequests of money shall be deposited in the Treasury in a trust fund called “【Office of Naval Records and History】 *Naval Historical Center Fund*.”

\* \* \* \* \*

(c) Upon the request of the Secretary of the Navy, the Secretary of the Treasury may invest or reinvest all or any part of the funds deposited under this section in securities of the United States or in securities guaranteed by the United States. The interest accruing from these securities shall be deposited to the credit of the 【Office of Naval Records and History】 *Naval Historical Center Fund*.

\* \* \* \* \*

**CHAPTER 633—NAVAL VESSELS**

Sec.							
7291.	Classification.						
	*	*	*	*	*	*	*
7315.	<i>Use of private shipyards for complex ship repair work: limitation to certain shipyards.</i>						
	*	*	*	*	*	*	*

**§ 7315. *Use of private shipyards for complex ship repair work: limitation to certain shipyards***

(a) *LIMITATION ON REPAIR LOCATIONS.*—Whenever a naval vessel (other than a submarine) is to undergo complex ship repairs and the Secretary of the Navy determines that a private shipyard contractor is to be used for the work required, such work—

(1) may be performed only by a qualifying shipyard contractor; and

(2) shall be performed at the shipyard facility of the contractor selected unless the Secretary determines that the work should be conducted elsewhere in the interest of national security.

(b) *QUALIFYING SHIPYARD CONTRACTOR.*—For the purposes of this section, a qualifying shipyard contractor, with respect to the award of any contract for ship repair work, is a private shipyard that—

(1) is capable of performing the repair and overhaul of ships with a displacement of 800 tons or more;

(2) performs at least 55 percent of repairs with its own facilities and work force;

(3) possesses or has access to a dry-dock and a pier with the capability to berth a ship with a displacement of 800 tons or more; and

(4) has all the facilities and organizational elements needed for the repair of a ship with a displacement of 800 tons or more.

(c) **COMPLEX SHIP REPAIRS.**—In this section, the term “complex ship repairs” means repairs to a vessel performed at a shipyard that are estimated (before work on the repairs by a shipyard begins) to require expenditure of \$750,000 or more.

(d) **EXCEPTION REGARDING PACIFIC COAST.**—This section shall not apply in the case of complex ship repairs to be performed at a shipyard facility located on the Pacific Coast of the United States.

\* \* \* \* \*

**CHAPTER 641—NAVAL PETROLEUM RESERVES**

Sec.						
7420.	Definitions.					
7421.	Jurisdiction and control.					
7422.	Administration.					
		*	*	*	*	*
[7434.	Annual report to congressional committees.]					
		*	*	*	*	*

**CHAPTER 665—NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM**

Sec.	
7901.	National Oceanographic Partnership Program.
7902.	National Ocean Research Leadership Council.
7903.	Ocean Research Partnership Coordinating Group.
7904.	Ocean Research Advisory Panel.

**§ 7901. National Oceanographic Partnership Program**

(a) **ESTABLISHMENT.**—The Secretary of the Navy shall establish a program to be known as the “National Oceanographic Partnership Program”.

(b) **PURPOSES.**—The purposes of the program are as follows:

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

(2) To coordinate and strengthen oceanographic efforts in support of those goals by—

(A) identifying and carrying out partnerships among Federal agencies, academia, industry, and other members of the oceanographic scientific community in the areas of data, resources, education, and communication; and

(B) reporting annually to Congress on the program.

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

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

(b) *MEMBERSHIP.*—The Council is composed of the following members:

(1) *The Secretary of the Navy, who shall be the Chairman of the Council.*

(2) *The Administrator of the National Oceanic and Atmospheric Administration, who shall be the Vice Chairman of the Council.*

(3) *The Director of the National Science Foundation.*

(4) *The Administrator of the National Aeronautics and Space Administration.*

(5) *The Deputy Secretary of Energy.*

(6) *The Administrator of the Environmental Protection Agency.*

(7) *The Commandant of the Coast Guard.*

(8) *The Director of the Geological Survey of the Department of the Interior.*

(9) *The Director of the Defense Advanced Research Projects Agency.*

(10) *The Director of the Minerals Management Service of the Department of the Interior.*

(11) *The President of the National Academy of Sciences, the President of the National Academy of Engineering, and the President of the Institute of Medicine.*

(12) *The Director of the Office of Science and Technology.*

(13) *The Director of the Office of Management and Budget.*

(14) *One member appointed by the Chairman from among individuals who will represent the views of ocean industries.*

(15) *One member appointed by the Chairman from among individuals who will represent the views of State governments.*

(16) *One member appointed by the Chairman from among individuals who will represent the views of academia.*

(17) *One member appointed by the Chairman from among individuals who will represent such other views as the Chairman considers appropriate.*

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

(d) *RESPONSIBILITIES.*—The Council shall have the following responsibilities:

(1) *To establish the Ocean Research Partnership Coordinating Group as provided in section 7903.*

(2) *To establish the Ocean Research Advisory Panel as provided in section 7904.*

(3) *To submit to Congress an annual report pursuant to subsection (e).*

(e) *ANNUAL REPORT.*—Not later than March 1 of each year, the Council shall submit to Congress a report on the National Oceano-

graphic Partnership Program. The report shall contain the following:

(1) A description of activities of the program carried out during the fiscal year before the fiscal year in which the report is prepared. The description also shall include a list of the members of the Ocean Research Partnership Coordinating Group, the Ocean Research Advisory Panel, and any working groups in existence during the fiscal year covered.

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

(3) A summary of projects continued from the fiscal year before the fiscal year in which the report is prepared and projects expected to be started during the fiscal year in which the report is prepared and during the following fiscal year.

(4) A description of the involvement of the program with Federal interagency coordinating entities.

(5) The amounts requested, in the budget submitted to Congress pursuant to section 1105(a) of title 31 for the fiscal year following the fiscal year in which the report is prepared, for the programs, projects, and activities of the program and the estimated expenditures under such programs, projects, and activities during such following fiscal year.

**§ 7903. Ocean Research Partnership Coordinating Group**

(a) *ESTABLISHMENT.*—The Council shall establish an entity to be known as the “Ocean Research Partnership Coordinating Group” (hereinafter in this chapter referred to as the “Coordinating Group”).

(b) *MEMBERSHIP.*—The Coordinating Group shall consist of members appointed by the Council, with one member appointed from each Federal department or agency having an oceanographic research or development program.

(c) *CHAIRMAN.*—The Council shall appoint the Chairman of the Coordinating Group.

(d) *RESPONSIBILITIES.*—Subject to the authority, direction, and control of the Council, the Coordinating Group shall have the following responsibilities:

(1) To prescribe policies and procedures to implement the National Oceanographic Partnership Program.

(2) To review, select, and identify and allocate funds for partnership projects for implementation under the program, based on the following criteria:

(A) Whether the project addresses critical research objectives or operational goals, such as data accessibility and quality assurance, sharing of resources, education, or communication.

(B) Whether the project has broad participation within the oceanographic community.

(C) Whether the partners have a long-term commitment to the objectives of the project.

(D) Whether the resources supporting the project are shared among the partners.

(E) Whether the project has been subjected to adequate peer review.

(3) To promote participation in partnership projects by each Federal department and agency involved with oceanographic research and development by publicizing the program and by prescribing guidelines for participation in the program.

(4) To submit to the Council an annual report pursuant to subsection (i).

(e) **PARTNERSHIP PROGRAM OFFICE.**—The Coordinating Group shall establish, using competitive procedures, and oversee a partnership program office to carry out such duties as the Chairman of the Coordinating Group considers appropriate to implement the National Oceanographic Partnership Program, including the following:

(1) To establish and oversee working groups to propose partnership projects to the Coordinating Group and advise the Group on such projects.

(2) To manage peer review of partnership projects proposed to the Coordinating Group and competitions for projects selected by the Group.

(3) To submit to the Coordinating Group an annual report on the status of all partnership projects and activities of the office.

(f) **CONTRACT AND GRANT AUTHORITY.**—The Coordinating Group may authorize one or more of the departments or agencies represented in the Group to enter into contracts and make grants, using funds appropriated pursuant to an authorization for the National Oceanographic Partnership Program, for the purpose of implementing the program and carrying out the Coordinating Group's responsibilities.

(g) **FORMS OF PARTNERSHIP PROJECTS.**—Partnership projects selected by the Coordinating Group may be in any form that the Coordinating Group considers appropriate, including memoranda of understanding, demonstration projects, cooperative research and development agreements, and similar instruments.

(h) **ANNUAL REPORT.**—Not later than February 1 of each year, the Coordinating Group shall submit to the Council a report on the National Oceanographic Partnership Program. The report shall contain, at a minimum, copies of any recommendations or reports to the Coordinating Group by the Ocean Research Advisory Panel.

#### **§ 7904. Ocean Research Advisory Panel**

(a) **ESTABLISHMENT.**—The Council shall appoint an Ocean Research Advisory Panel (hereinafter in this chapter referred to as the "Advisory Panel") consisting of not less than 10 and not more than 18 members.

(b) **MEMBERSHIP.**—Members of the Advisory Panel shall be appointed from among persons who are eminent in the fields of marine science or marine policy, or related fields, and who are representative, at a minimum, of the interests of government, academia, and industry.

(c) **RESPONSIBILITIES.**—(1) The Coordinating Group shall refer to the Advisory Panel, and the Advisory Panel shall review, each proposed partnership project estimated to cost more than \$500,000. The Advisory Panel shall make any recommendations to the Coordinating Group that the Advisory Panel considers appropriate regarding such projects.



(2) *The Advisory Panel shall make any recommendations to the Coordinating Group regarding activities that should be addressed by the National Oceanographic Partnership Program that the Advisory Panel considers appropriate.*

\* \* \* \* \*

**Subtitle D—Air Force**

\* \* \* \* \*

**PART I—ORGANIZATION**

\* \* \* \* \*

**CHAPTER 805—THE AIR STAFF**

\* \* \* \* \*

**§ 8038. Office of Air Force Reserve: appointment of Chief**

(a) \* \* \*

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(d) *BUDGET.—The Chief of Air Force Reserve is the official within the executive part of the Department of the Air Force who, subject to the authority, direction, and control of the Secretary of the Air Force and the Chief of Staff, is responsible for preparation, justification, and execution of the personnel, operation and maintenance, and construction budgets for the Air Force Reserve. As such, the Chief of Air Force Reserve is the director and functional manager of appropriations made for the Air Force Reserve in those areas.*

(e) *FULL TIME SUPPORT PROGRAM.—(1) The Chief of Air Force Reserve manages, with respect to the Air Force Reserve, the personnel program of the Department of Defense known as the Full Time Support Program.*

(f) *ANNUAL REPORT.—(1) The Chief of Air Force Reserve shall submit to the Secretary of Defense, through the Secretary of the Air Force, an annual report on the state of the Air Force Reserve and the ability of the Air Force Reserve to meet its missions. The report shall be prepared in conjunction with the Chief of Staff of the Air Force and may be submitted in classified and unclassified versions.*

(2) *The Secretary of Defense shall transmit the annual report of the Chief of Air Force Reserve under paragraph (1) to Congress, together with such comments on the report as the Secretary considers appropriate. The report shall be transmitted at the same time each year that the annual report of the Secretary under section 113 of this title is submitted to Congress.*

\* \* \* \* \*

**PART III—TRAINING**

\* \* \* \* \*

**CHAPTER 903—UNITED STATES AIR FORCE ACADEMY**

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**§ 9346. Cadets: requirements for admission**

(a) To be eligible for admission to the Academy a candidate must be at least 17 years of age and must not have passed his [twenty-second birthday] *twenty-third birthday* on July 1 of the year in which he enters the Academy.

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**PART IV—SERVICE, SUPPLY, AND  
PROCUREMENT**

\* \* \* \* \*

**CHAPTER 931—CIVIL RESERVE AIR FLEET**

Sec.

9511. Definitions.

9512. Contracts for the inclusion or incorporation of defense features.

9513. Use of military installations by Civil Reserve Air Fleet contractors.

9514. *Indemnification of Department of Transportation for losses covered by defense-related aviation insurance.*

\* \* \* \* \*

**§ 9514. *Indemnification of Department of Transportation for losses covered by defense-related aviation insurance***

(a) *PROMPT INDEMNIFICATION REQUIRED.—In the event of a loss that is covered by defense-related aviation insurance, the Secretary of Defense shall promptly indemnify the Secretary of Transportation for the amount of the loss. The Secretary of Defense shall make such indemnification—*

*(1) in the case of a claim for the loss of an aircraft hull, not later than 30 days following the date of the presentment of the claim to the Secretary of Transportation; and*

*(2) in the case of any other claim, not later than 180 days after the date on which the claim is determined by the Secretary of Transportation to be payable.*

(b) *SOURCE OF FUNDS FOR PAYMENT OF INDEMNITY.—The Secretary may pay an indemnity described in subsection (a) from any funds available to the Department of Defense for operation and maintenance, and such sums as may be necessary for payment of such indemnity are hereby authorized to be transferred to the Secretary of Transportation for such purpose.*

(c) *NOTICE TO CONGRESS.—In the event of a loss that is covered by defense-related aviation insurance in the case of an incident in which the covered loss is (or is expected to be) in an amount in excess of \$1,000,000, the Secretary of Defense shall submit to Congress—*

*(1) notification of the loss as soon after the occurrence of the loss as possible and in no event more than 30 days after the date of the loss; and*

*(2) semiannual reports thereafter updating the information submitted under paragraph (1) and showing with respect to*

*losses arising from such incident the total amount expended to cover such losses, the source of those funds, pending litigation, and estimated total cost to the Government.*

*(d) IMPLEMENTING MATTERS.—(1) Payment of indemnification under this section is not subject to section 2214 or 2215 of this title or any other provision of law requiring notification to Congress before funds may be transferred.*

*(2) Consolidation of claims arising from the same incident is not required before indemnification of the Secretary of Transportation for payment of a claim may be made under this section.*

*(e) CONSTRUCTION WITH OTHER TRANSFER AUTHORITY.—Authority to transfer funds under this section is in addition to any other authority provided by law to transfer funds (whether enacted before, on, or after the date of the enactment of this section) and is not subject to any dollar limitation or notification requirement contained in any other such authority to transfer funds.*

*(f) DEFINITIONS.—In this section:*

*(1) DEFENSE-RELATED AVIATION INSURANCE.—The term “defense-related aviation insurance” means aviation insurance and reinsurance provided through policies issued by the Secretary of Transportation under chapter 443 of title 49 that pursuant to section 44305(b) of that title is provided by that Secretary without premium at the request of the Secretary of Defense and is covered by an indemnity agreement between the Secretary of Transportation and the Secretary of Defense.*

*(2) LOSS.—The term “loss” includes damage to or destruction of property, personal injury or death, and other liabilities and expenses covered by the defense-related aviation insurance.*

\* \* \* \* \*

**CHAPTER 947—TRANSPORTATION**

Sec.

9741. Control and supervision.

**[9742. Control of transportation systems in time of war.]**

\* \* \* \* \*

**[§ 9742. Control of transportation systems in time of war**

**[In time of war, the President, through the Secretary of the Air Force, may take possession and assume control of all or part of any system of transportation to transport troops, war material, and equipment, or for other purposes related to the emergency. So far as necessary, he may use the system to the exclusion of other traffic.]**

\* \* \* \* \*

**Subtitle E—Reserve Components**

**PART I—ORGANIZATION AND ADMINISTRATION**

Chap.

1001. Definitions ..... 10001

1003. Reserve Components Generally ..... 10101

Sec.

1005. Elements of Reserve Components ..... 10141  
 1006. Reserve Component Commands ..... 10171

\* \* \* \* \*

**PART I—ORGANIZATION AND ADMINISTRATION**

Chap. Sec.  
 1001. Definitions ..... 10001  
 1003. Reserve Components Generally ..... 10101  
 1005. Elements of Reserve Components ..... 10141  
 1006. Reserve Component Commands ..... 10171

\* \* \* \* \*

**CHAPTER 1005—ELEMENTS OF RESERVE COMPONENTS**

\* \* \* \* \*

**§ 10144. Ready Reserve: Individual Ready Reserve**

(a) Within the Ready Reserve of each of the reserve components there is an Individual Ready Reserve. The Individual Ready Reserve consists of those members of the Ready Reserve who are not in the Selected Reserve or the inactive National Guard.

(b)(1) *Within the Individual Ready Reserve of each reserve component there is a mobilization category of members, as designated by the Secretary concerned, who are subject to being ordered to active duty involuntarily in accordance with section 12304 of this title. A member may not be placed in that mobilization category unless—*

(A) *the member volunteers for that category; and*

(B) *the member is selected for that category by the Secretary concerned, based upon the needs of the service and the grade and military skills of that member.*

(2) *A member of the Individual Ready Reserve may not be carried in the mobilization category of members under paragraph (1) after the end of the 24-month period beginning on the date of the separation of the member from active service.*

(3) *The Secretary shall designate the grades and critical military skills or specialities of members to be eligible for placement in such mobilization category.*

(4) *A member in such mobilization category shall be eligible for benefits (other than pay and training) as are normally available to members of the Selected Reserve, as determined by the Secretary of Defense.*

\* \* \* \* \*

**CHAPTER 1006—RESERVE COMPONENT COMMANDS**

Sec.  
 10171. Army Reserve Command.  
 10172. Naval Reserve Force.  
 10173. Marine Forces Reserve.  
 10174. Air Force Reserve Command.

**§ 10171. Army Reserve Command**

(a) *ESTABLISHMENT OF COMMAND.*—The Secretary of the Army, with the advice and assistance of the Chief of Staff of the Army, shall establish a United States Army Reserve Command. The Army Reserve Command shall be operated as a separate command of the Army.

(b) *COMMANDER.*—The Chief of Army Reserve is the commander of the Army Reserve Command. The commander of the Army Reserve Command reports directly to the Chief of Staff of the Army.

(c) *ASSIGNMENT OF FORCES.*—The Secretary of the Army—

(1) shall assign to the Army Reserve Command all forces of the Army Reserve stationed in the continental United States other than forces assigned to the unified combatant command for special operations forces established pursuant to section 167 of this title; and

(2) except as otherwise directed by the Secretary of Defense in the case of forces assigned to carry out functions of the Secretary of the Army specified in section 3013 of this title, shall assign all such forces assigned to the Army Reserve Command under paragraph (1) to the commanders of the combatant commands in the manner specified by the Secretary of Defense.

**§ 10172. Naval Reserve Force**

(a) *ESTABLISHMENT OF COMMAND.*—The Secretary of the Navy, with the advice and assistance of the Chief of Naval Operations, shall establish a Naval Reserve Force. The Naval Reserve Force shall be operated as a separate command of the Navy.

(b) *COMMANDER.*—The Chief of Naval Reserve shall be the commander of the Naval Reserve Force. The commander of the Naval Reserve Force reports directly to the Chief of Naval Operations.

(c) *ASSIGNMENT OF FORCES.*—The Secretary of the Navy—

(1) shall assign to the Naval Reserve Force specified portions of the Naval Reserve other than forces assigned to the unified combatant command for special operations forces established pursuant to section 167 of this title; and

(2) except as otherwise directed by the Secretary of Defense in the case of forces assigned to carry out functions of the Secretary of the Navy specified in section 5013 of this title, shall assign to the combatant commands all such forces assigned to the Naval Reserve Force under paragraph (1) in the manner specified by the Secretary of Defense.

**§ 10173. Marine Forces Reserve**

(a) *ESTABLISHMENT.*—The Secretary of the Navy, with the advice and assistance of the Commandant of the Marine Corps, shall establish in the Marine Corps a command known as the Marine Forces Reserve.

(b) *COMMANDER.*—The Marine Forces Reserve is commanded by the Commander, Marine Forces Reserve. The Commander, Marine Forces Reserve, reports directly to the Commandant of the Marine Corps.

(c) *ASSIGNMENT OF FORCES.*—The Commandant of the Marine Corps—

(1) shall assign to the Marine Forces Reserve the forces of the Marine Corps Reserve stationed in the continental United States other than forces assigned to the unified combatant command for special operations forces established pursuant to section 167 of this title; and

(2) except as otherwise directed by the Secretary of Defense in the case of forces assigned to carry out functions of the Secretary of the Navy specified in section 5013 of this title, shall assign to the combatant commands (through the Marine Corps component commander for each such command) all such forces assigned to the Marine Forces Reserve under paragraph (1) in the manner specified by the Secretary of Defense.

#### **§ 10174. Air Force Reserve Command**

(a) *ESTABLISHMENT OF COMMAND.*—The Secretary of the Air Force, with the advice and assistance of the Chief of Staff of the Air Force, shall establish an Air Force Reserve Command. The Air Force Reserve Command shall be operated as a separate command of the Air Force.

(b) *COMMANDER.*—The Chief of Air Force Reserve is the Commander of the Air Force Reserve Command. The commander of the Air Force Reserve Command reports directly to the Chief of Staff of the Air Force.

(c) *ASSIGNMENT OF FORCES.*—The Secretary of the Air Force—

(1) shall assign to the Air Force Reserve Command all forces of the Air Force Reserve stationed in the continental United States other than forces assigned to the unified combatant command for special operations forces established pursuant to section 167 of this title; and

(2) except as otherwise directed by the Secretary of Defense in the case of forces assigned to carry out functions of the Secretary of the Air Force specified in section 8013 of this title, shall assign to the combatant commands all such forces assigned to the Air Force Reserve Command under paragraph (1) in the manner specified by the Secretary of Defense.

### **CHAPTER 1007—ADMINISTRATION OF RESERVE COMPONENTS**

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#### **§ 10206. Members: periodic physical examinations**

(a) \* \* \*

\* \* \* \* \*

(c)(1) *The Secretary of the Army shall provide to members of the Selected Reserve of the Army who are assigned to units scheduled for deployment within 75 days after mobilization the following medical and dental services:*

(A) *An annual medical screening.*

(B) *For members who are over 40 years of age, a full physical examination not less often than once every two years.*

(C) *An annual dental screening.*

*(D) The dental care identified in an annual dental screening as required to ensure that a member meets the dental standards required for deployment in the event of mobilization.*

*(2) The services provided under this subsection shall be provided at no cost to the member.*

\* \* \* \* \*

#### **§ 10216. Military technicians**

*(a) IN GENERAL.—Military technicians are Federal civilian employees hired under title 5 and title 32 who are required to maintain dual-status as drilling reserve component members as a condition of their Federal civilian employment. Such employees shall be authorized and accounted for as a separate category of dual-status civilian employees, exempt as specified in subsection (b)(3) from any general or regulatory requirement for adjustments in Department of Defense civilian personnel.*

**[(a)] (b) PRIORITY FOR MANAGEMENT OF MILITARY TECHNICIANS.—**(1) As a basis for making the annual request to Congress pursuant to section **[115]** 115(g) of this title for authorization of end strengths for military technicians of the Army and Air Force reserve components, the Secretary of Defense shall give priority to supporting authorizations for dual status military technicians in the following high-priority units and organizations:

(A) Units of the Selected Reserve that are scheduled to deploy no later than 90 days after mobilization.

(B) Units of the Selected Reserve that are or will deploy to relieve active duty peacetime operations tempo.

(C) Those organizations with the primary mission of providing direct support surface and aviation maintenance for the reserve components of the Army and Air Force, to the extent that the military technicians in such units would mobilize and deploy in a skill that is compatible with their civilian position skill.

(2) For each fiscal year, the Secretary of Defense shall, for the high-priority units and organizations referred to in paragraph (1), seek to achieve a programmed manning level for military technicians that is not less than 90 percent of the programmed manpower structure for those units and organizations for military technicians for that fiscal year.

(3) Military technician authorizations and personnel **[in high-priority units and organizations specified in paragraph (1)]** shall be exempt from any requirement (imposed by law or otherwise) for reductions in Department of Defense civilian personnel and shall only be reduced as part of military force structure reductions.

*(c) INFORMATION REQUIRED TO BE SUBMITTED WITH ANNUAL END STRENGTH AUTHORIZATION REQUEST.—(1) The Secretary of Defense shall include as part of the budget justification documents submitted to Congress with the budget of the Department of Defense for any fiscal year the following information with respect to the end strengths for military technicians requested in that budget pursuant to section 115(g) of this title, shown separately for each of the Army and Air Force reserve components:*

(A) *The number of dual-status technicians in the high priority units and organizations specified in subsection (a)(1).*

(B) *The number of technicians other than dual-status technicians in the high priority units and organizations specified in subsection (a)(1).*

(C) *The number of dual-status technicians in other than high priority units and organizations specified in subsection (a)(1).*

(D) *The number of technicians other than dual-status technicians in other than high priority units and organizations specified in subsection (a)(1).*

(2)(A) *If the budget submitted to Congress for any fiscal year requests authorization for that fiscal year under section 115(g) of this title of a military technician end strength for a reserve component of the Army or Air Force in a number that constitutes a reduction from the end strength minimum established by law for that reserve component for the fiscal year during which the budget is submitted, the Secretary of Defense shall submit to the congressional defense committees with that budget a justification providing the basis for that requested reduction in technician end strength.*

(B) *Any justification submitted under subparagraph (A) shall clearly delineate—*

(i) *in the case of a reduction that includes a reduction in technicians described in subparagraph (A) or (C) of paragraph (1), the specific force structure reductions forming the basis for such requested technician reduction (and the numbers related to those force structure reductions); and*

(ii) *in the case of a reduction that includes reductions in technicians described in subparagraphs (B) or (D) of paragraph (1), the specific force structure reductions, Department of Defense civilian personnel reductions, or other reasons forming the basis for such requested technician reduction (and the numbers related to those reductions).*

**[(b)] (d) DUAL-STATUS REQUIREMENT.**—The Secretary of Defense shall require the Secretary of the Army and the Secretary of the Air Force to establish as a condition of employment for each individual who is hired **[after the date of the enactment of this section] after February 10, 1996**, as a military technician that the individual maintain membership in the Selected Reserve (so as to be a so-called “dual-status” technician) and shall require that the civilian and military position skill requirements of dual-status military technicians be compatible. No Department of Defense funds may be spent for compensation for any military technician hired **[after the date of the enactment of this section] after February 10, 1996**, who is not a member of the Selected Reserve, except that compensation may be paid for up to six months following loss of membership in the Selected Reserve if such loss of membership was not due to the failure to meet military standards.

\* \* \* \* \*

## CHAPTER 1013—BUDGET INFORMATION AND ANNUAL REPORTS TO CONGRESS

\* \* \* \* \*



**§ 10542. Army National Guard combat readiness: annual report**

(a) \* \* \*

(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) \* \* \*

\* \* \* \* \*

(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] 12001 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.

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**PART II—PERSONNEL GENERALLY**

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**CHAPTER 1205—APPOINTMENT OF RESERVE OFFICERS**

\* \* \* \* \*

**§ 12205. Commissioned officers: appointment; educational requirement**

(a) IN GENERAL.—[After September 30, 1995, no person] *No person* may be appointed to a grade above the grade of first lieutenant in the Army Reserve, Air Force Reserve, or Marine Corps Reserve or to a grade above the grade of lieutenant (junior grade) in the Naval Reserve, or be federally recognized in a grade above the grade of first lieutenant as a member of the Army National Guard or Air National Guard, unless that person has been awarded a baccalaureate degree by a qualifying educational institution.

(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

(1) \* \* \*

\* \* \* \* \*

(3) The appointment in the Naval Reserve of a person appointed for service under the Naval Aviation Cadet (NAVCAD) program or the *Seaman to Admiral Program*.

\* \* \* \* \*

**CHAPTER 1209—ACTIVE DUTY**

- Sec.  
 12301. Reserve components generally.  
 12302. Ready Reserve.  
 12303. Ready Reserve: members not assigned to, or participating satisfactorily in, units.  
 [12304. Selected Reserve; order to active duty other than during war or national emergency.]

12304. *Selected Reserve and certain Individual Ready Reserve members; order to active duty other than during war or national emergency.*

\* \* \* \* \*

**[§ 12304. Selected Reserve; order to active duty other than during war or national emergency]**

**§ 12304. Selected Reserve and certain Individual Ready Reserve members; order to active duty other than during war or national emergency**

(a) Notwithstanding the provisions of section 12302(a) or any other provision of law, when the President determines that it is necessary to augment the active forces for any operational mission, he may authorize 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, without the consent of the members concerned, to order any unit, and any member not assigned to a unit organized to serve as a unit of the Selected Reserve (as defined in section 10143(a) of this title), or any member in the Individual Ready Reserve mobilization category and designated as essential under regulations prescribed by the Secretary concerned, under their respective jurisdictions, to active duty (other than for training) for not more than 270 days.

\* \* \* \* \*

(c) Not more than 200,000 members of the Selected Reserve and the Individual Ready Reserve may be on active duty under this section at any one time, of whom not more than 30,000 may be members of the Individual Ready Reserve.

\* \* \* \* \*

(f) Whenever the President authorizes the Secretary of Defense or the Secretary of Transportation to order any unit or member of the Selected Reserve or Individual Ready Reserve to active duty, under the authority of subsection (a), he shall, within 24 hours after exercising such authority, submit to Congress a report, in writing, setting forth the circumstances necessitating the action taken under this section and describing the anticipated use of these units or members.

(g) Whenever any unit of the Selected Reserve or any member of the Selected Reserve not assigned to a unit organized to serve as a unit, or member of the Individual Ready Reserve, is ordered to active duty under authority of subsection (a), the service of all units or members so ordered to active duty may be terminated by—

- (1) order of the President, or
- (2) law.

\* \* \* \* \*

(i) For purposes of this section, the term “Individual Ready Reserve mobilization category” means, in the case of any reserve component, the category of the Individual Ready Reserve described in section 10144(b) of this title.

**§ 12310. Reserves: for organizing, administering, etc., reserve components**

(a) \* \* \*

[(b) To assure that a Reserve on duty under subsection (a) receives periodic refresher training in the categories for which he is qualified, the Secretary concerned may detail him to duty with any armed force, or otherwise as the Secretary sees fit.]

(b) A Reserve on active duty as described in subsection (a) may be provided training and professional development opportunities consistent with those provided to other members on active duty, as the Secretary concerned sees fit.

\* \* \* \* \*

**PART III—PROMOTION AND RETENTION OF OFFICERS ON THE RESERVE ACTIVE-STATUS LIST**

**§ 14507. Removal from the reserve active-status list for years of service: reserve lieutenant colonels and colonels of the Army, Air Force, and Marine Corps and reserve commanders and captains of the Navy**

(a) \* \* \*

\* \* \* \* \*

(c) TEMPORARY AUTHORITY TO RETAIN CERTAIN OFFICERS DESIGNATED AS JUDGE ADVOCATES.—(1) Notwithstanding the provisions of subsections (a) and (b), the Secretary of the Air Force may retain on the reserve active-status list any reserve officer of the Air Force who is designated as a judge advocate and who obtained the first professional degree in law while on an educational delay program subsequent to being commissioned through the Reserve Officers' Training Corps.

(2) No more than 50 officers may be retained on the reserve active-status list under the authority of paragraph (1) at any time.

(3) No officer may be retained on the reserve active-status list under the authority of paragraph (1) for a period exceeding three years from the date on which, but for that authority, that officer would have been removed from the reserve active-status list under subsection (a) or (b).

(4) The authority of the Secretary of the Air Force under paragraph (1) expires on September 30, 2003.

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**PART IV—TRAINING FOR RESERVE COMPONENTS AND EDUCATIONAL ASSISTANCE PROGRAMS**

\* \* \* \* \*

**CHAPTER 1609—EDUCATION LOAN REPAYMENT PROGRAMS**

\* \* \* \* \*

**§ 16302. Education loan repayment program: health professions officers serving in Selected Reserve with wartime critical medical skill shortages**

(a) \* \* \*

\* \* \* \* \*

(d) The authority provided in this section shall apply only in the case of a person first appointed as a commissioned officer before October 1, ~~1997~~ 1998.

\* \* \* \* \*

**NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991**

\* \* \* \* \*

**DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

\* \* \* \* \*

**TITLE VII—HEALTH CARE PROVISIONS**

\* \* \* \* \*

**PART B—HEALTH CARE MANAGEMENT**

\* \* \* \* \*

**SEC. 718. UNIFORMED SERVICES TREATMENT FACILITIES**

(a) \* \* \*

\* \* \* \* \*

**[(c) MANAGED-CARE DELIVERY AND REIMBURSEMENT MODEL.—**

**[(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. Except as provided in paragraph (4), a participation agreement negotiated between a Uniformed Services Treatment Facility and the Secretary of Defense under this subsection shall not be subject to the Federal Acquisition Regulation issued pursuant to section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)).

**[(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 re-

search 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) APPLICATION OF FEDERAL ACQUISITION REGULATION.—On and after the date of the enactment of this paragraph, Uniformed Services Treatment Facilities and any participation agreement between Uniformed Services Treatment Facilities and the Secretary of Defense shall be subject to the Federal Acquisition Regulation issued pursuant to section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)) notwithstanding any provision to the contrary in such a participation agreement. The requirements regarding competition in the Federal Acquisition Regulation shall apply with regard to the negotiation of any new participation agreement between the Uniformed Services Treatment Facilities and the Secretary of Defense under this subsection or any other provision of law.

[(5) PLAN FOR INTEGRATING FACILITIES.—(A) The Secretary of Defense shall develop a plan under which Uniformed Services Treatment Facilities could be included, before the expiration date of the participation agreements entered into under this section, in the exclusive health care provider networks established by the Secretary for the geographic regions in which the facilities are located. The Secretary shall address in the plan the feasibility of implementing the managed care plan of the Uniformed Services Treatment Facilities, known as Option II, on a mandatory basis for all USTF Medicare-eligible beneficiaries and the potential cost savings to the Military Health Care Program that could be achieved under such option.

[(B) The Secretary shall submit the plan developed under this paragraph to Congress not later than March 1, 1996.

[(C) The plan developed under this paragraph shall be consistent with the requirements specified in paragraph (4). If the plan is not submitted to Congress by the expiration date of the participation agreements entered into under this section, the participation agreements shall remain in effect, at the option of the Uniformed Services Treatment Facilities, until the end of the 180-day period beginning on the date the plan is finally submitted.

[(D) For purposes of this paragraph, the term “USTF Medicare-eligible beneficiaries” means covered beneficiaries under

chapter 55 of title 10, United States Code, who are enrolled in a managed health plan offered by the Uniformed Services Treatment Facilities and entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).

[(6) 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)).]

\* \* \* \* \*

**TITLE VIII—ACQUISITION POLICY, ACQUISITION  
MANAGEMENT, AND RELATED MATTERS**

\* \* \* \* \*

**PART D—MISCELLANEOUS**

**SEC. 831. MENTOR-PROTEGE PILOT PROGRAM**

(a) \* \* \*

\* \* \* \* \*

(j) DURATION OF PILOT PROGRAM.—(1) Business concerns eligible to participate in the program may enter into mentor-protege agreements pursuant to subsection (e) during the period commencing on October 1, 1991, and ending on September 30, [1996] 1997.

(2) A mentor firm may not incur costs furnishing developmental assistance to a protege firm that are eligible for reimbursement pursuant to subsection (g) prior to October 1, 1991, or after September 30, [1996] 1997.

\* \* \* \* \*

**TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION  
AND MANAGEMENT MATTERS**

**PART A—GENERAL MANAGEMENT MATTERS**

\* \* \* \* \*

**[SEC. 903. ARMY RESERVE COMMAND**

[(a) ESTABLISHMENT OF COMMAND.—The Secretary of the Army, with the advice and assistance of the Chief of Staff of the Army, shall establish a United States Army Reserve Command under the command of the Chief of Army Reserve. The Army Reserve Command shall be a separate command of the Army commanded by the Chief, Army Reserve.

[(b) ASSIGNMENT OF FORCES.—The Secretary of the Army-

[(1) shall assign to the Army Reserve Command all forces of the Army Reserve in the continental United States other than forces assigned to the unified combatant command for special operations forces established pursuant to section 167 of title 10, United States Code; and

[(2) except as otherwise directed by the Secretary of Defense in the case of forces assigned to carry out functions of the Secretary of the Army specified in section 3013 of title 10, United States Code, shall assign all such forces of the Army Reserve

to the Commander-in-Chief, United States Atlantic Command.]

\* \* \* \* \*

## TITLE X—DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

\* \* \* \* \*

### SEC. 1005. TRANSFER OF EXCESS DEFENSE ARTICLES

Pursuant to [section 1208 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 372 note) and section 372] *sections 372 and 2576a* of title 10, United States Code, the Secretary of Defense shall review the availability of equipment resulting from the withdrawal of United States forces from Europe and Asia for the purpose of identifying excess equipment that may be suitable for drug enforcement activities for transfer to appropriate Federal, State, or local civilian law enforcement authorities.

\* \* \* \* \*

## TITLE XIV—GENERAL PROVISIONS

### PART A—FINANCIAL AND BUDGET MATTERS

\* \* \* \* \*

### PART B—NAVAL VESSELS AND SHIPYARDS

### SEC. 1425. AUTHORIZATION FOR NAVAL SHIPYARDS AND AVIATION DEPOTS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES

(a) \* \* \*

\* \* \* \* \*

(e) EXPIRATION OF AUTHORITY.—The authority provided by this section expires on September 30, [1996] 1997.

\* \* \* \* \*

## DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

\* \* \* \* \*

## TITLE XXIX—DEFENSE BASE CLOSURES AND REALIGNMENTS

### PART A—DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

#### SEC. 2901. SHORT TITLE AND PURPOSE

(a) SHORT TITLE.—This part may be cited as the “Defense Base Closure and Realignment Act of 1990”.

\* \* \* \* \*

#### SEC. 2905. IMPLEMENTATION

(a) \* \* \*

(b) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) \* \* \*

\* \* \* \* \*

(8)(A) Subject to subparagraph (C), the Secretary may enter into agreements (including contracts, cooperative agreements, or other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this part or at facilities remaining on installations closed under this part if the Secretary determines that the provision of such services under such agreements is in the best interests of the Department of Defense.

\* \* \* \* \*

(g) ACQUISITION OF MANUFACTURED HOUSING.—(1) In closing or realigning any military installation under this part, the Secretary may purchase any or all right, title, and interest of a member of the Armed Forces and any spouse of the member in manufactured housing located at a manufactured housing park established at an installation closed or realigned under this part, or make a payment to the member to relocate the manufactured housing to a suitable new site, if the Secretary determines that—

(A) it is in the best interests of the Federal Government to eliminate or relocate the manufactured housing park; and

(B) the elimination or relocation of the manufactured housing park would result in an unreasonable financial hardship to the owners of the manufactured housing.

(2) Any payment made under this subsection shall not exceed 90 percent of the purchase price of the manufactured housing, as paid by the member or any spouse of the member, plus the cost of any permanent improvements subsequently made to the manufactured housing by the member or spouse of the member.

(3) The Secretary shall dispose of manufactured housing acquired under this subsection through resale, donation, trade or otherwise within one year of acquisition.

\* \* \* \* \*

**DIVISION C—OTHER NATIONAL DEFENSE AUTHORIZATIONS**

**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

\* \* \* \* \*

**PART C—MISCELLANEOUS**

\* \* \* \* \*

**SEC. 3132. LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT PROGRAMS**

(a) \* \* \*

\* \* \* \* \*

(c) FUNDING.—Of the funds provided by the Department of Energy to such laboratories for national security activities, the Sec-



retary shall provide a specific amount, not to exceed [6] 2 percent of such funds, to be used by such laboratories for laboratory-directed research and development.

\* \* \* \* \*

## **DIVISION D—ECONOMIC ADJUSTMENT, DIVERSIFICATION, CONVERSION, AND STABILIZATION**

### **SEC. 4001. SHORT TITLE**

This division may be cited as the “Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990”.

\* \* \* \* \*

### **TITLE XLI—ECONOMIC ADJUSTMENT PLANNING**

#### **[SEC. 4101. NOTIFICATION**

[(a) IN GENERAL.—The Chairman of Economic Adjustment Committee shall establish procedures to ensure that the head of the appropriate Federal agencies promptly notify the appropriate official or other person or party described in subsection (b) with respect to any community, business, or group of workers that may be substantially and seriously affected as a result of—

[(1) the annual budget of the President submitted to Congress pursuant to section 1105 of title 31, United States Code, and any longer-term guidance document of the Secretary of Defense;

[(2) the public announcement of the realignment or closure of a military installation or defense facility; or

[(3) the cancellation or curtailment of a major defense contract.

[(b) PERSONS TO RECEIVE NOTICE.—The officials, persons, and other parties referred to in subsection (a) are—

[(1) the chief elected executive official of an affected State;

[(2) the mayor of an affected city;

[(3) the executive or other appropriate representative of any other affected political subdivision of a State; and

[(4) the head of a national or international labor organization, the headquarters of which is located in the United States, which represents a substantially and seriously affected group of workers.

[(c) BENEFIT INFORMATION REQUIRED TO ACCOMPANY NOTICE.—Each notice under subsection (a) shall contain information describing Federal economic adjustment programs available to communities, businesses, and groups of workers.

[(d) NOTIFICATION OF COMMUNITIES AFFECTED BY DEFENSE REALIGNMENT BEFORE DATE OF ENACTMENT.—The information provided under subsection (a) shall include information regarding actions referred to in such subsection which were—

[(1) proposed in the budget of the President which was submitted to Congress during the period beginning on January 1, 1990, and ending on the date of the enactment of this Act; or

[(2) otherwise announced during such period.]

\* \* \* \* \*

**TITLE XLII—ADJUSTMENT ASSISTANCE FOR EMPLOYEES**

**[SEC. 4201. SECRETARY OF DEFENSE NOTICE REQUIREMENT**

[(a) INFORMATION TO BE PROVIDED.—The Secretary of Defense shall—

[(1) provide timely information to the Secretary of Labor on—

[(A) any proposed closure of, or substantial reduction in, military installations; and

[(B) any proposed cancellation of, or reduction in, any contract for products or services for the Department of Defense,

if the proposed closure, cancellation, or reduction will have a substantial impact on employment;

[(2) when feasible, identify the location at which employment which will be affected by such closure, cancellation, or reduction; and

[(3) provide to the Secretary of Labor information with respect to such proposed closure, cancellation, or reduction.

[(b) NOTIFICATION TO GOVERNOR OF STATE CONCERNED.—If the Secretary of Labor receives information under subsection (a), the Secretary shall notify the Governor of each State in which such proposed closure, cancellation, or reduction will occur pursuant to guidelines established by the Economic Adjustment Committee to avoid duplicative notification.]

\* \* \* \* \*

**SECTION 3 OF THE ACT TO PREVENT POLLUTION FROM SHIPS**

SEC. 3. (a) \* \* \*

\* \* \* \* \*

(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, *except as provided in paragraphs (4) and (5) of this subsection.*

\* \* \* \* \*

[(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.]

*(4) A vessel owned or operated by the Department of the Navy for which the Secretary of the Navy determines under the compliance plan submitted under paragraph (2) that, due to unique military design, construction, manning, or operating requirements, full com-*

*pliance with paragraph (1) would not be technologically feasible, would impair the vessel's operations, and would impair the vessel's operational capability, is authorized to discharge garbage consisting of either of the following:*

*(A) A slurry of seawater, paper, cardboard, and food waste that does not contain more than the minimum amount practicable of plastic, if such slurry is discharged not less than 3 nautical miles from the nearest land and is capable of passing through a screen with openings of no greater than 12 millimeters.*

*(B) Metal and glass garbage that has been shredded and bagged to ensure negative buoyancy and is discharged not less than 12 nautical miles from the nearest land.*

*(5) Not later than December 31, 2000, the Secretary of the Navy shall publish in the Federal Register—*

*(A) a list of those surface ships planned to be decommissioned between January 1, 2001, and December 31, 2005; and*

*(B) standards to ensure, so far as is reasonable and practicable, without impairing the operations or operational capabilities of such ships, that such ships act in a manner consistent with the special area requirements of Regulation 5 of Annex V to the Convention.*

\* \* \* \* \*

**TITLE 5, UNITED STATES CODE**

\* \* \* \* \*

**CHAPTER 35—RETENTION PREFERENCE,  
RESTORATION, AND REEMPLOYMENT**

\* \* \* \* \*

**§ 3502. Order of retention**

(a) \* \* \*

\* \* \* \* \*

[(f)(1) The Secretary of Defense or the Secretary of a military department may—

[(A) release in a reduction in force an employee who volunteers for the release even though the employee is not otherwise subject to release in the reduction in force under the criteria applicable under the other provisions of this section; and

[(B) for each employee voluntarily released in the reduction in force under subparagraph (A), retain an employee in a similar position who would otherwise be released in the reduction in force under such criteria.

[(2) A voluntary release of an employee in a reduction in force pursuant to paragraph (1) shall be treated as an involuntary release in the reduction in force.

[(3) An employee with critical knowledge and skills (as defined by the Secretary concerned) may not participate in a voluntary release under paragraph (1) if the Secretary concerned determines

that such participation would impair the performance of the mission of the Department of Defense or the military department concerned.

[(4) The regulations prescribed under this section shall incorporate the authority provided in this subsection.

[(5) The authority under paragraph (1) may not be exercised after September 30, 1996.]

(f)(1) *The Secretary of Defense or the Secretary of a military department may—*

(A) *separate from service any employee who volunteers to be separated under this subparagraph even though the employee is not otherwise subject to separation due to a reduction in force; and*

(B) *for each employee voluntarily separated under subparagraph (A), retain an employee in a similar position who would otherwise be separated due to a reduction in force.*

(2) *The separation of an employee under paragraph (1)(A) shall be treated as an involuntary separation due to a reduction in force.*

(3) *An employee with critical knowledge and skills (as defined by the Secretary concerned) may not participate in a voluntary separation under paragraph (1)(A) if the Secretary concerned determines that such participation would impair the performance of the mission of the Department of Defense or the military department concerned.*

(4) *The regulations prescribed under this section shall incorporate the authority provided in this subsection.*

(5) *No authority under paragraph (1) may be exercised after September 30, 2001.*

\* \* \* \* \*

**CHAPTER 55—PAY ADMINISTRATION**

\* \* \* \* \*

**SUBCHAPTER V—PREMIUM PAY**

\* \* \* \* \*

**§ 5543. Compensatory time off**

(a) \* \* \*

(b) *The head of an agency may, on request of an employee, grant the employee compensatory time off from his scheduled tour of duty instead of payment under section 5544 or section 7 of the Fair Labor Standards Act of 1938 for an equal amount of time spent in irregular or occasional overtime work.*

[(b)] (c) *The Architect of the Capitol may grant an employee paid on an annual basis compensatory time off from duty instead of overtime pay for overtime work.*

**§ 5544. Wage-board overtime and Sunday rates; computation**

(a) \* \* \*

\* \* \* \* \*

(c) The provisions of this section, including the last two sentences of subsection (a), and the provisions of section 5543(b) shall apply to a prevailing rate employee described in section 5342(a)(2)(B).

\* \* \* \* \*

**SUBCHAPTER IX—SEVERANCE PAY AND BACK PAY**

\* \* \* \* \*

**§ 5597. Separation pay**

(a) \* \* \*

\* \* \* \* \*

(g)(1) \* \* \*

\* \* \* \* \*

(5) If the employment is without compensation, the appointing of-  
ficial may waive the repayment.

\* \* \* \* \*

**CHAPTER 61—HOURS OF WORK**

\* \* \* \* \*

**§ 6103. Holidays**

(a) \* \* \*

\* \* \* \* \*

(d)(1) For purposes of this subsection—

(A) the term “compressed schedule” has the meaning given such term by section 6121(5); and

(B) the term “adverse agency impact” has the meaning given such term by section 6131(b).

(2) An agency may prescribe rules under which employees on a compressed schedule may, in the case of a holiday that occurs on a regularly scheduled non-workday for such employees, and notwithstanding any other provision of law or the terms of any collective bargaining agreement, be required to observe such holiday on a workday other than as provided by subsection (b), if the agency head determines that it is necessary to do so in order to prevent an adverse agency impact.

\* \* \* \* \*

**CHAPTER 83—RETIREMENT**

\* \* \* \* \*

**SUBCHAPTER III—CIVIL SERVICE RETIREMENT**

\* \* \* \* \*

**§ 8344. Annuities and pay on reemployment**

(a) \* \* \*

\* \* \* \* \*

(m)(1) In order to promote the retention of employees having knowledge, skills, or expertise needed by the Department of Defense,

*in a manner consistent with ongoing downsizing efforts, the Secretary of Defense or his designee may waive the application of subsection (a), with respect to reemployed annuitants of the Department of Defense, under this subsection.*

*(2) A waiver under this subsection—*

*(A) may not be granted except upon appropriate written application submitted and approved not later than the date of separation on which entitlement to annuity is based;*

*(B) shall be contingent on the reemployment commencing within such time as the Secretary or his designee may require, may remain in effect for a period of not to exceed 2 years, and shall not be renewable; and*

*(C) may be granted and thereafter remain in effect only if, with respect to the position in which reemployed, the number of regularly scheduled hours in each week or other period is at least 1/2 but not more than 3/4 those last in effect for the individual before the separation referred to in subparagraph (A).*

*(3)(A) In no event shall the sum of the rate of basic pay for, plus annuity allocable to, any period of service as a reemployed annuitant under this subsection exceed the rate of basic pay that would then be in effect for service performed during such period if separation had not occurred.*

*(B) If the limitation under subparagraph (A) would otherwise be exceeded, an amount equal to the excess shall be deducted from basic pay for the period involved (but not to exceed total basic pay for such period), and any amount so deducted shall be deposited in the Treasury of the United States to the credit of the Fund.*

*(4) The number of reemployed annuitants under this subsection at any given time may not, when taken together with the then current number under section 8468(j), exceed a total of 50.*

*(5) All waivers under this subsection shall cease to be effective after September 30, 2001.*

**CHAPTER 84—FEDERAL EMPLOYEES’ RETIREMENT SYSTEM**

\* \* \* \* \*

**SUBCHAPTER VI—GENERAL AND ADMINISTRATIVE PROVISIONS**

\* \* \* \* \*

**§ 8468. Annuities and pay on reemployment**

*(a) \* \* \**

\* \* \* \* \*

*(j)(1) In order to promote the retention of employees having knowledge, skills, or expertise needed by the Department of Defense, in a manner consistent with ongoing downsizing efforts, the Secretary of Defense or his designee may waive the application of subsections (a) and (b), with respect to reemployed annuitants of the Department of Defense, under this subsection.*

*(2) A waiver under this subsection—*

(A) may not be granted except upon appropriate written application submitted and approved not later than the date of separation on which entitlement to annuity is based;

(B) shall be contingent on the reemployment commencing within such time as the Secretary or his designee may require, may remain in effect for a period of not to exceed 2 years, and shall not be renewable; and

(C) may be granted and thereafter remain in effect only if, with respect to the position in which reemployed, the number of regularly scheduled hours in each week or other period is at least  $\frac{1}{2}$  but not more than  $\frac{3}{4}$  those last in effect for the individual before the separation referred to in subparagraph (A).

(3)(A) In no event shall the sum of the rate of basic pay for, plus annuity allocable to, any period of service as a reemployed annuitant under this subsection exceed the rate of basic pay that would then be in effect for service performed during such period if separation had not occurred.

(B) If the limitation under subparagraph (A) would otherwise be exceeded, an amount equal to the excess shall be deducted from basic pay for the period involved (but not to exceed total basic pay for such period), and any amount so deducted shall be deposited in the Treasury of the United States to the credit of the Fund.

(4) The number of reemployed annuitants under this subsection at any given time may not, when taken together with the then current number under section 8344(m), exceed a total of 50.

(5) All waivers under this subsection shall cease to be effective after September 30, 2001.

\* \* \* \* \*

## TITLE 37, UNITED STATES CODE

\* \* \* \* \*

### CHAPTER 5—SPECIAL AND INCENTIVE PAYS

Sec.

301. Incentive pay: hazardous duty.

301a. Incentive pay: aviation career.

\* \* \* \* \*

302h. Special pay: accession bonus for dental officers.

\* \* \* \* \*

#### § 301b. Special pay: aviation career officers extending period of active duty

(a) BONUS AUTHORIZED.—An aviation officer described in subsection (b) who, during the period beginning on January 1, 1989, and ending on September 30, [1997] 1998, executes a written agreement to remain on active duty in aviation service for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

\* \* \* \* \*

**§ 302b. Special pay: dental officers of the armed forces**

(a) *VARIABLE, ADDITIONAL, AND BOARD CERTIFICATION SPECIAL PAY.*—(1) \* \* \*

(2) An officer described in paragraph (1) who is serving in a pay grade below pay grade O-7 is entitled to variable special pay at the following rates:

(A) **【\$1,200】** \$3,000 per year, if the officer is undergoing dental internship training or has less than three years of creditable service.

(B) **【\$2,000】** \$7,000 per year, if the officer has at least three but less than six years of creditable service and is not undergoing dental internship training.

(C) **【\$4,000】** \$7,000 per year, if the officer has at least six but less than 10 years of creditable service.

\* \* \* \* \*

(4) Subject to subsection (b), an officer entitled to variable special pay under paragraph (2) or (3) is entitled to additional special pay for any 12-month period during which the officer is not undergoing dental internship or residency training. Such additional special pay shall be paid at the following rates:

**【(A) \$6,000 per year, if the officer has at least three but less than 14 years of creditable service.**

**【(B) \$8,000 per year, if the officer has at least 14 but less than 18 years of creditable service.**

**【(C) \$10,000 per year, if the officer has 18 or more years of creditable service.】**

*(A) \$4,000 per year, if the officer has less than three years of creditable service.*

*(B) \$6,000 per year, if the officer has at least three but less than 14 years of creditable service.*

*(C) \$8,000 per year, if the officer has at least 14 but less than 18 years of creditable service.*

*(D) \$10,000 per year, if the officer has at least 18 or more years of creditable service.*

(5) An officer who is entitled to variable special pay under paragraph (2) or (3) and who is board certified is entitled to additional special pay at the following rates:

**【(A) \$2,000 per year, if the officer has less than 12 years of creditable service.**

**【(B) \$3,000 per year, if the officer has at least 12 but less than 14 years of creditable service.**

**【(C) \$4,000 per year, if the officer has 14 or more years of creditable service.】**

*(A) \$2,500 per year, if the officer has less than 10 years of creditable service.*

*(B) \$3,500 per year, if the officer has at least 10 but less than 12 years of creditable service.*

*(C) \$4,000 per year, if the officer has at least 12 but less than 14 years of creditable service.*

*(D) \$5,000 per year, if the officer has at least 14 but less than 18 years of creditable service.*



(E) \$6,000 per year, if the officer has 18 or more years of creditable service.

\* \* \* \* \*

(b) *ACTIVE-DUTY AGREEMENT.*—(1) An officer may not be paid additional special pay under subsection (a)(4) for any 12-month period unless the officer first executes a written agreement under which the officer agrees to remain on active duty for a period of not less than one year beginning on the date the officer accepts the award of such special pay.

(2) Under regulations prescribed by the Secretary of Defense under section 303a(a) of this title, the Secretary of the military department concerned may terminate at any time an officer's entitlement to the special pay authorized by subsection (a)(4). If such entitlement is terminated, the officer concerned is entitled to be paid such special pay only for the part of the period on active duty that the officer served, and the officer may be required to refund any amount in excess of that entitlement.

(c) *REGULATIONS.*—Regulations prescribed by the Secretary of Defense under section 303a(a) of this title shall include standards for determining—

(1) whether an officer is undergoing internship or residency training for purposes of subsections (a)(2)(A), (a)(2)(B), and (a)(4); and

(2) whether an officer is board certified for purposes of subsection (a)(5).

(d) *FREQUENCY OF PAYMENTS.*—Special pay payable to an officer under paragraphs (2), (3), and (5) of subsection (a) shall be paid monthly. Special pay payable to an officer under subsection (a)(4) shall be paid annually at the beginning of the 12-month period for which the officer is entitled to such payment.

(e) *REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.*—An officer who voluntarily terminates service on active duty before the end of the period for which a payment was made to such officer under subsection (a)(4) shall refund to the United States an amount which bears the same ratio to the amount paid to such officer as the unserved part of such period bears to the total period for which the payment was made.

(f) *EFFECT OF DISCHARGE IN BANKRUPTCY.*—A discharge in bankruptcy under title 11 shall not release a person from an obligation to reimburse the United States required under the terms of an agreement described in subsection (b) if the final decree of the discharge in bankruptcy was issued within a period of five years after the last day of a period which such person had agreed to serve on active duty. This subsection applies to a discharge in bankruptcy in any proceeding which begins after September 30, 1985.

(g) *DETERMINATION OF CREDITABLE SERVICE.*—For purposes of this section, creditable service of an officer is computed by adding—

(1) all periods which the officer spent in dental internship or residency training during which the officer was not on active duty; and

(2) all periods of active service in the Dental Corps of the Army or Navy, as an officer of the Air Force designated as a dental officer, or as a dental officer of the Public Health Service.

(h) *RESERVE DENTAL OFFICERS SPECIAL PAY.*—(1) *A reserve dental officer described in paragraph (2) is entitled to special pay at the rate of \$350 a month for each month of active duty, including active duty in the form of annual training, active duty for training, and active duty for special work.*

(2) *A reserve dental officer referred to in paragraph (1) is a reserve officer who—*

(A) *is an officer of the Dental Corps of the Army or the Navy or an officer of the Air Force designated as a dental officer; and*

(B) *is on active duty under a call or order to active duty for a period of less than one year.*

\* \* \* \* \*

**§ 302d. Special pay: accession bonus for registered nurses**

(a) *ACCESSION BONUS AUTHORIZED.*—(1) *A person who is a registered nurse and who, during the period beginning on November 29, 1989, and ending on September 30, [1997] 1998, executes a written agreement described in subsection (c) to accept a commission as an officer and remain on active duty for a period of not less than four years may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.*

\* \* \* \* \*

**§ 302e. Special pay: nurse anesthetists**

(a) *SPECIAL PAY AUTHORIZED.*—(1) *An officer described in subsection (b)(1) who, during the period beginning on November 29, 1989, and ending on September 30, [1997] 1998, executes a written agreement to remain on active duty for a period of one year or more may, upon the acceptance of the agreement by the Secretary concerned, be paid incentive special pay in an amount not to exceed \$15,000 for any 12-month period.*

\* \* \* \* \*

**§ 302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties**

(a) \* \* \*

\* \* \* \* \*

(f) *TERMINATION OF AGREEMENT AUTHORITY.*—*No agreement under this section may be entered into after September 30, [1997] 1998.*

**§ 302h. Special pay: accession bonus for dental officers**

(a) *ACCESSION BONUS AUTHORIZED.*—(1) *A person who is a graduate of an accredited dental school and who, during the period beginning on the date of the enactment of this section, and ending on September 30, 2002, executes a written agreement described in subsection (c) to accept a commission as an officer of the armed forces and remain on active duty for a period of not less than four years may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.*

(2) *The amount of an accession bonus under paragraph (1) may not exceed \$30,000.*

(b) *LIMITATION ON ELIGIBILITY FOR BONUS.—A person may not be paid a bonus under subsection (a) if—*

(1) *the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a course of study in dentistry; or*

(2) *the Secretary concerned determines that the person is not qualified to become and remain certified and licensed as a dentist.*

(c) *AGREEMENT.—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the armed service concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of the Dental Corps of the Army or the Navy or an officer of the Air Force designated as a dental officer.*

(d) *REPAYMENT.—(1) An officer who receives a payment under subsection (a) and who fails to become and remain certified or licensed as a dentist during the period for which the payment is made shall refund to the United States an amount equal to the full amount of such payment.*

(2) *An officer who voluntarily terminates service on active duty before the end of the period agreed to be served under subsection (a) shall refund to the United States an amount that bears the same ratio to the amount paid to the officer as the unserved part of such period bears to the total period agreed to be served.*

(3) *An obligation to reimburse the United States imposed under paragraph (1) or (2) is for all purposes a debt owed to the United States.*

(4) *A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or this subsection. This paragraph applies to any case commenced under title 11 after the date of the enactment of this section.*

\* \* \* \* \*

### **§ 303a. Special pay: health professionals; general provisions**

(a) The Secretary of Defense, with respect to the Army, Navy, and Air Force, and the Secretary of Health and Human Services, with respect to the Public Health Service, shall prescribe regulations for the administration of sections 301d, 302 through [302g] 302h, and 303 of this title.

(b) Special pay authorized under sections 301d, 302 through [302g] 302h, and 303 of this title is in addition to any other pay or allowance to which an officer is entitled. The amount of special pay to which an officer is entitled under any of such sections may not be included in computing the amount of any increase in pay authorized by any other provision of this title or in computing retired pay, separation pay, severance pay, or readjustment pay.

(c) The Secretary of Defense shall conduct a review every two years of the special pay for health professionals authorized by sections 301d, 302 through **[302g]** *302h*, and 303 of this title.

\* \* \* \* \*

**§ 308. Special pay: reenlistment bonus**

(a) \* \* \*

\* \* \* \* \*

(g) No bonus shall be paid under this section with respect to any reenlistment, or voluntary extension of an active-duty reenlistment, in the armed forces entered into after September 30, **[1997]** *1998*.

**§ 308a. Special pay: enlistment bonus**

(a) \* \* \*

\* \* \* \* \*

(c) No bonus shall be paid under this section with respect to any enlistment or extension of an initial period of active duty in the armed forces made after September 30, **[1997]** *1998*.

**§ 308b. Special pay: reenlistment bonus for members of the Selected Reserve**

(a) \* \* \*

\* \* \* \* \*

(f) No bonus may be paid under this section to any enlisted member who, after September 30, **[1997]** *1998*, reenlists or voluntarily extends his enlistment in a reserve component.

**§ 308c. Special pay: bonus for enlistment in the Selected Reserve**

(a) \* \* \*

\* \* \* \* \*

(e) No bonus may be paid under this section to any enlisted member who, after September 30, **[1997]** *1998*, enlists in the Selected Reserve of the Ready Reserve of an armed force.

**§ 308d. Special pay: enlisted members of the Selected Reserve assigned to certain high priority units**

(a) \* \* \*

\* \* \* \* \*

(c) Additional compensation may not be paid under this section for inactive duty performed after September 30, **[1997]** *1998*.

**§ 308e. Special pay: bonus for reserve affiliation agreement**

(a) \* \* \*

\* \* \* \* \*

(e) No bonus may be paid under this section to any person for a reserve obligation agreement entered into after September 30, **[1997]** *1998*.

**§ 308f. Special pay: bonus for enlistment in the Army**

(a) \* \* \*

\* \* \* \* \*

(c) No bonus may be paid under this section with respect to an enlistment in the Army after September 30, [1997] 1998.

\* \* \* \* \*

**§ 308h. Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve**

(a) \* \* \*

\* \* \* \* \*

(g) A bonus may not be paid under this section to any person for a reenlistment, enlistment, or voluntary extension of an enlistment after September 30, [1997] 1998.

**§ 308i. Special pay: prior service enlistment bonus**

(a) \* \* \*

\* \* \* \* \*

(i) No bonus may be paid under this section to any person for an enlistment after September 30, [1997] 1998.

\* \* \* \* \*

**§ 312. Special pay: nuclear-qualified officers extending period of active duty**

(a) \* \* \*

\* \* \* \* \*

(e) The provisions of this section shall be effective only in the case of officers who, on or before September 30, [1997] 1998, execute the required written agreement to remain in active service.

\* \* \* \* \*

**§ 312b. Special pay: nuclear career accession bonus**

(a) \* \* \*

\* \* \* \* \*

(c) The provisions of this section shall be effective only in the case of officers who, on or before September 30, [1997] 1998, have been accepted for training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

**§ 312c. Special pay: nuclear career annual incentive bonus**

(a) \* \* \*

\* \* \* \* \*

(d) For the purposes of this section, a “nuclear service year” is any fiscal year beginning before October 1, [1997] 1998.

\* \* \* \* \*

**CHAPTER 7—ALLOWANCES**

\* \* \* \* \*

**§ 403. Basic allowance for quarters**

- (a) \* \* \*
- (b)(1) \* \* \*

\* \* \* \* \*

(3) **[A member]** *Subject to the provisions of subsection (j), a member without dependents who is in pay grade E-6 and who is assigned to quarters of the United States that do not meet the minimum adequacy standards established by the Department of Defense for members in such pay grade, or to a housing facility under the jurisdiction of a uniformed service that does not meet such standards, may elect not to occupy such quarters or facility and instead to receive the basic allowance for quarters prescribed for the member's pay grade by this section.*

- (c)(1) \* \* \*

(2) **[A member]**(A) *Except as provided in subparagraph (B) or (C), a member of a uniformed service without dependents who is in a pay grade below pay grade E-7 is not entitled to a basic allowance for quarters while he is on sea duty. [A member of a uniformed service without dependents who is in a pay grade above E-6 who is assigned to sea duty under a permanent change of station is not entitled to a basic allowance for quarters if the unit to which the member is ordered is deployed and the permanent station of the unit is different than the permanent station from which the member is reporting.]*

(B) *Under regulations prescribed by the Secretary concerned, the Secretary may authorize the payment of a basic allowance for quarters to a member of a uniformed service under the jurisdiction of the Secretary when the member is without dependents, is serving in pay grade E-5, and is assigned to sea duty. In prescribing regulations under this subparagraph, the Secretary concerned shall consider the availability of quarters for members serving in pay grade E-5.*

(C) *Notwithstanding section 421 of this title, two members of the uniformed services in a pay grade below pay grade E-5 who are married to each other, have no other dependents, and are simultaneously assigned to sea duty are entitled to a single basic allowance for quarters during the period of such simultaneous sea duty. The amount of the allowance shall be based on the without dependents rate for the pay grade of the senior member.*

\* \* \* \* \*

**§ 403a. Variable housing allowance**

- (a) \* \* \*

\* \* \* \* \*

(c)(1) *The monthly amount of a variable housing allowance under this section for a member of a uniformed service with respect to an area is the difference between (A) the median monthly cost of housing in that area for members of the uniformed services serving in the same pay grade and with the same dependency status as that member, and (B) 80 percent of the median monthly cost of*

housing in the United States for members of the uniformed services serving in the same pay grade and with the same dependency status as that member. **](1)** *The monthly amount of a variable housing allowance under this section for a member of a uniformed service with respect to an area is equal to the greater of the following amounts:*

- (A) *An amount equal to the difference between—*
  - (i) *the median monthly cost of housing in that area for members of the uniformed services serving in the same pay grade and with the same dependency status as that member; and*
  - (ii) *80 percent of the median monthly cost of housing in the United States for members of the uniformed services serving in the same pay grade and with the same dependency status as that member.*
- (B) *An amount equal to the difference between—*
  - (i) *the adequate housing allowance floor determined by the Secretary of Defense for all members of the uniformed services in that area entitled to a variable housing allowance under this section; and*
  - (ii) *the monthly basic allowance for quarters for members of the uniformed services serving in the same pay grade and with the same dependency status as that member.*

\* \* \* \* \*

(3) The effective date of any adjustment in rates of variable housing allowance because of a redetermination of median monthly costs of housing under **[this subsection]** *paragraph (1)(A) or the minimum amount of a variable housing allowance under paragraph (1)(B)* shall be the same as the effective date of the next increase after such redetermination in the basic allowances for quarters. However, so long as a member of a uniformed service retains uninterrupted eligibility to receive a variable housing allowance within an area and the member's certified housing costs are not reduced (as indicated by certifications provided by the member under subsection (b)(4)), the monthly amount of a variable housing allowance under this section for the member within that area may not be reduced as a result of systematic adjustments required by changes in housing costs within that area.

\* \* \* \* \*

(5) Any reduction required under paragraph (2) and any determination of median monthly costs of housing *or minimum amount of a variable housing allowance* under this subsection shall be made under regulations prescribed under subsection (e).

\* \* \* \* \*

(7)(A) *For purposes of paragraph (1)(B)(i), the Secretary of Defense shall establish an adequate housing allowance floor for members of the uniformed services in an area as a selected percentage, not to exceed 85 percent, of the cost of adequate housing in that area based on an index of housing costs selected by the Secretary of Defense from among the following:*

- (i) *The fair market rentals established annually by the Secretary of Housing and Urban Development under section 8(c)(1)*

of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(1)).

(ii) An index developed in the private sector that the Secretary of Defense determines is comparable to the fair market rentals referred to in clause (i) and is appropriate for use to determine the adequate housing allowance floor.

(B) The Secretary of Defense shall carry out this paragraph in consultation with the Secretary of Transportation, the Secretary of Commerce, and the Secretary of Health and Human Services.

(d)(1) \* \* \*

\* \* \* \* \*

(3) In making a determination under paragraph (1) for a fiscal year, the amount authorized to be paid for the preceding fiscal year for the variable housing allowance shall be adjusted to reflect changes during the year for which the determination is made in the number, grade distribution, and dependency status of members of the uniformed services entitled to variable housing allowance from the number of such members during the preceding fiscal year. In addition, the total amount determined under paragraph (1) shall be adjusted to ensure that sufficient amounts are available to allow payment of any additional amounts of variable housing allowance necessary as a result of the requirements of [the second sentence of subsection (c)(3)] paragraph (1)(B) of subsection (c) and the second sentence of paragraph (3) of that subsection. Adjustments under this paragraph shall be made in accordance with regulations prescribed under subsection (e).

\* \* \* \* \*

**§ 404. Travel and transportation allowances: general**

(a) \* \* \*

\* \* \* \* \*

(j)(1) In the case of a member of a reserve component performing [annual training duty] active duty for training or inactive-duty training who is not otherwise entitled to travel and transportation allowances in connection with such duty under subsection (a), [the Secretary concerned may reimburse the member for housing service charge expenses incurred by the member in occupying transient government housing during the performance of such duty.] the Secretary concerned—

(A) may reimburse the member for housing service charge expenses incurred by the member in occupying transient government housing during the performance of such duty; or

(B) if transient government quarters are unavailable, may provide the member with contract quarters as lodging in kind as if the member were entitled to such an allowance under subsection (a).

(2) Any payment or other benefit under this subsection shall be provided in accordance with regulations prescribed by the Secretaries concerned.

(3) The Secretary may pay service charge expenses and expenses for contract quarters under paragraph (1) out of funds appropriated



for operation and maintenance for the reserve component concerned.

\* \* \* \* \*

**§ 404a. Travel and transportation allowances: temporary lodging expenses**

(a) Under regulations prescribed by the Secretaries concerned, a member of a uniformed service who is ordered to make a change of permanent station—

(1) from any duty station to a duty station in the United States (other than Hawaii or Alaska); **[or]**

(2) from a duty station in the United States (other than Hawaii or Alaska) to a duty station outside the United States or in Hawaii or Alaska; or

(3) from home of record or initial technical school to first duty station;

shall be paid or reimbursed for subsistence expenses actually incurred by the member and the member's dependents while occupying temporary quarters incident to that change of permanent station. In the case of a change of permanent station described in clause (1), the period for which such expenses are to be paid or reimbursed may not exceed 10 days. In the case of a change of permanent station described in clause (2), the period for which such expenses are to be paid or reimbursed may not exceed five days and such payment or reimbursement may be provided only for expenses incurred before leaving the United States (other than Hawaii or Alaska).

\* \* \* \* \*

**§ 406. Travel and transportation allowances: dependents; baggage and household effects**

(a) \* \* \*

(b)(1)(A) \* \* \*

(B) Subject to uniform regulations prescribed by the Secretaries concerned, in the case of a permanent change of station in which the Secretary concerned has authorized transportation of a motor vehicle under section 2634 of title 10 (except when such transportation is authorized from the old duty station to the new duty station), the member is entitled to a monetary allowance for transportation of that motor vehicle—

(i) \* \* \*

\* \* \* \* \*

Such monetary allowance shall be established at a rate per mile that does not exceed the rate established under section 404(d)(1) of this title. *If clause (i)(I) applies to the transportation by the member of a motor vehicle from the old duty station, the monetary allowance under this subparagraph shall also cover return travel to the old duty station by the member or other person transporting the vehicle. In the case of transportation described in clause (ii), the monetary allowance shall also cover travel from the new duty station to the port of debarkation to pick up the vehicle.*

\* \* \* \* \*

(h)(1) If the Secretary concerned determines that it is in the best interests of a member described in paragraph (2) or the member's dependents and the United States, the Secretary may, when orders directing a change of permanent station for the member concerned have not been issued, or when they have been issued but cannot be used as authority for the transportation of the member's dependents, baggage, and household effects—

(A) \* \* \*

[(B) in the case of a member described in paragraph (2)(A), authorize the transportation of one motor vehicle that is owned or leased by the member (or a dependent of the member) and is for his dependents' personal use to that location by means of transportation authorized under section 2634 of title 10.]

*(B) in the case of a member described in paragraph (2)(A), authorize the transportation of one motor vehicle, which is owned or leased by the member (or a dependent of the member) and is for the personal use of a dependent of the member, to that location by means of transportation authorized under section 2634 of title 10 or authorize the storage of the motor vehicle pursuant to subsection (g) of such section.*

\* \* \* \* \*

**§ 407. Travel and transportation allowances: dislocation allowance**

(a) Except as provided in subsections (b), (c), and (d) and under regulations prescribed by the Secretary concerned, a member of a uniformed service is entitled to a dislocation allowance equal to the basic allowance for quarters for [two months] *two and one-half months* as provided for the member's pay grade and dependency status in section 403 of this title if—

(1) \* \* \*

\* \* \* \* \*

**§ 411b. Travel and transportation allowances: travel performed in connection with leave between consecutive overseas tours**

(a)(1) \* \* \*

(2) Under the regulations referred to in paragraph (1), a member may defer the travel for which the member is paid travel and transportation allowances under such paragraph until not more than one year after the date on which the member begins the consecutive tour of duty at the same duty station or reports to another duty station under the order involved, as the case may be. *If the member is unable to undertake the travel before the end of such one-year period as a result of the participation of the member in a critical operational mission, as determined by the Secretary concerned, the member may defer the travel, under the regulations referred to in paragraph (1), for a period not to exceed one year after the date on which the member's participation in the critical operational mission ends.*

\* \* \* \* \*

**§ 418. Clothing allowance: enlisted members**

(a) \* \* \*

\* \* \* \* \*

(c) A uniform allowance may not be paid, and uniforms may not be furnished, under section 1593 of title 10 or section 5901 of title 5 to a person referred to in subsection (b) for a period of employment referred to in that subsection **【for which a uniform allowance is paid under section 415 or 416 of this title】** *for which clothing is furnished or a uniform allowance is paid under this section.*

\* \* \* \* \*

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**ARMED FORCES RETIREMENT HOME ACT OF 1991**

**TITLE XV—ARMED FORCES RETIREMENT HOME**

**SEC. 1501. SHORT TITLE**

This title may be cited as the “Armed Forces Retirement Home Act of 1991”.

\* \* \* \* \*

**SEC. 1515. COMPOSITION AND OPERATION OF RETIREMENT HOME BOARD**

(a) \* \* \*

\* \* \* \* \*

(e) **TERMS.—(1)** \* \* \*

\* \* \* \* \*

(3) *The chairman of the Retirement Home Board may appoint a member of the Retirement Home Board for a second consecutive term. The chairman of a Local Board may appoint a member of that Local Board for a second consecutive term.*

**【(f) FIRST APPOINTMENT AND DESIGNATION.—**Not later than the effective date specified in section 1541(a), members of the Retirement Home Board and the members of each Local Board shall be first appointed to staggered terms.**】**

*(f) EARLY EXPIRATION OF TERM.—A member of the Armed Forces or Federal civilian employee who is appointed as a member of the Retirement Home Board or a Local Board may serve as a board member only so long as the member of the Armed Forces or Federal civilian employee is assigned to or serving in the duty position that gave rise to the appointment as a board member.*

\* \* \* \* \*

**SEC. 1516. DUTIES OF RETIREMENT HOME BOARD**

(a) \* \* \*

\* \* \* \* \*

**【(d) LIMITATION ON THE DISPOSAL OF REAL PROPERTY.—(1)** Real property of the Retirement Home may not be disposed of by the Retirement Home Board by sale or otherwise unless the disposal of the property is specifically authorized by law.**】**

(d) *DISPOSAL OF REAL PROPERTY.*—(1) *The Retirement Home Board may dispose of real property of the Retirement Home by sale or otherwise, except that the disposal may not occur until after the end of a period of 30 legislative days or 60 calendar days, whichever is longer, beginning on the date on which the Retirement Home Board notifies the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of the proposed disposal. The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), and any other provision of law or regulation relating to the handling or disposal of real property by the United States shall not apply to the disposal of real property by the Retirement Home Board.*

\* \* \* \* \*

#### SEC. 1517. DIRECTORS AND STAFF

(a) \* \* \*

\* \* \* \* \*

[(f) *INITIAL OPERATION.*—(1) Until the date on which the Secretary of Defense first appoints the Director for the establishment of the Retirement Home known as the Naval Home, the Governor of the Naval Home shall operate that facility consistent with this title and other laws applicable to the Retirement Home.

[(2) Until the date on which the Secretary of Defense first appoints the Director for the facility of the Retirement Home known as the United States Soldiers' and Airmen's Home, the Governor of the United States Soldiers' and Airmen's Home shall operate that establishment consistent with this title and other laws applicable to the Retirement Home.]

(f) *ANNUAL EVALUATION OF DIRECTORS.*—*The chairman of the Retirement Home Board shall annually evaluate the performance of the Directors and shall make such recommendations to the Secretary of Defense as the chairman considers appropriate in light of the evaluation.*

\* \* \* \* \*

### FOREIGN ASSISTANCE ACT OF 1961

\* \* \* \* \*

#### PART II

##### CHAPTER 1—POLICY

\* \* \* \* \*

SEC. 544. *EXCHANGE TRAINING.*—[In carrying out this chapter] (a) *In carrying out this chapter, the President is authorized to provide for attendance of foreign military personnel at professional military education institutions in the United States (other than service academies) without charge, and without charge to funds available to carry out this chapter (notwithstanding section 632(d) of this Act), if such attendance is pursuant to an agreement providing for the exchange of students on a one-for-one, reciprocal basis each fiscal year between those United States professional military*

education institutions and comparable institutions of foreign countries and international organizations.

*(b) The President may provide for the attendance of foreign military and civilian defense personnel at flight training schools and programs (including test pilot school) in the United States without charge, and without charge to funds available to carry out this chapter (notwithstanding section 632(d) of this Act), if such attendance is pursuant to an agreement providing for the exchange of personnel on a one-on-one basis each fiscal year between those United States flight training schools and programs (including test pilot schools) and comparable flight training schools and programs of foreign countries.*

\* \* \* \* \*

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**SECTION 414 OF THE NATIONAL DEFENSE  
AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993**

**SEC. 414. PILOT PROGRAM FOR ACTIVE COMPONENT SUPPORT OF  
THE RESERVES.**

(a) PILOT PROGRAM REQUIRED.—[During fiscal years 1992 and 1993, the Secretary of the Army shall institute] *The Secretary of the Army shall carry out* a pilot program to provide active component advisers to combat units, combat support units, and combat service support units in the Selected Reserve of the Ready Reserve that have a high priority for deployment on a time-phased troop deployment list or have another contingent high priority for deployment. The advisers shall be assigned to full-time duty in connection with organizing, administering, recruiting, instructing, or training such units.

\* \* \* \* \*

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**TITLE 38, UNITED STATES CODE**

\* \* \* \* \*

**PART III—READJUSTMENT AND RELATED  
BENEFITS**

\* \* \* \* \*

**CHAPTER 30—ALL-VOLUNTEER FORCE EDUCATIONAL  
ASSISTANCE PROGRAM**

\* \* \* \* \*

**SUBCHAPTER II—BASIC EDUCATIONAL ASSISTANCE**

\* \* \* \* \*

**§ 3011. Basic educational assistance entitlement for service on active duty**

(a) \* \* \*

\* \* \* \* \*

(c)(1) An individual described in subsection (a)(1)(A) of this section may make an election not to receive educational assistance under this chapter. Any such election shall be made at the time the individual initially enters on active duty as a member of the Armed Forces. Any individual who makes such an election is not entitled to educational assistance under this chapter.

(2) An individual who after December 31, 1976, receives a commission as an officer in the Armed Forces upon graduation from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy [or upon completion of a program of educational assistance under section 2107 of title 10] is not eligible for educational assistance under this section.

(3) *An individual who after December 31, 1976, receives a commission as an officer in the Armed Forces upon completion of a program of educational assistance under section 2107 of title 10 is not eligible for educational assistance under this section if the individual enters on active duty—*

*(A) before October 1, 1996; or*

*(B) after September 30, 1996, and while participating in such program received more than \$2,000 for each year of such participation.*

**§ 3012. Basic educational assistance entitlement for service in the Selected Reserve**

(a) \* \* \*

\* \* \* \* \*

(d)(1) An individual described in subsection (a)(1)(A) of this section may make an election not to receive educational assistance under this chapter. Any such election shall be made at the time the individual initially enters on active duty as a member of the Armed Forces. Any individual who makes such an election is not entitled to educational assistance under this chapter.

(2) An individual who after December 31, 1976, receives a commission as an officer in the Armed Forces upon graduation from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy [or upon completion of a program of educational assistance under section 2107 of title 10] is not eligible for educational assistance under this section.

(3) *An individual who after December 31, 1976, receives a commission as an officer in the Armed Forces upon completion of a program of educational assistance under section 2107 of title 10 is not eligible for educational assistance under this section if the individual enters on active duty—*

*(A) before October 1, 1996; or*

(B) after September 30, 1996, and while participating in such program received more than \$2,000 for each year of such participation.

\* \* \* \* \*

## TITLE 32, UNITED STATES CODE

Chap.		Sec.
1.	Organization .....	101
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4.	<i>Courts-Martial for the National Guard When not in Federal Service</i> .....	401
	* * * * *	

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301.	Federal recognition of enlisted members.	
302.	Enlistments, reenlistments, and extensions.	
303.	Active and inactive enlistments and transfers.	
	* * * * *	
【326.	Courts-martial of National Guard not in Federal service: composition, jurisdiction, and procedures.	
【327.	General courts-martial of National Guard not in Federal service.	
【328.	Special courts-martial of National Guard not in Federal service.	
【329.	Summary courts-martial of National Guard not in Federal service.	
【330.	Confinement instead of fine.	
【331.	Dismissal or dishonorable discharge.	
【332.	Compelling attendance of accused and witnesses.	
【333.	Execution of process and sentence.】	
	* * * * *	

### CHAPTER 4—COURTS-MARTIAL FOR THE NATIONAL GUARD WHEN NOT IN FEDERAL SERVICE

Sec.	
401.	<i>Courts-martial: composition, jurisdiction, and procedures.</i>
402.	<i>General courts-martial.</i>
403.	<i>Special courts-martial.</i>
404.	<i>Summary courts-martial.</i>
405.	<i>Sentences requiring approval of governor.</i>
406.	<i>Compelling attendance of accused and witnesses.</i>
407.	<i>Execution of process and sentence.</i>

#### § [326.] 401. Courts-martial [of National Guard not in Federal service]: composition, jurisdiction, and procedures

(a) In the National Guard not in Federal service, there are general, special, and summary courts-martial constituted like similar courts of the Army and the Air Force. [They have the jurisdiction and powers, except as to punishments, and shall follow the forms and procedures, provided for those courts.] *They shall follow substantially the forms and procedures provided for those courts and shall provide accused members of the National Guard the rights and protections provided in those courts.*

(b) *Courts-martial of the National Guard not in Federal service do not have jurisdiction over those persons who are subject to the jurisdiction of a court-martial pursuant to section 802 of title 10.*

(c) *A court-martial of the National Guard not in Federal service shall have such jurisdiction and powers, consistent with the provisions of this chapter, as may be provided by the law of the State or Territory, Puerto Rico, or District of Columbia in which the court-martial is convened.*

**§ [327.] 402. General courts-martial [of National Guard not in Federal service]**

(a) In the National Guard not in Federal service, general courts-martial may be convened by the President or by the governor or *adjutant general* of a State or Territory, Puerto Rico or by the commanding general of the National Guard of the District of Columbia.

[(b) A general court-martial may sentence to—

[(1) a fine of not more than \$200;

[(2) forfeiture of pay and allowances;

[(3) a reprimand;

[(4) dismissal or dishonorable discharge;

[(5) reduction of a noncommissioned officer to the ranks; or

[(6) any combination of these punishments.]

(b) *A general court-martial may sentence an accused, upon conviction, to any of the following punishments:*

(1) *A fine of not more than \$500 for a single offense.*

(2) *Forfeiture of pay and allowances in an amount of not more than \$500 for a single offense or any forfeiture of pay for not more than six months.*

(3) *A reprimand.*

(4) *Dismissal, bad conduct discharge, or dishonorable discharge.*

(5) *In the case of an enlisted member, reduction to a lower grade.*

(6) *Confinement for not more than 180 days.*

(7) *Any combination of the punishments specified in paragraphs (1) through (6).*

(c)(1) *A dismissal or bad conduct or dishonorable discharge may not be adjudged unless counsel was detailed to represent the accused and a military judge was detailed to the trial.*

(2) *In a case in which the sentence adjudged includes dismissal or a bad conduct or dishonorable discharge, a verbatim record of the proceedings shall be made.*

**§ [328.] 403. Special courts-martial [of National Guard not in Federal service]**

(a) In the National Guard not in Federal service, the commanding officer, *if a National Guard officer*, of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty, or of a brigade, regiment, wing, group, detached battalion, separate squadron, or other detached command, may convene special courts-martial. Special courts-martial may also be convened by superior authority.

[(b) A special court-martial may not try a commissioned officer.



[(c) A special court-martial has the same powers of punishment as a general court-martial, except that a fine imposed by a special court-martial may not be more than \$100 for a single offense.]

(b) *A special court-martial may sentence an accused, upon conviction, to any of the following punishments:*

(1) *A fine of not more than \$300 for a single offense.*

(2) *Forfeiture of pay and allowances in an amount of not more than \$300 for a single offense, but adjudged forfeiture of pay may not exceed two-thirds pay per month and forfeitures may not extend for more than six months.*

(3) *A reprimand.*

(4) *Bad conduct discharge.*

(5) *In the case of an enlisted member, reduction to a lower grade.*

(6) *Confinement for not more than 100 days.*

(7) *Any combination of the punishments specified in paragraphs (1) through (6).*

(c)(1) *A bad conduct discharge may not be adjudged unless counsel was detailed to represent the accused and a military judge was detailed to the trial.*

(2) *In a case in which the sentence adjudged includes a bad conduct discharge, a verbatim record of the proceedings shall be made.*

**§ [329.] 404. Summary courts-martial [of National Guard not in Federal service]**

(a)(1) *In the National Guard not in Federal service, the commanding officer, if a National Guard officer, of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty, or of a regiment, wing, group, detached battalion, detached squadron, detached company, or other detachment, may convene a summary court-martial consisting of one commissioned officer. Summary courts-martial may also be convened by superior authority. The proceedings shall be informal.*

(2) *A summary court-martial may not try a commissioned officer.*

[(b) A summary court-martial may sentence to a fine of not more than \$25 for a single offense, to forfeiture of pay and allowances, and to reduction of a noncommissioned officer to the ranks.]

(b) *A summary court-martial may sentence an accused, upon conviction, to any of the following punishments:*

(1) *A fine of not more than \$200 for a single offense.*

(2) *Forfeiture of pay and allowances in an amount of not more than \$200 for a single offense, but not to exceed two-thirds of one month's pay.*

(3) *Reduction to a lower grade.*

(4) *Any combination of the punishments specified in paragraphs (1) through (3).*

(c) *An accused with respect to whom summary courts-martial have jurisdiction may not be brought to trial before a summary court-martial if the accused objects thereto. If an accused so objects to trial by summary court-martial, the convening authority may order trial by special or general court-martial, as may be appropriate.*

**[§ 330. Confinement instead of fine**

[In the National Guard not in Federal service, a court-martial may, instead of imposing a fine, sentence to confinement for not more than one day for each dollar of the authorized fine.]

**[§ 331. Dismissal or dishonorable discharge]**

**§ 405. Sentences requiring approval of governor**

In the National Guard not in Federal service, no sentence of dismissal [or dishonorable discharge], *bad conduct discharge*, *dishonorable discharge*, or *confinement for three months or more* may be executed until it is approved by the governor of the State or Territory, Puerto Rico, or whichever is concerned, or, in the case of the National Guard of the District of Columbia, by its commanding general.

**§ [332.] 406. Compelling attendance of accused and witnesses**

In the National Guard not in Federal service, the president or *military judge* of a court-martial or a summary court officer may—

- (1) issue a warrant for the arrest of any accused person who, having been served with a warrant and a copy of the charges, disobeys a written order by the convening authority to appear before the court;
- (2) issue subpoenas *duces tecum* and other subpoenas;
- (3) enforce by attachment the attendance or witnesses and the production of books and papers; and
- (4) sentence for refusal to be sworn or to answer, as provided in actions before civil courts.

**§ [333.] 407. Execution of process and sentence**

In the National Guard not in Federal service, the processes and sentences of its courts-martial shall be executed by the civil officers prescribed by the laws of the States concerned. In a State where no provision is made for executing those processes and sentences, and in the Territories, Puerto Rico and the District of Columbia, the process or sentence shall be executed by a United States marshal or deputy marshal, who shall make a return to the military officer issuing the process or the court imposing the sentence.

\* \* \* \* \*

**MILITARY CONSTRUCTION AUTHORIZATION ACT, 1982**

\* \* \* \* \*

**TITLE IX—GENERAL PROVISIONS**

\* \* \* \* \*

**[CONTINUED USE OF CERTAIN FORMER PUBLIC HEALTH SERVICE FACILITIES**

**[SEC. 911. (a) Any Public Health Service hospital or other station which was transferred to a public or nonprofit private entity**

pursuant to the provisions of section 987 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35; 95 Stat. 603) shall be deemed to be a facility of the uniformed services for the purposes of chapter 55 of title 10, United States Code, if such hospital or other station was, on the day before the date of the transfer, a facility approved under such chapter to provide medical and dental care to members and former members of the uniformed services and their dependents.

[(b) The Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy may terminate, for purposes of chapter 55 of title 10, United States Code, the approved status, of any facility described in subsection (a) to furnish medical or dental care to members and former members of the uniformed services and their dependents as provided for in section 1252(e) of the Department of Defense Authorization Act, 1984.

[(c) The Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy shall reimburse any facility described in subsection (a) for medical and dental care provided by such facility to members and former members of the uniformed services and their dependents who receive such care under chapter 55 of title 10, United States Code. The rates of reimbursement shall be negotiated and agreed upon by the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy, and the appropriate officials representing the facility concerned. The rates of reimbursement shall be based upon medical and dental care costs in the area in which the facility concerned is located.]

\* \* \* \* \*

## SECTION 1252 OF THE DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1984

### [PUBLIC HEALTH SERVICE HOSPITALS

[SEC. 1252. (a) The Secretary of Defense, in consultation with the Secretary of Health and Human Services and the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy, shall conduct demonstration projects for the purpose of comparing and evaluating the cost-effectiveness, accessibility, patient acceptance, and the quality of medical care contracted for by the Secretary of Defense under sections 1079 and 1086 of title 10, United States Code, with the medical care provided in those facilities deemed to be facilities of the uniformed services by virtue of section 911 of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c). The Secretary of Defense shall begin conducting such projects within one year after the date of the enactment of this section and continue conducting such projects for not less than three years.

[(b) The projects carried out by the Secretary of Defense under this subsection shall utilize various alternative mechanisms for the

payment of medical services provided eligible persons, including capitation, prospective payment, all-inclusive fee-for-service charges, and other concepts and programs consistent with the purpose of this section.

[(c) If the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy determine such action is necessary in order to permit a meaningful evaluation of alternative methods of providing medical care to persons eligible for such care under sections 1079 and 1086 of title 10, United States Code, they may jointly designate additional civilian medical facilities to be facilities of the uniformed services for the purposes of section 1079 of such title. The Secretary may designate a facility under the authority of this subsection for such purposes only if such action is agreed to by the governing body of the facility.

[(e) The Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy may terminate, for purposes of chapter 55 of title 10, United States Code, the status of any facility referred to in subsection (a) or (c) to furnish medical or dental care to members and former members of the uniformed services or their dependents, and such termination may become effective at any time after September 30, 1997. The termination of such status in the case of any such facility may be effected only by an order jointly issued by the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy which (1) identifies the facility whose status is being terminated, (2) specifies the date on which such status is being terminated, and (3) certifies that more cost-effective medical and dental care for members and former members of the uniformed services or their dependents is available elsewhere in the same geographic area. A copy of each such order shall be furnished to the affected facility and the congressional committees specified in subsection (d) and shall become effective in accordance with the terms of the notice, but not earlier than six months following the date on which a copy of the notice has been furnished to the facility and the committees. Each such copy of the order shall include a copy of the certification required in clause (3) of the second sentence of this subsection and shall contain cost data substantiating the termination decision and identifying how more cost-effective care could be provided to the affected individuals. Any facility described in subsection (a) or designated under subsection (c) may terminate its status or designation made under that subsection at any time after the expiration of six months following the date on which a copy of the order terminating the status or designation has been furnished the facility.

[(f) LIMITATION ON EXPENDITURES.—The total amount of expenditures by the Secretary of Defense to carry out this section and section 911 of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c), for fiscal year 1996 may not exceed \$300,000,000, adjusted by the Secretary to reflect the inflation factor used by the Department of Defense for such fiscal year.

[(g) Section 911(b) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(b)), is amended by striking out “at any time after” and all that follows through the end of the second sentence and inserting in lieu thereof: “as provided for in section 1252(e) of the Department of Defense Authorization Act, 1984.”.]

**DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996**

\* \* \* \* \*

**TITLE VIII**

**GENERAL PROVISIONS**

\* \* \* \* \*

[SEC. 8057. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to travel and transportation allowances and who occupies transient government housing while performing active duty for training or inactive duty training: *Provided*, That such members may be provided lodging in kind if transient government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: *Provided further*, That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.]

\* \* \* \* \*

[SEC. 8094. All refunds or other amounts collected in the administration of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be credited to current year appropriations.]

\* \* \* \* \*

**PUBLIC HEALTH SERVICE ACT**

\* \* \* \* \*

**TITLE II—ADMINISTRATION AND MISCELLANEOUS PROVISIONS**

**PART A—ADMINISTRATION**

\* \* \* \* \*

**GRADES, RANKS, AND TITLES OF THE COMMISSIONED CORPS**

SEC. 206. (a) \* \* \*

\* \* \* \* \*

*(f) In computing the maximum number of commissioned officers of the Public Health Service authorized by law or administrative de-*

termination to serve on active duty, there may be excluded from such computation officers who are assigned to duty in the Department of Defense.

\* \* \* \* \*

**FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949**

\* \* \* \* \*

**TITLE II—PROPERTY MANAGEMENT**

\* \* \* \* \*

**SEC. 210. OPERATION OF BUILDINGS AND RELATED ACTIVITIES**

(a) Whenever and to the extent that the Administrator has been or hereafter may be authorized by any provision of law other than this subsection to maintain, operate, and protect any building, property, or grounds situated in or outside the District of Columbia, including the construction, repair, preservation, demolition, furnishing, and equipment thereof, he is authorized in the discharge of the duties so conferred upon him—

(1) \* \* \*

\* \* \* \* \*

(14) to enter into contracts [for periods not exceeding three years] for the inspection, maintenance, and repair of fixed equipment in such buildings which are federally owned; and

\* \* \* \* \*

**TITLE III—PROCUREMENT PROCEDURE**

\* \* \* \* \*

**SEC. 303B. EVALUATION AND AWARD.**

(a) \* \* \*

\* \* \* \* \*

*(m) PROHIBITION ON RELEASE OF CONTRACTOR PROPOSALS.—(1) A proposal in the possession or control of an executive agency may not be made available to any person under section 552 of title 5.*

*(2) In this subsection, the term "proposal" means any proposal, including a technical, management, or cost proposal, submitted by a contractor in response to the requirements of a solicitation for a competitive proposal.*

\* \* \* \* \*

**SEC. 304C. EXAMINATION OF RECORDS OF CONTRACTOR.**

(a) \* \* \*

\* \* \* \* \*

**[(d) LIMITATION ON PREAWARD AUDITS RELATING TO INDIRECT COSTS.—An executive agency may not perform a preaward audit to evaluate proposed indirect costs under any contract, subcontract, or modification to be entered into in accordance with this title in any**

case in which the contracting officer determines that the objectives of the audit can reasonably be met by accepting the results of an audit conducted by any other department or agency of the Federal Government within one year preceding the date of the contracting officer's determination.]

(d) *LIMITATION ON AUDITS RELATING TO INDIRECT COSTS.*—An executive agency may not perform an audit of indirect costs under a contract, subcontract, or modification before or after entering into the contract, subcontract, or modification in any case in which the contracting officer determines that the objectives of the audit can reasonably be met by accepting the results of an audit that was conducted by any other department or agency of the Federal Government within one year preceding the date of the contracting officer's determination.

\* \* \* \* \*

**OFFICE OF FEDERAL PROCUREMENT POLICY ACT**

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Office of Federal Procurement Policy Act”.

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

Sec. 1. Short title; table of contents.	*	*	*	*	*	*	*
Sec. [35.] 38. Modular contracting for information technology.	*	*	*	*	*	*	*

**SEC. 20. ADVOCATES FOR COMPETITION.**

(a) \* \* \*

(b) The advocate for competition of an executive agency shall—

(1) be responsible for challenging barriers to and promoting full and open competition in the procurement of property and services by the executive agency;

(2) review the procurement activities of the executive agency;

(3) identify and report to the senior procurement executive of the executive agency designated pursuant to section 16(3)—

(A) opportunities and actions taken to achieve full and open competition in the procurement activities of the executive agency; and

(B) any condition or action which has the effect of unnecessarily restricting competition in the procurement actions of the executive agency; [and

[(4) prepare and transmit to such senior procurement executive an annual report describing—

[(A) such advocate's activities under this section;

[(B) new initiatives required to increase competition;

and

[(C) barriers to full and open competition that remain;

[(5)] (4) recommend to the senior procurement executive of the executive agency goals and the plans for increasing competition on a fiscal year basis;

[(6)] (5) recommend to the senior procurement executive of the executive agency a system of personal and organizational accountability for competition, which may include the use of recognition and awards to motivate program managers, contracting officers, and others in authority to promote competition in procurement programs; and

[(7)] (6) describe other ways in which the executive agency has emphasized competition in programs for procurement training and research.

\* \* \* \* \*

**SEC. 25. FEDERAL ACQUISITION REGULATORY COUNCIL.**

(a) \* \* \*

\* \* \* \* \*

[(g)] **REPORTS.**—The Administrator for Federal Procurement Policy shall—

[(1)] publish a report within 6 months after the date of enactment of this section and every 6 months thereafter relating to the development of procurement regulations to be issued in accordance with subsection (c) of this section;

[(2)] include in each report published under paragraph (1)—

[(A)] the status of each such regulation;

[(B)] a description of those regulations which are required by statute;

[(C)] a description of the methods by which public comment was sought with regard to each proposed regulation in accordance with section 22 of this Act, and to the extent appropriate, sections 3504(h) and 3507 of title 44, United States Code;

[(D)] regulatory activities completed and initiated since the last report;

[(E)] regulations, policies, procedures, practices, and forms that are under consideration or review by the Office of Federal Procurement Policy;

[(F)] whether the regulations have paperwork requirements;

[(G)] the progress made in promulgating and implementing the Federal Acquisition Regulation; and

[(H)] such other matters as the Administrator determines would be useful; and

[(3)] report to Congress within 180 days after the date of the enactment of this section, in consultation with the Administrator of the Office of Information and Regulatory Affairs, regarding—

[(A)] the extent of the paperwork burden created by the Federal procurement process, and

[(B)] the extent to which the Federal procurement system can be streamlined to reduce unnecessary paperwork while at the same time maintaining recordkeeping and reporting requirements necessary to ensure the integrity and accountability of the system.]

\* \* \* \* \*



**SEC. [35.] 38. MODULAR CONTRACTING FOR INFORMATION TECHNOLOGY.**

(a) **IN GENERAL.**—The head of an executive agency should, to the maximum extent practicable, use modular contracting for an acquisition of a major system of information technology.

(b) **MODULAR CONTRACTING DESCRIBED.**—Under modular contracting, an executive agency's need for a system is satisfied in successive acquisitions of interoperable increments. Each increment complies with common or commercially accepted standards applicable to information technology so that the increments are compatible with other increments of information technology comprising the system.

(c) **IMPLEMENTATION.**—The Federal Acquisition Regulation shall provide that—

(1) under the modular contracting process, an acquisition of a major system of information technology may be divided into several smaller acquisition increments that—

(A) are easier to manage individually than would be one comprehensive acquisition;

(B) address complex information technology objectives incrementally in order to enhance the likelihood of achieving workable solutions for attainment of those objectives;

(C) provide for delivery, implementation, and testing of workable systems or solutions in discrete increments each of which comprises a system or solution that is not dependent on any subsequent increment in order to perform its principal functions; and

(D) provide an opportunity for subsequent increments of the acquisition to take advantage of any evolution in technology or needs that occur during conduct of the earlier increments;

(2) a contract for an increment of an information technology acquisition should, to the maximum extent practicable, be awarded within 180 days after the date on which the solicitation is issued and, if the contract for that increment cannot be awarded within such period, the increment should be considered for cancellation; and

(3) the information technology provided for in a contract for acquisition of information technology should be delivered within 18 months after the date on which the solicitation resulting in award of the contract was issued.

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**NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL  
YEAR 1993**

\* \* \* \* \*

**DIVISION A—DEPARTMENT OF  
DEFENSE AUTHORIZATIONS**

\* \* \* \* \*

## TITLE XV—NONPROLIFERATION

### SEC. 1501. SHORT TITLE.

This title may be cited as the “Weapons of Mass Destruction Control Act of 1992”.

\* \* \* \* \*

### SEC. 1505. INTERNATIONAL NONPROLIFERATION INITIATIVE.

(a) \* \* \*

\* \* \* \* \*

(d) SOURCES OF ASSISTANCE.—(1) \* \* \*

\* \* \* \* \*

(3) The total amount of the assistance provided in the form of funds under this section including funds used for activities of the Department of Defense in support of the United Nations Special Commission on Iraq, may not exceed \$25,000,000 for fiscal year 1994, \$20,000,000 for fiscal year 1995, [or] \$15,000,000 for fiscal year 1996, or \$15,000,000 for fiscal year 1997.

\* \* \* \* \*

(f) TERMINATION OF AUTHORITY.—The authority of the Secretary of Defense to provide assistance under this section terminates at the close of fiscal year [1996] 1997.

\* \* \* \* \*

## DIVISION D—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION AS- SISTANCE

### SEC. 4001. SHORT TITLE.

This division may be cited as the “Defense Conversion, Reinvestment, and Transition Assistance Act of 1992”.

\* \* \* \* \*

## TITLE XLIV—PERSONNEL ADJUSTMENT, EDUCATION, AND TRAINING PROGRAMS

\* \* \* \* \*

### Subtitle F—Job Training and Employment and Educational Opportunities

\* \* \* \* \*

### 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. Not later than 60 days after the date on which the budget is submitted to Congress under such section, 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)] (a) NOTICE REQUIREMENT AFTER ENACTMENT OF APPROPRIATIONS ACT.—Each year, not later than 60 days after the date of the enactment of an Act appropriating funds for the military functions of the Department of Defense, 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.]

*(1) shall identify each contract (if any) under major defense programs of the Department of Defense that will be terminated or substantially reduced as a result of the funding levels provided in that Act; and*

*(2) shall ensure that notice of the termination of, or substantial reduction in, the funding of the contract is provided—*

*(A) directly to the prime contractor under the contract; and*

*(B) directly to the Secretary of Labor.*

[(c)] (b) 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,] *Not later than 60 days after the date on which the prime contractor for a contract under a major defense program receives notice under subsection (a), 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] *for that prime contract for subcontracts* 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] *for subcontracts* 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)] (c) 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,] *under subsection (a)*, 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)] (d) CONSTRUCTIVE NOTICE.—The notice of termination of, or substantial reduction in, [a major defense program provided under subsection (d)(1)] *a defense contract provided under subsection (c)(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] *the contract* 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 not later than 60 days 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)] (e) LOSS OF [ELIGIBILITY] *ELIGIBILITY*.—An employee who receives a notice of withdrawal [under paragraph (3)] *or cancellation of the termination of, or substantial reduction in, contract funding* 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)] (f) 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 defense contract under a major defense program*, mean a reduction of 25 percent or more in the total dollar value of [contracts under the program] *the funds obligated by the contract*.

**SECTION 1 OF THE ACT OF JUNE 18, 1934**

(Commonly known as the "Foreign Trade Zones Act")

AN ACT To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when used in this Act—*

(a) \* \* \*

(b) The term "Board" means the Board which is hereby established to carry out the provisions of this Act. The Board shall consist of the Secretary of Commerce, who shall be chairman and executive officer of the Board, [the Secretary of the Treasury, and the Secretary of War] *and the Secretary of the Treasury;*

(c) The term "State" includes any State, the District of Columbia, [Alaska, Hawaii,] and Puerto Rico;

\* \* \* \* \*

**SECTION 3342 OF TITLE 31, UNITED STATES CODE****§ 3342. Check cashing and exchange transactions**

(a) \* \* \*

(b) A disbursing official may act under subsection (a) (1) and (2) of this section only for—

- (1) an official purpose;
- (2) personnel of the Government;
- (3) a dependent of personnel of the Government, but only—
  - (A) at a United States installation at which adequate banking facilities are not available; and
  - (B) in the case of negotiation of negotiable instruments, if the dependent's sponsor authorizes, in writing, the presentation of negotiable instruments to the disbursing official for negotiation[.];

(4) a veteran hospitalized or living in an institution operated by an agency;

(5) a contractor, or personnel of a contractor, carrying out a Government project; [and]

(6) personnel of an authorized agency not part of the Government that operates with an agency of the Government[.]; or

(7) a *Federal credit union that at the request of the Secretary of Defense is operating on a United States military installation in a foreign country, but only if that country does not permit contractor-operated military banking facilities to operate on such installations.*

\* \* \* \* \*

**SECTION 2055 OF THE INTERNAL REVENUE CODE OF 1986**

**SEC. 2055. TRANSFERS FOR PUBLIC, CHARITABLE, AND RELIGIOUS USES.**

(a) IN GENERAL.—

\* \* \* \* \*

(g) CROSS REFERENCES.—

(1) For option as to time for valuation for purpose of deduction under this section, see section 2032.

\* \* \* \* \*

[(4) For treatment of gifts and bequests for the benefit of the Office of Naval Records and History as gifts or bequests to or for the use of the United States, see section 7222 of title 10, United States Code.]

(4) For treatment of gifts and bequests for the benefit of the Naval Historical Center as gifts or bequests to or for the use of the United States, see section 7222 of title 10, United States Code.

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**SECTION 172 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993**

**SEC. 172. CHEMICAL DEMILITARIZATION CITIZENS ADVISORY COMMISSIONS.**

(a) \* \* \*

(b) FUNCTIONS.—The Secretary of the Army shall provide for a representative from the Office of the [Assistant Secretary of the Army (Installations, Logistics, and Environment)] *Assistant Secretary of the Army (Research, Development and Acquisition)* to meet with each commission under this section to receive citizen and State concerns regarding the ongoing program of the Army for the disposal of the lethal chemical agents and munitions in the stockpile referred to in section 1412(a)(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(a)(1)) at each of the sites with respect to which a commission is established pursuant to subsection (a).

\* \* \* \* \*

(f) MEETINGS.—Each commission shall meet with a representative from the Office of the [Assistant Secretary of the Army (Installations, Logistics, and Environment)] *Assistant Secretary of the Army (Research, Development and Acquisition)* upon joint agreement between the chairman of the commission and that representative. The two parties shall meet not less often than twice a year and may meet more often at their discretion.

\* \* \* \* \*

**SECTION 1412 OF THE DEPARTMENT OF DEFENSE  
AUTHORIZATION ACT, 1986**

**SEC. 1412. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS**

(a) \* \* \*

\* \* \* \* \*

(g) PERIODIC REPORTS.—(1) Except as provided by paragraph (3), the Secretary shall transmit, by December 15 of each year, a report to the Congress on the activities carried out under this section during the fiscal year ending on September 30 of the calendar year in which the report is to be made.

(2) Each annual report [shall contain—] *shall include the following:*

(A) [a] A site-by-site description of the construction, equipment, operation, and dismantling of facilities (during the fiscal year for which the report is made) used to carry out the destruction of agents and munitions under this section, including any accidents or other unplanned occurrences associated with such construction and operation[;].

(B) [an] An accounting of all funds expended (during such fiscal year) for activities carried out under this section, with a separate accounting for amounts expended for—

- (i) the construction of and equipment for facilities used for the destruction of agents and munitions;
- (ii) the operation of such facilities;
- (iii) the dismantling or other closure of such facilities;
- (iv) research and development;
- (v) program management; and
- (vi) travel and associated travel costs for Citizens' Advisory Commissioners under section 172(g) of Public Law 102-484 (50 U.S.C. 1521 note).

(C) [an] An assessment of the safety status and the integrity of the stockpile of lethal chemical agents and munitions subject to this section, including—

(i) \* \* \*

\* \* \* \* \*

---

**THE ACT OF SEPTEMBER 15, 1960**

(COMMONLY REFERRED TO AS THE "SIKES ACT")

AN ACT to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations.

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Sikes Act".*

**TITLE I—CONSERVATION PROGRAMS ON [MILITARY RESERVATIONS] MILITARY INSTALLATIONS**

SEC. 101. (a)(1) The Secretary of Defense [is authorized to] *shall* carry out a program of planning for, and the development, maintenance, and coordination of, wildlife, fish, and game conservation



and rehabilitation [in each military reservation in accordance with a cooperative plan] on military installations. Under the program, the Secretary shall prepare and implement for each military installation in the United States an integrated natural resource management plan mutually agreed upon by the Secretary of Defense, the Secretary of the Interior, and the appropriate State agency designated by the State in which the [reservation] installation is located, except that the Secretary is not required to prepare such a plan for a military installation if the Secretary determines that preparation of such a plan for the installation is not appropriate.

(2) Consistent with essential military requirements to enhance the national security of the United States, the Secretary of Defense shall manage each military installation to provide—

(A) for the conservation of fish and wildlife on the military installation and sustained multipurpose uses of those resources, including hunting, fishing, and trapping; and

(B) public access that is necessary or appropriate for those uses.

(b) Each [cooperative] integrated natural resource management plan entered into under subsection (a)—

(1) shall provide for—

(A) fish and wildlife habitat improvements or modifications,

(B) range rehabilitation where necessary for support of wildlife,

(C) control of off-road vehicle traffic, [and]

(D) specific habitat improvement projects and related activities and adequate protection for species of fish, wildlife, and plants considered threatened or endangered[;],

(E) wetland protection and restoration, and wetland creation where necessary, for support of fish or wildlife,

(F) consideration of conservation needs for all biological communities, and

(G) the establishment of specific natural resource management goals, objectives, and time-frames for proposed actions;

(2) shall for the military installation for which it is prepared—

(A) address the needs for fish and wildlife management, land management, forest management, and wildlife-oriented recreation;

(B) ensure the integration of, and consistency among, the various activities conducted under the plan;

(C) ensure that there is no net loss in the capability of installation lands to support the military mission of the installation;

(D) provide for sustained use by the public of natural resources, to the extent that such use is not inconsistent with the military mission of the installation or the needs of fish and wildlife management;

(E) provide the public access to the installation that is necessary or appropriate for that use, to the extent that access is not inconsistent with the military mission of the installation; and

(F) *provide for professional enforcement of natural resource laws and regulations;*

[(2)](3) must be reviewed as to operation and effect by the parties thereto on a regular basis, but not less often than every 5 years;

[(3) shall, if a multiuse natural resources management plan is applicable to the military reservation, be treated as the exclusive component of that management plan with respect to wildlife, fish, and game conservation and rehabilitation; and]

(4) may stipulate the issuance of special State hunting and fishing permits to individuals and require payment of nominal fees therefor, which fees shall be utilized for the protection, conservation, and management of fish and wildlife, including habitat improvement and related activities in accordance with the [cooperative] *integrated natural resource management plan*; except that—

(A) the Commanding Officer of the [reservation] *installation* or persons designated by that Officer are authorized to enforce such special hunting and fishing permits and to [collect the fees therefor,] *collect, spend, administer, and account for fees therefor,* acting as agent or agents for the State if the [cooperative] *integrated natural resource management plan* so provides, and

(B) the fees collected under this paragraph may not be expended with respect to other than the military [reservation] *installation* on which collected, *unless that military installation is subsequently closed, in which case the fees may be transferred to another military installation to be used for the same purposes.*

(c) After [a cooperative] *an integrated natural resource management plan* is agreed to under subsection (a)—

(1) no sale of land, or forest products from land, that is within a military [reservation] *installation* covered by that plan may be made under section 2665 (a) or (b) of title 10, United States Code; and

(2) no leasing of land that is within the [reservation] *installation* may be made under section 2667 of such title 10; unless the effects of that sale or leasing are compatible with the purposes of the plan.

(d) With regard to the implementation and enforcement of [cooperative] *integrated natural resource management plans* agreed to under subsection (a)—

(1) neither Office of Management and Budget Circular A-76 nor any successor circular thereto applies to the procurement of services that are necessary for that implementation and enforcement; and

(2) priority shall be given to the entering into of contracts for the procurement of such implementation and enforcement services with Federal and State agencies having responsibility for the conservation or management of fish or wildlife.

(e) [Cooperative] *Integrated natural resource management plans* agreed to under the authority of this section and section 102 shall not be deemed to be, nor treated as, cooperative agreements to

which the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.) applies.

(f) *PUBLIC COMMENT.*—*The Secretary of Defense shall provide an opportunity for public comment on each integrated natural resource management plan prepared under subsection (a).*

(g) *REVIEWS AND REPORTS.*—

(1) *SECRETARY OF DEFENSE.*—*The Secretary of Defense shall, by not later than March 1 of each year, review the extent to which integrated natural resource management plans were prepared or in effect and implemented in accordance with this Act in the preceding year, and submit a report on the findings of that review to the committees. Each report shall include—*

(A) *the number of integrated natural resource management plans in effect in the year covered by the report, including the date on which each plan was issued in final form or most recently revised;*

(B) *the amount of moneys expended on conservation activities conducted pursuant to those plans in the year covered by the report, including amounts expended under the Legacy Resource Management Program established under section 8120 of the Act of November 5, 1990 (Public Law 101-511; 104 Stat. 1905); and*

(C) *an assessment of the extent to which the plans comply with the requirements of subsection (b)(1) and (2), including specifically the extent to which the plans ensure in accordance with subsection (b)(2)(C) that there is no net loss of lands to support the military missions of military installations.*

(2) *SECRETARY OF THE INTERIOR.*—*The Secretary of the Interior, by not later than March 1 of each year and in consultation with State agencies responsible for conservation or management of fish or wildlife, shall submit a report to the committees on the amount of moneys expended by the Department of the Interior and those State agencies in the year covered by the report on conservation activities conducted pursuant to integrated natural resource management plans.*

(3) *COMMITTEES DEFINED.*—*For purposes of this subsection, the term “committees” means the Committee on Resources and the Committee on National Security of the House of Representatives and the Committee on Armed Services and the Committee on Environment and Public Works of the Senate.*

SEC. 102. The Secretary of Defense in cooperation with the Secretary of Interior and the appropriate State agency is authorized to carry out a program for the conservation, restoration and management of migratory game birds on military [reservations] *installations*, including the issuance of special hunting permits and the collection of fees therefor, in accordance with [a cooperative] *an integrated natural resource management plan mutually agreed upon* by the Secretary of Defense, the Secretary of the Interior and the appropriate State agency: *Provided*, That possession of a special permit for hunting migratory game birds issued pursuant to this title shall not relieve the permittee of the requirements of the Migratory Bird Hunting Stamp Act as amended nor of the requirements pertaining to State law set forth in Public Law 85-337.

SEC. 103. The Secretary of Defense is also authorized to carry out a program for the development, enhancement, operation, and maintenance of public outdoor recreation resources at military [reservations] *installations* in accordance with [a cooperative] *an integrated natural resource management* plan mutually agreed upon by the Secretary of Defense and the Secretary of the Interior, in consultation with the appropriate State agency designated by the State in which such [reservations] *installations* are located.

SEC. 103a. (a) The Secretary of Defense may enter into cooperative agreements with States, local governments, nongovernmental organizations, and individuals to provide for the maintenance and improvement of natural resources on, or to benefit natural and historic research on, Department of Defense installations.

(b) A cooperative agreement shall provide for the Secretary of Defense and the other party or parties to the agreement—

(1) to contribute funds on a [matching basis] *cost-sharing basis* to defray the cost of programs, projects, and activities under the agreement; or

(2) to furnish services on a [matching basis] *cost-sharing basis* to carry out such programs, projects, and activities, or to do both.

(c) Cooperative agreements entered into under this section shall be subject to the availability of funds and shall not be considered, nor be treated as, cooperative agreements to which chapter 63 of title 31, United States Code, applies, and shall not be subject to section 1535 of that title.

\* \* \* \* \*

**SEC. 106. FEDERAL ENFORCEMENT OF OTHER LAWS.**

*All Federal laws relating to the conservation of natural resources on Federal lands may be enforced by the Secretary of Defense with respect to violations of those laws which occur on military installations within the United States.*

**SEC. 107. NATURAL RESOURCE MANAGEMENT SERVICES.**

*The Secretary of each military department shall ensure that sufficient numbers of professionally trained natural resource management personnel and natural resource law enforcement personnel are available and assigned responsibility to perform tasks necessary to comply with this Act, including the preparation and implementation of integrated natural resource management plans.*

**SEC. 108. DEFINITIONS.**

*In this title:*

(1) **MILITARY INSTALLATION.**—*The term “military installation”*—

(A) *means any land or interest in land owned by the United States and administered by the Secretary of Defense or the Secretary of a military department; and*

(B) *includes all public lands withdrawn from all forms of appropriation under public land laws and reserved for use by the Secretary of Defense or the Secretary of a military department.*

(2) **STATE FISH AND WILDLIFE AGENCY.**—*The term “State fish and wildlife agency” means an agency of State government that*

*is responsible under State law for managing fish or wildlife resources.*

(3) *UNITED STATES.*—*The term “United States” means the States, the District of Columbia, and the territories and possessions of the United States.*

SEC. [106.] 109. (a) The Secretary of Defense shall expend such funds as may be collected in accordance with the [cooperative] *integrated natural resource management* plans agreed to under sections 101 and 102 and cooperative agreements agreed to under section 103a of this title and for no other purpose. All funds that are so collected shall remain available until expended.

(b) There are authorized to be appropriated to the Secretary of Defense not to exceed \$1,500,000 for each of the fiscal years [1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, and 1993,] *1983 through 1998*, to carry out this title, including the enhancement of fish and wildlife habitat and the development of public recreation and other facilities and to carry out such functions and responsibilities as the Secretary may have under cooperative agreements entered into under section 103a. The Secretary of Defense shall, to the greatest extent practicable, enter into agreements to utilize the services, personnel, equipment, and facilities, with or without reimbursement, of the Secretary of the Interior in carrying out the provisions of this section.

(c) There are authorized to be appropriated to the Secretary of the Interior not to exceed \$3,000,000 for each of the fiscal years [1983, 1994, 1995, 1986, 1987, 1988, 1989, 1990, 1991, 1992, and 1993,] *1983 through 1998*, to carry out such functions and responsibilities as the Secretary may have under [cooperative] *integrated natural resource management* plans to which such Secretary is a party under this section, including those for the enhancement of fish and wildlife habitat and the development of public recreation and other facilities.

## TITLE II—CONSERVATION PROGRAMS ON CERTAIN PUBLIC LAND

\* \* \* \* \*

SEC. 209. (a) There are authorized to be appropriated [the sum of \$10,000,000 for each of the fiscal years 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, and 1993, to enable the Secretary of the Interior] *\$4,000,000 for each of fiscal years 1997 and 1998, to enable the Secretary of the Interior* to carry out his functions and responsibilities under this title, including data collection, research, planning, and conservation and rehabilitation programs on public lands. Such funds shall be in addition to those authorized for wildlife, range, soil, and water management pursuant to section 318 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1748), or other provisions of law.

(b) There are authorized to be appropriated [the sum of \$12,000,000 for each of the fiscal years 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, and 1993, to enable the Secretary of Agriculture] *\$5,000,000 for each of fiscal years 1997 and 1998, to enable the Secretary of Agriculture* to carry out his functions and responsibilities under this title. Such funds shall be in addition to those provided under other provisions of law. In re-

questing funds under this subsection the Secretary shall take into account fish and wildlife program needs, including those for projects, identified in the State comprehensive plans as contained in the program developed pursuant to the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (16 U.S.C. 1601–1610).

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## SECTION 2 OF THE ACT OF OCTOBER 27, 1986

### [SEC. 2. NATURAL RESOURCES AND FISH AND WILDLIFE MANAGEMENT ON MILITARY RESERVATIONS; REPORT ON MILITARY EXPENDITURES FOR FISH AND WILDLIFE MANAGEMENT.]

[(a) NATURAL RESOURCES MANAGEMENT.—The Secretary of each military department shall manage the natural resources of each military reservation within the United States that is under the jurisdiction of the Secretary—

[(1) so as to provide for sustained multipurpose uses of those resources; and

[(2) to provide the public access that is necessary or appropriate for those uses;

to the extent that those uses and that access are not inconsistent with the military mission of the reservation.

[(b) FISH AND WILDLIFE MANAGEMENT SERVICE.—The Secretary of each military department shall ensure, to the extent feasible, that the services necessary for the development, implementation, and enforcement of fish and wildlife management on each military reservation within the United States under the jurisdiction of the Secretary are provided by the Department of Defense personnel who have professional training in those services.

[(c) FISH AND WILDLIFE MANAGEMENT REPORT.—The Secretary of each military department shall submit to each House of the Congress, before the close of the 180-day period occurring after the close of fiscal year 1986, a detailed report setting forth the amount and purpose of all expenditures made during fiscal year 1986 for fish and wildlife management on each military reservation in the United States under the jurisdiction of the Secretary.

[(d) DEFINITIONS.—As used in this section—

[(1) The term “military department” means the Department of the Army, the Department of the Navy, and the Department of the Air Force.

[(2) The term “United States” means the States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.]

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## SECTION 204 OF THE DEFENSE AUTHORIZATION AMENDMENTS AND BASE CLOSURE AND REALIGNMENT ACT

### SEC. 204. IMPLEMENTATION

(a) \* \* \*

(b) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) \* \* \*

(2)(A) \* \* \*

\* \* \* \* \*

(D) *The Secretary of Defense may transfer real property or facilities located at a military installation to be closed or realigned under this title, with or without reimbursement, to a military department or other entity (including a nonappropriated fund instrumentality) within the Department of Defense or the Coast Guard.*

[(D)] (E) Before any action may be taken with respect to the disposal of any surplus real property or facility located at any military installation to be closed or realigned under this title, the Secretary shall consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering any plan for the use of such property by the local community concerned.

[(E)] (F) The provisions of this paragraph and paragraph (1) are subject to paragraphs (3) through (6).

\* \* \* \* \*

(8)(A) Subject to subparagraph (C), the Secretary may enter into agreements (including contracts, cooperative agreements, or other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title or at facilities remaining on installations closed under this title if the Secretary determines that the provision of such services under such agreements is in the best interests of the Department of Defense.

\* \* \* \* \*

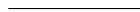
(f) *ACQUISITION OF MANUFACTURED HOUSING.—(1) In closing or realigning any military installation under this title, the Secretary may purchase any or all right, title, and interest of a member of the Armed Forces and any spouse of the member in manufactured housing located at a manufactured housing park established at an installation closed or realigned under this title, or make a payment to the member to relocate the manufactured housing to a suitable new site, if the Secretary determines that—*

(A) *it is in the best interests of the Federal Government to eliminate or relocate the manufactured housing park; and*

(B) *the elimination or relocation of the manufactured housing park would result in an unreasonable financial hardship to the owners of the manufactured housing.*

(2) *Any payment made under this subsection shall not exceed 90 percent of the purchase price of the manufactured housing, as paid by the member or any spouse of the member, plus the cost of any permanent improvements subsequently made to the manufactured housing by the member or spouse of the member.*

(3) *The Secretary shall dispose of manufactured housing acquired under this subsection through resale, donation, trade or otherwise within one year of acquisition.*



**SECTION 818 OF THE MILITARY CONSTRUCTION AUTHORIZATION ACT, 1981**

LAND CONVEYANCE, GUAM, MARIANAS ISLANDS

SEC. 818. (a) \* \* \*

(b)(1) \* \* \*

[(2) Conveyance of the property described in subsection (a) shall be subject to the condition that any disposal by sale or lease of any part or all of the property by the Government of Guam shall only be for a monetary consideration equal to or in excess of the fair market value (at the time of the disposal) of the property concerned, or of the leasehold interest therein, as determined by the Administrator of General Services, and any such monetary consideration received by the Government of Guam, minus any reasonable development costs incurred by such Government in preparing the property concerned for disposal, shall be paid to the United States. Reasonable development costs shall be a fixed standard percentage of such monetary consideration received by the Government of Guam. The fixed standard percentage shall be determined by a study, conducted by the Secretary, typical development costs required to convert comparable lands to finished developed sites, except that such percentage shall not exceed 50 percent.]

\* \* \* \* \*

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**MILITARY LANDS WITHDRAWAL ACT OF 1986**

\* \* \* \* \*

**SEC. 3. MANAGEMENT OF WITHDRAWN LANDS.**

(a) \* \* \*

\* \* \* \* \*

(f) **ADDITIONAL MILITARY USES.**—(1) \* \* \*

(2) *Subject to valid existing rights, the Secretary of the military department concerned may utilize sand, gravel, or similar mineral or material resources when the use of such resources is required for construction needs on the respective lands withdrawn by this Act.*

\* \* \* \* \*

**SEC. 9. DELEGABILITY.**

(a) \* \* \*

(b) **INTERIOR.**—The functions of the Secretary of the Interior under this title may be delegated, except that an order described in section [(7(f)] 8(f) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

\* \* \* \* \*



**STRATEGIC AND CRITICAL MATERIALS STOCK PILING ACT**

\* \* \* \* \*

FINDINGS AND PURPOSE

SEC. 2. (a) \* \* \*

\* \* \* \* \*

[(c) In providing for the National Defense Stockpile under this Act, Congress establishes the following principles:

[(1) The purpose of the National Defense Stockpile is to serve the interest of national defense only. The National Defense Stockpile is not to be used for economic or budgetary purposes.

[(2) Before October 1, 1994, the quantities of materials stockpiled under this Act should be sufficient to sustain the United States for a period of not less than three years during a national emergency situation that would necessitate total mobilization of the economy of the United States for a sustained conventional global war of indefinite duration.

[(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.]

*(c) The purpose of the National Defense Stockpile is to serve the interest of national defense only. The National Defense Stockpile is not to be used for economic or budgetary purposes.*

MATERIALS TO BE ACQUIRED: PRESIDENTIAL AUTHORITY AND GUIDELINES

SEC. 3. (a) \* \* \*

\* \* \* \* \*

(c)(1) \* \* \*

(2) The President shall notify Congress in writing of any change proposed to be made in the quantity of any material to be stockpiled. The President may make the change [effective on or after the 30th legislative day following] *after the end of the 45-day period beginning on* the date of the notification. The President shall include a full explanation and justification for the proposed change with the notification. [For purposes of this paragraph, a legislative day is a day on which both Houses of Congress are in session.]

\* \* \* \* \*

STOCKPILE MANAGEMENT

SEC. 6. (a) \* \* \*

\* \* \* \* \*

(d)(1) The President may waive the applicability of any provision of the first sentence of subsection (b) to any acquisition of material

for, or disposal of material from, the stockpile. Whenever the President waives any such provision with respect to any such acquisition or disposal, or whenever the President determines that the application of paragraph (1) or (2) of such subsection to a particular acquisition or disposal is not feasible, the President shall notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives in writing of the proposed acquisition or disposal at least ~~thirty days~~ *45 days* before any obligation of the United States is incurred in connection with such acquisition or disposal and shall include in such notification the reasons for not complying with any provision of such subsection.

(2) Materials in the stockpile may be disposed of under subsection (a)(5) only if such congressional committees are notified in writing of the proposed disposal at least ~~thirty days~~ *45 days* before any obligation of the United States is incurred in connection with such disposal.

\* \* \* \* \*

#### IMPORTATION OF STRATEGIC AND CRITICAL MATERIALS

SEC. 13. The President may not prohibit or regulate the importation into the United States of any material determined to be strategic and critical pursuant to the provisions of this Act, if such material is the product of any foreign country or area not listed ~~as a Communist-dominated country or area~~ in general note 3(b) of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202), for so long as the importation into the United States of material of that kind which is the product of ~~such Communist-dominated countries or areas~~ *a country or area listed in such general note* is not prohibited by any provision of law.

#### BIENNIAL REPORT ON STOCKPILE REQUIREMENTS

SEC. 14. (a) \* \* \*

[(b) Each report under this section shall set forth the national emergency planning assumptions used in determining the stockpile requirements recommended by the Secretary. 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. Assumptions to be set forth include assumptions relating to each of the following:

[(1) Length and intensity of the assumed emergency.

[(2) The military force structure to be mobilized.

[(3) Losses from enemy action.

[(4) Military, industrial, and essential civilian requirements to support the national emergency.

[(5) Budget authority necessary to meet the requirements of total mobilization for the military, industrial, and essential civilian sectors.

【(6) The availability of supplies of strategic and critical materials from foreign sources, taking into consideration possible shipping losses.

【(7) Domestic production of strategic and critical materials.

【(8) Civilian austerity measures.】

(b) *Each report under this section shall set forth the national emergency planning assumptions used by the Secretary in making the Secretary's recommendations under subsection (a)(1) with respect to stockpile requirements. The Secretary shall base the national emergency planning assumptions on a military conflict scenario consistent with the scenario used by the Secretary in budgeting and defense planning purposes. The assumptions to be set forth include assumptions relating to each of the following:*

(1) *The length and intensity of the assumed military conflict.*

(2) *The military force structure to be mobilized.*

(3) *The losses anticipated from enemy action.*

(4) *The military, industrial, and essential civilian requirements to support the national emergency.*

(5) *The availability of supplies of strategic and critical materials from foreign sources during the mobilization period, the military conflict, and the subsequent period of replenishment, taking into consideration possible shipping losses.*

(6) *The domestic production of strategic and critical materials during the mobilization period, the military conflict, and the subsequent period of replenishment, taking into consideration possible shipping losses.*

(7) *Civilian austerity measures required during the mobilization period and military conflict.*

(c) *The stockpile requirements shall be based on those strategic and critical materials necessary for the United States to replenish or replace, within three years of the end of the military conflict scenario required under subsection (b), all munitions, combat support items, and weapons systems that would be consumed or exhausted during such a military conflict.*

(d) *The Secretary shall also include in each report under this section an examination of the effect that alternative mobilization periods under the military conflict scenario required under subsection (b), as well as a range of other military conflict scenarios addressing potentially more serious threats to national security, would have on the Secretary's recommendations under subsection (a)(1) with respect to stockpile requirements.*

【(c)】 (e) The President shall submit with each report under this section a statement of the plans of the President for meeting the recommendations of the Secretary set forth in the report.

\* \* \* \* \*

## PANAMA CANAL ACT OF 1979

### SHORT TITLE

SECTION 1. This Act may be cited as the "Panama Canal Act of 1979".

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\* \* \* \* \*

DEFINITIONS 【AND RECOMMENDATION FOR LEGISLATION】

SEC. 3. (a) \* \* \*

(b) Subject to the provisions of subsection (c) of this section, for purposes of applying the Canal Zone Code or other laws of the United States and regulations issued pursuant to such Code or other laws with respect to transactions, occurrences, or status on or after the effective date of this Act—

(1) \* \* \*

\* \* \* \* \*

(4) “Governor of the Canal Zone” or “Governor”, wherever the reference is to the Governor of the Canal Zone, shall be deemed to refer to the Panama Canal Commission; *and*

(5) “Panama Canal Company” or “Company”, wherever the reference is to the Panama Canal Company, shall be deemed to refer to the Panama Canal Commission【;】.

【(6) in chapter 57 of title 5 of the Canal Zone, “hospitals” and “health Bureau” shall be deemed to refer, respectively, to the hospitals operated by the United States in the Republic of Panama, and to the organizational unit operating such hospitals; and

[(7) in chapter 57 of title 5 of the Canal Zone Code, in section 4784 of title 6 of such Code, and in section 2 of title 7 of such Code, "health director" shall be deemed to refer to the senior official in charge of the hospitals operated by the United States in the Republic of Panama.]

\* \* \* \* \*

[(d) The President shall, within two years after the Panama Canal Treaty of 1977 enters into force, submit to the Congress a request for legislation which would—

[(1) amend or repeal provisions of law which in their present form are applicable only during the transition period prescribed in Article XI of that Treaty.

[(2) repeal the Canal Zone Code, and

[(3) contain provisions considered necessary and appropriate in light of the experience as of that time under that Treaty.]

## TITLE I—ADMINISTRATION AND REGULATIONS

### CHAPTER 1—PANAMA CANAL COMMISSION

\* \* \* \* \*

#### [ADMINISTRATOR

[SEC. 1103. There shall be an Administrator of the Commission, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the President.

#### [DEPUTY ADMINISTRATOR AND CHIEF ENGINEER

[SEC. 1104. (a) There shall be a Deputy Administrator and a Chief Engineer of the Commission, both of whom shall be appointed by the President. The Deputy Administrator and the Chief Engineer shall perform such duties as may be prescribed by the President.

[(b) The Deputy Administrator and the Chief Engineer shall each be paid compensation at a rate of pay established by the President which does not exceed the rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, and, if eligible, shall be paid the overseas recruitment or retention differential provided for in section 1217 of this Act.]

#### ADMINISTRATOR

*SEC. 1103. (a) There shall be an Administrator of the Commission who shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the President.*

*(b) The Administrator shall be paid compensation in an amount, established by the Board, not to exceed level III of the Executive Schedule.*

DEPUTY ADMINISTRATOR

SEC. 1104. (a) *There shall be a Deputy Administrator of the Commission who shall be appointed by the President. The Deputy Administrator shall perform such duties as may be prescribed by the Board.*

(b) *The Deputy Administrator shall be paid compensation at a rate of pay, established by the Board, which does not exceed the rate of basic pay in effect for level IV of the Executive Schedule, and, if eligible, shall be paid the overseas recruitment and retention difference provided for in section 1217 of this Act.*

\* \* \* \* \*

OFFICE OF OMBUDSMAN

SEC. 1113. (a) \* \* \*

\* \* \* \* \*

[(d) The Ombudsman shall be a citizen of the United States.]

[(e)] (d) *The Office of Ombudsman shall terminate upon the termination of the Panama Canal Treaty of 1977.*

CHAPTER 2—EMPLOYEES

Subchapter I—Panama Canal Commission Personnel

\* \* \* \* \*

[APPOINTMENT AND COMPENSATION; DUTIES

[SEC. 1202. (a) In accordance with this chapter, the Panama Canal Commission may appoint without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service, fix the compensation of, and define the authority and duties of, officers, agents, attorneys, and employees (other than the Administrator, Deputy Administrator, and Chief Engineer) necessary for the management, operation, and maintenance of the Panama Canal and its complementary works, installations, and equipment.

[(b) Individuals serving in any Executive agency (other than the Commission) or the Smithsonian Institution, including individuals serving in the uniformed services, may, if appointed under this section or section 1103 or 1104 of this Act, serve as officers or employees of the Commission.]

APPOINTMENT AND COMPENSATION; DUTIES

SEC. 1202. (a) *In accordance with this chapter, the Commission may appoint, fix the compensation of, and define the authority and duties of officers and employees (other than the Administrator and Deputy Administrator) necessary for the management, operation, and maintenance of the Panama Canal and its complementary works, installations, and equipment.*

(b) *Individuals serving in any Executive agency (other than the Commission) or the Smithsonian Institution, including individuals in the uniform services, may, if appointed under this section or sec-*

*tion 1104 of this Act, serve as officers or employees of the Commission.*

\* \* \* \* \*

**【INAPPLICABILITY OF CERTAIN BENEFITS TO CERTAIN NONCITIZENS**

**【SEC. 1209. (a) Chapter 81 of title 5, United States Code, relating to compensation for work injuries, chapter 83 of such title 5, relating to civil service retirement, chapter 87 of such title 5, relating to life insurance, and chapter 89 of such title 5, relating to health insurance, are inapplicable to any individual—**

**【(1) who is not a citizen of the United States;**

**【(2) whose initial appointment by the Commission occurs after October 1, 1979; and**

**【(3) who is covered by the Social Security System of the Republic of Panama pursuant to any provision of the Panama Canal Treaty of 1977 and related agreements.**

**【(b) Subparagraph (B) of section 8701(a) of title 5, United States Code, defining the term employee for purposes of life insurance, is amended to read as follows:**

**【“(B) an individual who is not a citizen or national of the United States and whose permanent duty station is outside the United States, unless the individual was an employee for the purpose of this chapter on September 30, 1979, by reason of service in an Executive agency, the United States Postal Service, or the Smithsonian Institution in the area which was then known as the Canal Zone; or”.**

**【(c) Clause (ii) of section 8901(1) of title 5, United States Code, defining the term employee for purposes of health insurance is amended to read as follows:**

**【“(ii) an individual who is not a citizen or national of the United States and whose permanent duty station is outside the United States, unless the individual was an employee for the purpose of this chapter on September 30, 1979, by reason of service in an Executive agency, the United States Postal Service, or the Smithsonian Institution in the area which was then known as the Canal Zone;”.**】

**APPLICABILITY OF CERTAIN BENEFITS**

*SEC. 1209. Chapter 81 of title 5, United States Code, relating to compensation for work injuries, chapters 83 and 84 of such title 5, relating to retirement, chapter 87 of such title 5, relating to life insurance, and chapter 89 of such title 5, relating to health insurance, are applicable to Commission employees, except any individual—*

*(1) who is not a citizen of the United States;*

*(2) whose initial appointment by the Commission occurs after October 1, 1979; and*

*(3) who is covered by the Social Security System of the Republic of Panama pursuant to any provision of the Panama Canal Treaty of 1977 and related agreements.*



## Subchapter II—Wage and Employment Practices

## 【TRAVEL AND TRANSPORTATION EXPENSES

【SEC. 1210. The Commission may pay the expenses of vacation leave travel for an employee of the Commission to whom section 1206 of this Act applies and for transportation of employee's family from the employee's post of duty in Panama to the place of the employee's actual residence at the time of appointment to the post of duty. The authorization of expenses under this section shall be in accordance with subchapter II of chapter 57 of title 5, United States Code, and the regulations issued under that subchapter, except that the Commission may prescribe required periods of service notwithstanding section 5722 of title 5, United States Code, and the regulations issued under subchapter II of chapter 57 of such title.】

## TRAVEL AND TRANSPORTATION EXPENSES

*SEC. 1210. (a) Subject to subsections (b) and (c), the Commission may pay travel and transportation expenses for employees in accordance with subchapter II of chapter 57 of title 5, United States Code.*

*(b) For an employee to whom section 1206 applies, the Commission may pay travel and transportation expenses associated with vacation leave for the employee and the immediate family of the employee notwithstanding requirements regarding periods of service established by subchapter II of chapter 57 of title 5, United States Code, or the regulations promulgated thereunder.*

*(c) For an employee to whom section 1206 does not apply, the Commission may pay travel and transportation expenses associated with vacation leave for the employee and the immediate family of the employee notwithstanding requirements regarding a written agreement concerning the duration of a continuing service obligation established by subchapter II of chapter 57 of title 5, United States Code or the regulations promulgated thereunder.*

## DEFINITIONS

SEC. 1211. As used in this subchapter—

(1) “agency” means—

(A) the Commission, and

【(B) an Executive agency or the Smithsonian Institution, to the extent of any election in effect under section 1212(b)(2) of this Act;】

*(B) any other Executive agency or the Smithsonian Institution, to the extent of any election in effect under section 1212(b) of this Act;*

\* \* \* \* \*

【PANAMA CANAL EMPLOYMENT SYSTEM; MERIT AND OTHER  
EMPLOYMENT REQUIREMENTS

【SEC. 1212. (a) After considering any recommendations of the Commission, the President shall establish a Panama Canal Employment System. The Panama Canal Employment System shall—

[(1) be established in accordance with and be subject to the provisions of the Panama Canal Treaty of 1977 and related agreements, the provisions of this chapter, and any other applicable provision of law;

[(2) be based on the consideration of the merit of each employee or candidate for employment and the qualifications and fitness of the employee to hold the position concerned;

[(3) conform, to the extent practicable and consistent with the provisions of this Act, to the policies, principles, and standards applicable to the competitive service; and

[(4) in the case of employees who are citizens of the United States, provide for the appropriate interchange of those employees between positions under the Panama Canal Employment System and positions in the competitive service.

[(b)(1) The Commission, and any Executive agency and the Smithsonian Institution to the extent of any election under paragraph (2) of this subsection, shall conduct their employment and pay practices relating to employees in accordance with the Panama Canal Employment System and regulations prescribed by, or under the authority of, the President in accordance with this subchapter.

[(2) The head of any Executive agency and the Smithsonian Institution may elect to have the Panama Canal Employment System made applicable in whole or in part to personnel of that agency in the Republic of Panama.

[(c) Subject to the provisions of this chapter, the President may, from time to time and after considering any recommendation of the Commission, amend or modify any provision of the Panama Canal Employment System, including any provision relating to selection for appointment, reappointment, reinstatement, reemployment, and retention, with respect to positions, employees, and candidates for employment.

[(d) The President may, to the extent the President determines appropriate—

[(1) exclude any employee or position from coverage under any provision of this subchapter; and

[(2) notwithstanding section 1202 of this Act, extend to any employee, whether or not the employee is a citizen of the United States, the rights and privileges which are provided by applicable laws and regulations for citizens of the United States employed in the competitive service.]

PANAMA CANAL EMPLOYMENT SYSTEM; MERIT AND OTHER  
EMPLOYMENT REQUIREMENTS

*SEC. 1212. (a) The Commission shall establish a Panama Canal Employment System and prescribe the regulations necessary for its administration. The Panama Canal Employment System shall—*

*(1) be established in accordance with and be subject to the provisions of the Panama Canal Treaty of 1977 and related agreements, the provisions of this chapter, and any other applicable provision of law;*

*(2) be based on the consideration of the merit of each employee or candidate for employment and the qualifications and fitness of the employee to hold the position concerned;*

(3) conform, to the extent practicable and consistent with the provisions of this Act, to the policies, principles, and standards applicable to the competitive service;

(4) in the case of employees who are citizens of the United States, provide for the appropriate interchange of those employees between positions under the Panama Canal Employment System and positions in the competitive service; and

(5) not be subject to the provisions of title 5, United States Code, unless specifically made applicable by this Act.

(b)(1) The head of any Executive agency (other than the Commission) and the Smithsonian Institution may elect to have the Panama Canal Employment System made applicable in whole or in part to personnel of that agency in the Republic of Panama.

(2) Any Executive agency (other than the Commission) and the Smithsonian Institution, to the extent of any election under paragraph (1), shall conduct its employment and pay practices relating to employees in accordance with the Panama Canal Employment System.

(c) The Commission may exclude any employee or position from coverage under any provision of this subchapter, other than the interchange rights extended under subsection (a)(4).

EMPLOYMENT STANDARDS

SEC. 1213. [The head of each agency] The Commission shall establish written standards for—

(1) determining the qualifications and fitness of employees and of candidates for employment in positions; and

(2) selecting individuals for appointment, promotion, or transfer to positions.

The standards shall conform to the provisions of this subchapter, and regulations prescribed thereunder, and the Panama Canal Employment System.

[INTERIM APPLICATION OF CANAL ZONE MERIT SYSTEM

[SEC. 1214. Notwithstanding any repeal made by this Act or any provision of this chapter, the provisions of subchapter III of chapter 7 of title 2 of the Canal Zone Code establishing the Canal Zone Merit System, together with the regulations prescribed thereunder, as in effect on September 30, 1979, shall continue in effect and shall apply with respect to employees under the Panama Canal Employment System is established and in effect pursuant to section 1212 of this Act.]

\* \* \* \* \*

RECRUITMENT AND RETENTION REMUNERATION

SEC. 1217. (a) \* \* \*

\* \* \* \* \*

[(d) Subchapter III of chapter 59 of title 5, United States Code, relating to overseas differentials and allowances, shall not apply

with respect to any employee whose permanent duty station is in the Republic of Panama and who is employed by an agency.】

\* \* \* \* \*

BENEFITS BASED ON BASIC PAY

SEC. 1218. For the purposes of determining—

(1) amounts of compensation for disability or death under chapter 81 of title 5, United States Code, relating to compensation for work injuries;

【(2) benefits under subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement;】

(2) *benefits under subchapter III of chapter 83 and subchapter II of chapter 84 of title 5, United States Code, relating to retirement;*

\* \* \* \* \*

【ADMINISTRATION BY THE PRESIDENT

【SEC. 1223. (a) The President shall prescribe regulations necessary and appropriate to carry out the provisions of this subchapter and coordinate the policies and activities of agencies under this subchapter.

【(b) The President may establish an office within the Commission as the successor to the Canal Zone Central Examining Office. The purpose of the office shall be to assist the President in—

【(1) carrying out the President's coordination responsibility under section (a) of this section; and

【(2) implementing the provisions of the Panama Canal Treaty of 1977 and related agreements with respect to recruitment, examination, determination of qualification standards and similar matters.

【(c) The President may delegate any authority vested in the President by this subchapter and may provide for the redelegation of that authority.

【APPLICABILITY OF CERTAIN LAWS

【SEC. 1224. This chapter does not affect the applicability of—

【(1) the provisions of title 5, United States Code, which relate to preference eligibles;

【(2) the provisions of title 5, United States Code, which relate to removal or suspension from the competitive service; and

【(3) the provisions of section 554(a) of title 5, United States Code, which relate to wage-board overtime and Sunday rates, with respect to classes of employees who were covered by those provisions on the date of the enactment of this Act.】

CENTRAL EXAMINING OFFICE

*SEC. 1223. The Commission shall establish a Central Examining Office. The purpose of the office shall be to implement the provisions of the Panama Canal Treaty of 1977 and related agreements with respect to recruitment, examination, determination of qualification standards, and similar matters relating to employment of the Commission.*

## APPLICABILITY OF TITLE 5, UNITED STATES CODE

SEC. 1224. *The following provisions of title 5, United States Code, apply to the Panama Canal Commission:*

- (1) *Part I of title 5 (relating to agencies generally).*
- (2) *Chapter 21 (relating to employee definitions).*
- (3) *Section 2302(b)(8) (relating to whistleblower protection) and all provisions of title 5 relating to the administration or enforcement or any other aspect thereof, as identified in regulations prescribed by the Commission in consultation with the Office of Personnel Management.*
- (4) *All provisions relating to preference eligibles.*
- (5) *Section 5514 (relating to offset from salary).*
- (6) *Section 5520a (relating to garnishments).*
- (7) *Sections 5531–5535 (relating to dual pay and employment).*
- (8) *Subchapter VI of chapter 55 (relating to accumulated and accrued leave).*
- (9) *Subchapter IX of chapter 55 (relating to severance and back pay).*
- (10) *Chapter 57 (relating to travel and transportation).*
- (11) *Chapter 59 (relating to allowances).*
- (12) *Chapter 63 (relating to leave).*
- (13) *Section 6323 (relating to military leave; Reserves and National Guardsmen).*
- (14) *Chapter 71 (relating to labor relations).*
- (15) *Subchapters II and III of chapter 73 (relating to employment limitations and political activities, respectively) and all provisions of title 5 relating to the administration or enforcement or any other aspect thereof, as identified in regulations prescribed by the Commission in consultation with the Office of Personnel Management.*
- (16) *Chapter 81 (relating to compensation for work injuries).*
- (17) *Chapters 83 and 84 (relating to retirement).*
- (18) *Chapter 85 (relating to unemployment compensation).*
- (19) *Chapter 87 (relating to life insurance).*
- (20) *Chapter 89 (relating to health insurance).*

## Subchapter III—Conditions of Employment and Placement

## TRANSFERRED OR REEMPLOYED EMPLOYEES

SEC. 1231. (a)(1) \* \* \*

\* \* \* \* \*

[(3)(A) The provisions of this subsection shall take effect on the date of the enactment of this Act.

[(B) No spending authority (as described in section 401(c)(2)(C) of the Congressional Budget Act of 1974) provided for under this subsection shall take effect before October 1, 1979.

[(C) Effective October 1, 1979, any individual who, but for subparagraph (B) of this paragraph, would have been entitled to one or more payments pursuant to this subsection for periods before October 1, 1979, shall be entitled, to the extent or in such amounts

as are provided in advance in appropriation Acts, to a lump sum payment equal to the total amount of all such payments.】

\* \* \* \* \*

【CASH RELIEF TO CERTAIN FORMER EMPLOYEES

【SEC. 1245. (a) The Commission, under the regulation prescribed by the President pursuant to the Act entitled “An Act authorizing cash relief for certain employees of the Panama Canal not coming within the provisions of the Canal Zone Retirement Act”, approved July 8, 1937, as amended (50 Stat. 478; 68 Stat. 17), may continue the payments of cash relief to those individual former employees of the Canal Zone Government or Panama Canal Company or their predecessor agencies not coming within the scope of the former Canal Zone Retirement Act whose services were terminated prior to October 5, 1958, because of unfitness for further useful service by reason of mental or physical disability resulting from age or disease. Subject to subsection (b) of this section, that cash relief may not exceed \$1.50 per month for each year of service of the employees so furnished relief, with a maximum of \$45 per month, plus the amount of any cost-of-living increases in such cash relief granted before October 1, 1979, pursuant to section 181 of title 2 of the Canal Zone Code (as in effect on September 30, 1979), nor be paid to any employee who, at the time of termination for disability prior to October 5, 1958, had less than 10 years’ service with the Canal Zone Government, the Panama Canal Company, or their predecessor agencies on the Isthmus of Panama.】

ADMINISTRATION OF CERTAIN DISABILITY BENEFITS

*SEC. 1245. (a)(1) The Commission, or any other United States Government agency or private entity acting pursuant to an agreement with the Commission, under the Act entitled “An Act authorizing cash relief for certain employees of the Panama Canal not coming within the provisions of the Canal Zone Retirement Act”, approved July 8, 1937 (50 Stat. 478; 68 Stat. 17), may continue the payments of cash relief to those individual former employees of the Canal Zone Government or Panama Canal Company or their predecessor agencies not coming within the scope of the former Canal Zone Retirement Act whose services were terminated prior to October 5, 1958, because of unfitness for further useful service by reason of mental or physical disability resulting from age or disease.*

*(2) Subject to subsection (b), cash relief under this subsection may not exceed \$1.50 per month for each year of service of the employees so furnished relief, with a maximum of \$45 per month, plus the amount of any cost-of-living increases in such cash relief granted before October 1, 1979, pursuant to section 181 of title 2 of the Canal Zone Code (as in effect on September 30, 1979), nor be paid to any employee who, at the time of termination for disability prior to October 5, 1958, had less than 10 years’ service with the Canal Zone Government, the Panama Canal Company, or their predecessor agencies on the Isthmus of Panama.*

\* \* \* \* \*

【APPLIANCES FOR EMPLOYEES INJURED BEFORE SEPTEMBER 7, 1916

【SEC. 1246. Artificial limbs or other appliances may be purchased by the Commission, out of any funds available to the Commission, for persons who were injured in the service of the Isthmian Canal Commission or of the Panama Canal before September 7, 1916.】

Subchapter V—Leave

【LEAVE FOR JURY OR WITNESS SERVICE

【SEC. 1251. Section 6322(a) of title 5, United States Code, is amended—

【(1) by striking out “the Canal Zone, or”; and

【(2) by striking out “Islands.” and inserting in lieu thereof “Islands, or the Republic of Panama.”.】

\* \* \* \* \*

CHAPTER 3—FUNDS AND ACCOUNTS

Subchapter I—Funds

【CANAL ZONE GOVERNMENT FUNDS

【SEC. 1301. On the effective date of this Act, any unexpended balances of the appropriation accounts appearing on the books of the United States Government as “Operating Expenses, Canal Zone Government (38-0116-0-1-806)” and “Capital Outlay, Canal Zone Government (38-0116-0-1-806)” shall be covered into the general fund of the Treasury, and any appropriations to which expenditures under such accounts have been chargeable before such effective date are repealed. The Commission may, to the extent of funds available to it, pay claims or make payments chargeable to such accounts, upon proper audit of such claims of payments.

【PANAMA CANAL REVOLVING FUND

【SEC. 1302. (a)(1) There is established in the Treasury of the United States a revolving fund to be known as the “Panama Canal Revolving Fund”. The Panama Canal Revolving Fund shall, subject to subsection (c), be available to the Commission to carry out the purposes, functions, and powers authorized by this Act, including for—

【(A) the hire of passenger motor vehicles and aircraft;

【(B) uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code;

【(C) official receptions and representation expenses of the Board, the Secretary of the Commission, and the Administrator;

【(D) the operation of guide services;

【(E) a residence for the Administrator;

【(F) disbursements by the Administrator for employee and community projects; and

【(G) the procurement of expert and consultant services as provided in section 3109 of title 5, United States Code.

[(2) On the effective date of the Panama Canal Revolving Fund Act—

[(A) the Panama Canal Commission Fund shall be terminated and the unappropriated balance, including undeposited receipts as of the close of business on the day before the effective date of the Panama Canal Revolving Fund Act, shall be transferred to the Panama Canal Revolving Fund;

[(B) the unexpended balance of appropriations to the Commission, as of the close of business on the day before the effective date of the Panama Canal Revolving Fund Act, shall be transferred to the Panama Canal Revolving Fund, and such amounts including amounts appropriated for capital expenditures, shall remain available until expended;

[(C) the assets and liabilities recorded before such effective date under the “Panama Canal Commission Fund” shall be recorded under the Panama Canal Revolving Fund; and

[(D) the Panama Canal Emergency Fund shall be terminated and the remaining balance shall be transferred to the Panama Canal Revolving Fund.

[(b) Upon completion of the transfers of funds under subsection (a)—

[(1) amounts attributable to interest on the investment of the United States in the Panama Canal which accrued before January 1, 1986, shall be transferred from the Panama Canal Revolving Fund to the general fund of the Treasury; and

[(2) such amounts as were appropriated to the Commission in the fiscal year which ended September 30, 1980, and for which the Commission has not reimbursed the general fund of the Treasury, shall be transferred to the general fund of the Treasury.

[(c)(1) There shall be deposited in the Panama Canal Revolving Fund, on a continuing basis, toll receipts (other than amounts of toll receipts deposited into the Panama Canal Commission Dissolution Fund under section 1305) and all other receipts of the Commission. Except as provided in section 1303, no funds may be obligated or expended by the Commission in any fiscal year unless such obligation or expenditure has been specifically authorized by law.

[(2) No funds may be authorized for the use of the Commission, or obligated or expended by the Commission in any fiscal year in excess of—

[(A) the amount of revenues deposited in the Panama Canal Revolving Fund and the Panama Canal Dissolution Fund during such fiscal year, plus

[(B) the amount of revenues deposited in the Panama Canal Revolving Fund before such fiscal year and remaining unexpended at the beginning of such fiscal year.

Not later than 30 days after the end of each fiscal year, the Secretary of the Treasury shall report to the Congress the amount of revenues deposited in the Panama Canal Revolving Fund during such fiscal year.

[(d) With the approval of the Secretary of the Treasury, the Commission may deposit amounts in the Panama Canal Revolving Fund in any Federal Reserve bank, any depository for public funds,



or in such other places and in such other manner as the Commission and the Secretary may agree.

[(e) In accordance with section 9104 of title 31, United States Code, Congress shall review the annual budget of the Commission.

[(f)(1) It is the sense of the Congress that the additional costs resulting from implementation of the Panama Canal Treaty of 1977 and related agreements should be kept to the absolute minimum level. To this end, the Congress declares that the direct appropriated costs of implementation to be borne by the taxpayers over the life of such Treaty should be kept to a level no greater than the March 1979 estimate of those costs (\$870,700,000) presented to the Congress by the executive branch during consideration of this Act by the Congress, less personnel retirement costs of \$205,000,000, which were subtracted and charged to tolls, therefore resulting in the net taxpayer cost of approximately \$665,700,000, plus appropriate adjustment for inflation.

[(2) It is further the sense of the Congress that the actual costs of implementation be consistent with the obligations of the United States to operate the Panama Canal safely and efficiently and keep it secure.]

#### PANAMA CANAL REVOLVING FUND

*SEC. 1302. (a) There is established in the Treasury of the United States a revolving fund to be known as "Panama Canal Revolving fund". The Panama Canal Revolving Fund shall, subject to subsection (b), be available to the Commission to carry out the purposes, functions, and powers authorized by this Act, including for—*

- (1) the hire of passenger motor vehicles and aircraft;*
- (2) uniforms or allowances therefor;*
- (3) official receptions and representation expenses of the Board, the Secretary of the Commission, and the Administrator;*
- (4) the operation of guide services;*
- (5) a residence for the Administrator;*
- (6) disbursements by the Administrator for employee and community projects;*
- (7) the procurement of expert and consultant services;*
- (8) promotional activities, including the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, film, or other media presentation designed to promote the Panama Canal as a resource of the world shipping industry; and*
- (9) the purchase and transportation to the Republic of Panama of passenger motor vehicles built in the United States, including large, heavy-duty vehicles.*

*(b)(1) There shall be deposited in the Panama Canal Revolving Fund, on a continuing basis, toll receipts (other than amounts of toll receipts deposited into the Panama Canal Commission Dissolution Fund under section 1305) and all other receipts of the Commission. Except as provided in section 1303, no funds may be obligated or expended by the Commission in any fiscal year unless such obligation or expenditure has been specifically authorized by law.*

*(2) No funds may be authorized for the use of the Commission, or obligated or expended by the Commission in any fiscal year, in excess of—*

(A) the amount of revenues deposited in the Panama Canal Revolving Fund and the Panama Canal Dissolution Fund during such fiscal year, plus

(B) the amount of revenues deposited in the Panama Canal Revolving Fund before such fiscal year and remaining unobligated at the beginning of such fiscal year; plus

(C) the \$100,000,000 borrowing authority provided for in section 1304 of this Act.

Not later than 30 days after the end of each fiscal year, the Secretary of the Treasury shall report to the Congress the amount of revenues deposited in the Panama Canal Revolving Fund during such fiscal year.

(c) With the approval of the Secretary of the Treasury, the Commission may deposit amounts in the Panama Canal Revolving Fund in any Federal Reserve bank, any depository for public funds, or such other place and in such manner as the Commission and the Secretary may agree.

(d)(1) It is the sense of the Congress that the additional costs resulting from the implementation of the Panama Canal Treaty of 1977 and related agreements should be kept to the absolute minimum level. To this end, the Congress declares appropriated costs of implementation to be borne by the taxpayers over the life of such Treaty should be kept to a level no greater than the March 1979 estimate of those costs (\$870,700,000) presented to the Congress by the executive branch during consideration of this Act by the Congress, less personnel retirement costs of \$205,000,000, which were subtracted and charged to tolls, therefore resulting in net taxpayer cost of approximately \$665,700,000, plus appropriate adjustments for inflation.

(2) It is further the sense of the Congress that the actual costs of implementation be consistent with the obligations of the United States to operate the Panama Canal safely and efficiently and keep it secure.

#### EMERGENCY AUTHORITY

SEC. 1303. If authorizing legislation described in section [1302(c)(1)] 1302(b)(1) has not been enacted for a fiscal year, then the Commission may withdraw funds from the Panama Canal Revolving Fund in order to defray emergency expenses and to ensure the continuous, efficient, and safe operation of the Panama Canal, including expenses for capital projects. The authority of this section may be exercised only until authorizing legislation described in section [1302(c)(1)] 1302(b)(1) is enacted, or for a period of 24 months after the end of the fiscal year for which such authorizing legislation was last enacted, whichever occurs first. Within 60 days after the end of any calendar quarter in which expenditures are made under this section, the Commission shall report such expenditures to the appropriate committees of the Congress.

\* \* \* \* \*

#### PRINTING

SEC. 1306. (a) Section 501 of title 44, United States Code, shall not apply to direct purchase by the Commission for its use of print-

ing, binding, and blank-book work in the Republic of Panama when the Commission determines that such direct purchase is in the best interest of the Government.

(b) This section shall not affect the Commission's authority, under chapter 5 of title 44, United States Code, to operate a field printing plant.

Subchapter II—Accounting Policies and Audits

ACCOUNTING POLICIES

SEC. 1311. (a) [The Commission shall establish and maintain its accounts pursuant to the Accounting and Auditing Act of 1950 (31 U.S.C. 65 et seq.) and the provisions of this chapter.] The Commission shall establish and maintain its accounts in accordance with chapter 91 of title 31, United States Code, and the provisions of this chapter. Such accounts shall specify all revenues received by the Commission, including tolls for the use of the Panama Canal, expenditures for capital replacement, expansion, and improvement, and all costs of maintenance and operation of the Panama Canal and of its complementary works, installations, and equipment, including depreciation, payments to the Republic of Panama under the Panama Canal Treaty of 1977, and interest on the investment of the United States calculated in accordance with section 1603 of this Act.

\* \* \* \* \*

AUDITS

SEC. 1313. (a) \* \* \*

\* \* \* \* \*

[(c) In conducting the audit and preparing the reports provided for in this section and in carrying out his other responsibilities pursuant to law, the Comptroller General shall, with respect to fiscal year 1980, take into account the problems inherent in converting the existing accounting system of the Panama Canal Company to conform to the requirements established in section 1311 of this Act. Accordingly, the Comptroller General shall take no adverse action with respect to the Commission, nor shall any violation of section 3679 of the Revised Statutes (31 U.S.C. 665) be considered to have taken place, so long as the Commission is in substantial compliance with the requirements of this Act. The Comptroller General shall make such recommendations to the Commission and to the Congress as he may consider appropriate to insure that full compliance with the financial controls provided for in the Accounting and Auditing Act of 1950 (31 U.S.C. 65 et seq.) is achieved promptly.]

Subchapter III—Interagency Accounts

INTERAGENCY SERVICES; REIMBURSEMENTS

SEC. 1321. (a) \* \* \*

\* \* \* \* \*

(e) The appropriations or funds of the Commission, or of any other department or agency of the United States conducting oper-

ations in the Republic of Panama, shall be available to defray the cost of—

(1) health care services provided by medical facilities licensed and approved by the Republic of Panama (and not operated by the United States) to elderly or disabled persons who were eligible to receive such services before the effective date of this Act, less amounts payable by such persons, and

(2) educational services provided by schools in the Republic of Panama or the United States, which are not operated by the United States, to employees of the Commission who are citizens of the United States and persons who were receiving such services at the expense of the Canal Zone Government before the effective date of this Act.

*Notwithstanding section 5924 of title 5, United States Code, the Commission shall by regulation determine the extent to which costs of educational services may be defrayed under this subsection.*

#### Subchapter IV—Postal Matters

##### 【POSTAL SERVICE

【SEC. 1331. The postal service established and governed by chapter 73 of title 2 of the Canal Zone Code shall be discontinued on October 1, 1979.

【(b) The provisions of chapter 73 of such title 2 relating to postal-savings deposits, postal-savings certificates, postal money orders, and the accounting for funds shall continue to apply for the purpose of meeting the obligations of the United States concerning outstanding postal savings and money orders and disposition of funds.

【(c) The Commission shall take possession of and administer the funds of the postal service referred to in subsection (a) and this section and shall assume its obligation. The Commission and the United States Postal Service may enter into agreements for the transfer of funds of property and the assumption of administrative rights or responsibilities with respect to the outstanding obligations of the postal service referred to in subsection (a) of this section. Any transfer or assumption (including any agreement for such transfer or assumption) pursuant to this subsection shall be effective only to such extent or in such amounts as are provided in advance in appropriate Acts.

【(d) Mail addressed to the Canal Zone from or through the continental United States may be routed by the United States Postal Service to the military post offices of the United States Forces in the Republic of Panama. Such military offices shall provide the required directory services and shall accept such mail to the extent permitted under the Panama Canal Treaty of 1977 and related agreements. The Commission shall furnish personnel, records, and other services to such military to assure wherever appropriate the distribution, rerouting, or return of such mail.

【(e)(1) The second sentence of section 403(a) of title 39, United States Code, is amended by striking out “Except as provided in the Canal Zone Code, the” and inserting in lieu thereof “The”.

【(2) Section 340(b) of such title is amended—

【(A) by inserting “or” before “the Virgin Islands”; and

【(B) by striking out “or the Canal Zone,”.

[(3)(A) Section 3402 of such title repealed.

[(B) the table of sections for chapter 34 of title 39, United States Code, is amended by repealing the item relating to section 3402.

[(4) Section 3682(b)(5) of such title is amended by striking out “the Canal Zone and”.]

POSTAL SERVICE

SEC. 1331. (a) *The Commission shall take possession of and administer the funds of the Canal Zone postal service and shall assume its obligations.*

(b) *Effective December 1, 1999, neither the Commission nor the United States Government shall be responsible for the distribution of any accumulated unpaid balances relating to Canal Zone postal-savings deposits, postal-savings certificates, and postal money orders.*

(c) *Mail addressed to the Canal Zone from or through the continental United States may be routed by the United States Postal Service to the military post offices of the United States Armed Forces in the Republic of Panama. Such military post offices shall provide the required directory services and shall accept such mail to the extent permitted under the Panama Canal Treaty of 1977 and related agreements. The Commission shall furnish personnel, records, and other services to such military post offices to assure wherever appropriate the distribution, rerouting, or return of such mail.*

\* \* \* \* \*

CHAPTER 4—CLAIMS FOR INJURIES TO PERSONS OR PROPERTY

\* \* \* \* \*

Subchapter II—Vessel Damage

\* \* \* \* \*

INVESTIGATION OF ACCIDENT OR INJURY GIVING RISE TO CLAIM

SEC. 1417. Notwithstanding any other provision of law, a claim may not be considered under this subchapter, or an action for damages lie thereon, unless, prior to the departure from the Panama Canal of the vessel involved—

[(1) an investigation by the competent authorities of the accident or injury, giving rise to the claim has been completed; and]

*(1) an investigation of the accident or injury giving rise to the claim has been completed, which shall include a hearing by the Board of Local Inspectors of the Commission; and*

\* \* \* \* \*

CHAPTER 6—TOLLS FOR USE OF THE PANAMA CANAL

\* \* \* \* \*

## 【INTERIM TOLL ADJUSTMENT

【SEC. 1605. (a) After the effective date of this section, the Panama Canal Company or the Commission may, without regard to the procedures set forth in section 1604 of this Act for making changes in tolls by the Commission and the President, change the rates of tolls calculated to cover the cost of maintaining and operating the Panama Canal during the fiscal year beginning on October 1, 1979. Such rates shall be calculated in accordance with the provisions of section 1602(b) of this Act. Any such change in rates of tolls shall be subject to the approval of the President whose action in the matter shall be final. Any change in rates of tolls approved by the President shall become effective on a date prescribed by the President.

【(b) This section shall take effect on the date of the enactment of this Act.】

## CHAPTER 7—GENERAL REGULATIONS

## 【AUTHORITY OF PRESIDENT

【SEC. 1701. The President may prescribe, and from time to time amend, regulations applicable within the areas and installations made available to the United States for the operation and protection of the Panama Canal pursuant to the Panama Canal Treaty of 1977 and related agreements concerning—

- 【(1) the use of aircraft;
- 【(2) the possession and use of alcoholic beverages;
- 【(3) exclusion and removal of persons; and
- 【(4) health and sanitation.

## 【AUTHORITY OF COMMISSION

【SEC. 1702. The Commission may prescribe, and from time to time amend, regulations applicable within the areas and installations made available to the United States for the operation and protection of the Panama Canal pursuant to the Panama Canal Treaty of 1977 and related agreements concerning—

- 【(1) the keeping and impounding of domestic animals;
- 【(2) fire prevention;
- 【(3) the sale or use of fireworks;
- 【(4) the use of roads and highways;
- 【(5) photographing of areas, objects, installations, or structures;
- 【(6) swimming in the Panama Canal and adjacent waters;
- and
- 【(7) the protection of wildlife, hunting, and fishing.】

## CHAPTER 8—SHIPPING AND NAVIGATION

## Subchapter I—Operation of Canal

## OPERATING REGULATIONS

SEC. 1801. The 【President】 *Commission* may prescribe, and from time to time amend, regulations governing—

(1) \* \* \*

\* \* \* \* \*

**【TITLE II—TREATY TRANSITION PERIOD****【CHAPTER 1—LAWS CONTINUED IN FORCE****【LAWS, REGULATIONS, AND ADMINISTRATIVE AUTHORITY**

**【SEC. 2101.** To the extent not inconsistent with the Panama Canal Treaty of 1977 and related agreements and the provisions of this Act, the Canal Zone Code and other laws, regulations, and administrative authority of the United States applicable in the Canal Zone immediately before the date on which the Panama Canal Treaty of 1977 enters into force shall continue in force for the purpose of the exercise by the United States of law enforcement and judicial jurisdiction during the transition period provided for in Article XI of the Panama Canal Treaty of 1977 (hereinafter in this Act referred to as the “transition period”).

**【CHAPTER 2—COURTS****【JURISDICTION**

**【SEC. 2201.** (a) During the transition period, the jurisdiction of the United States District Court for the District of the Canal Zone and the magistrates’ courts under title 3 of the Canal Zone shall be continued, subject to the limitations set forth in Article XI of the Panama Canal Treaty of 1977.

**【(b)** For purposes of the exercise of the jurisdiction provided in Article XI of the Panama Canal Treaty of 1977, the United States District Court and magistrates’ courts referred to in subsection (a) of this section shall construe the terms “United States citizen employees”, “members of the United States Forces”, “civilian component”, and “dependents” as such terms are defined in the Panama Canal Treaty of 1977 and related agreements, and shall construe the terms “areas and installations made available for the use of the United States” to mean (1) The Panama Canal operating areas and housing areas described in Annex A to the Agreement in Implementation of Article III of the Panama Canal Treaty, (2) the Ports of Balboa and Cristobal described in Annex B to that Agreement, and (3) the defense sites and Military Areas of Coordination described in Annex A to the Agreement in Implementation of Article IV of the Panama Canal Treaty.

**【DIVISION AND TERMS OF DISTRICT COURT**

**【SEC. 2202.** The United States District Court for the District of the Canal Zone may conduct its affairs at such places within the areas made available for the use by the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, and at such times, as the district judge may designate by rule or order.

【TERMS OF CERTAIN OFFICES

【SEC. 2203. (a) Notwithstanding the provisions of sections 5, 41, 45, and 82 of title 3 of the Canal Zone Code, the term of office of a district judge, magistrate, United States attorney, or United States marshal shall extend for a period of 30 months beginning on the date on which the Panama Canal Treaty of 1977 enters into force, and any such term shall be subject to such extension of time as may be provided for the disposition of pending cases by agreement between the United States and the Republic of Panama, pursuant to the last sentence of paragraph 7 of Article XI of the Panama Canal Treaty of 1977.

【(b) The provisions of this section shall take effect on the date of the enactment of this Act.

【RESIDENCE REQUIREMENTS

【SEC. 2204. Section 5(d), 7(d), 41(d), and 45(d) of title 3 of the Canal Zone Code, the second sentence of section 42 of such title, and the second sentence of section 82(c) of such title, which provisions require that certain court officials reside in the Canal Zone, are repealed.

【SPECIAL DISTRICT JUDGE

【SEC. 2205. (a) Section 6 of title 3 of the Canal Zone Code is amended to read as follows:

【“§ 6. Special district judge

【“The chief judge of the judicial circuit of the United States in which the district court lies may designate and assign a special district judge to act when necessary—

【“(1) during the absence of the district judge;

【“(2) during the disability or disqualification of the district judge because of sickness or otherwise to discharge his duties;

or

【“(3) when there is a vacancy in the office of district judge.”.

【(b) Each designation and assignment by the chief judge under section 6 of title 3 of the Canal Zone Code, as amended by subsection (a) of this section, shall be made in accordance with chapter 13 of title 28, United States Code, which shall be deemed to apply for such purposes.】

【MAGISTRATES’ COURTS

【SEC. 2206. (a) The two magistrates’ courts established pursuant to section 81 of title 3 of the Canal Zone Code and existing immediately before the date on which the Panama Canal Treaty of 1977 enters into force shall continue in operation during the transition period unless terminated during such period under subsection (b) of this section.

【(b) During the transition period, the President may terminate one magistrate’s court, together with the positions of magistrate and constable corresponding thereto, if the President determines that the workload is insufficient to warrant continuance of that court. If one of the magistrates’ courts is so terminated, the re-



maining magistrate's courts shall exercise the jurisdiction that otherwise would have been exercised by the terminated court and shall take custody of and administer all records of the terminated court.

### 【CHAPTER 3—ATTORNEYS

#### 【OATH OF ATTORNEYS

【SEC. 2301. (a) Section 543 of title 3 of the Canal Zone Code is amended to read as follows:

#### 【“§ 543. Oath of attorneys admitted to bar

【“Before receiving a certificate the applicant shall take and subscribe in court an appropriate oath prescribed by the district judge.”.

【(b) The table of section for chapter 17 of title 3 of the Canal Zone Code is amended by amending the item relating to section 543 to read as follows:

【“543. Oath of attorneys admitted to bar.”.

### 【CHAPTER 4—TRANSITION AUTHORITY

#### 【TRANSITION AUTHORITY OF PRESIDENT

【SEC. 2401. Except as expressly provided to the contrary in this or any other Act, or in the Panama Canal Treaty of 1977 and related agreements, any authority necessary for the exercise during the transition period of the rights and responsibilities of the United States specified in Article XI of the Panama Canal Treaty of 1977 shall be vested in the President.

### 【PRISONS; PAROLE; PARDONS

【SEC. 2402. (a) Subsection (c) of section 6503 of title 6 of the Canal Zone Code is amended to read as follows:

【“(c) Pursuant to the provisions of section 5003 of title 18, United States Code, the Governor may contract with the Attorney General of the United States for the transfer to the custody of the Attorney General of prisoners sentenced by the United States District Court for the District of the Canal Zone to terms of imprisonment in excess of one year.”.

【(b) After entry into force of the Panama Canal Treaty of 1977—

【(1) all prisoners imprisoned in United States prisons pursuant to contracts entered into pursuant to subsection (c) of section 6503 of title 6 of the Canal Zone Code, as amended by subsection (a) of this section, shall be committed to the custody of the Attorney General as if committed in accordance with part III of title 18, United States Code;

【(2) all persons convicted of offenses in the United States District Court for the District of the Canal Zone, and sentenced to terms of imprisonment of one year or less, shall be committed to the custody of the Commission; and

【(3) the Commission shall prescribe, and from time to time may amend, regulations providing for the management of prisoners in the jails located in the areas and installations made

available for the use of the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, including provisions for treatment, care, assignment for work, discipline, and welfare.

[(c) After the entry into force of the Panama Canal Treaty of 1977, all persons convicted of offenses in the United States District Court for the District of the Canal Zone, and sentenced to terms of imprisonment in excess of one year, shall be committed to the custody of the Attorney General pursuant to parts III and IV of title 18, United States Code.

[(d)(1) Sections 6501 through 6505 of title 6 of the Canal Zone Code are repealed.

[(2) The table of sections for chapter 351 of title 6 of the Canal Zone Code is amended by repealing the items relating to sections 6501 through 6505.

[(e) Subsections (c) and (d) of this section shall take effect 90 days after entry into force of the prisoner transfer agreement referred to in paragraph 11 of Article IX of the Panama Canal Treaty of 1977 but in no event later than 90 days prior to the end of the transition period.

[(f)(1) Chapter 355 of title 6 of the Canal Zone Code is repealed.

[(2) the table of chapters for part 3 of title 6 of the Canal Zone Code is amended by repealing the item relating to chapter 355.]

TITLE III—GENERAL PROVISIONS

【CHAPTER 1—CEMETERIES

【DISINTERMENT, TRANSPORTATION, AND REINTERMENT OF REMAINS

【SEC. 3101. (a) There are authorized to be appropriated for the fiscal year beginning October 1, 1979, and subsequent fiscal years, such sums as may be necessary to carry out the purposes and provisions of Reservation (3) to the Resolution of Ratification of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, adopted by the United States Senate March 16, 1978, such sums to be made available to carry out such purposes and provisions.

[(b) With regard to remains that are to be reinterred in the United States, the United States shall not bear the cost of funeral home services, vaults, plots, or crypts unless otherwise provided for by law.]

\* \* \* \* \*

CHAPTER 3—REPORTS, AMENDMENTS; REPEALS AND REDESIGNATION; EFFECTIVE DATE

\* \* \* \* \*

【AMENDMENTS

【SEC. 3302. (a) Section 1 of title II of the Act of June 15, 1917 (50 U.S.C. 19 1), is amended—

【(1) by striking out the second paragraph; and

【(2) in subsection (b) of the last paragraph, by striking out “, the Canal Zone,”.

[(b) Section 1 of title XIII of the Act of June 15, 1917 (50 U.S.C. 195), is amended by striking out “the Canal Zone and”.

[(c) The first section of the Act of August 9, 1954 (50 U.S.C. 196), is amended by striking out “, including the Canal Zone,”.

[(d) The Department of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1974 (87 Stat. 636 et seq.) is amended by striking out the heading “PAYMENT TO THE REPUBLIC OF PANAMA” and all that follows that relates to the heading.

[(e) Title 5, United States Code, is amended—

[(1) in sections 305(a)(7), 5102(a)(1)(vii), 5342(a)(1)(G), 5348(b), and 5541(2)(xii), by striking out “Panama Canal Company” and inserting in lieu thereof “Panama Canal Commission”;

[(2) in sections 5504(a)(A) and 6301(2)(iv), by striking out “Canal Zone Government or the Panama Canal Company” and inserting in lieu thereof “Panama Canal Commission”;

[(3) in section 8335(e), by striking out “Panama Canal Company or the Canal Zone Government” and inserting in lieu thereof “Panama Canal Commission”;

[(4) in section 5373(1), by striking out “section 121 of title 2, Canal Zone Code (76A Stat. 15)” and inserting in lieu thereof “section 1202 of the Panama Canal Act of 1979”;

[(5) in section 6323(c)(2)(B), by striking out “the Canal Zone,”;

[(6) in section 5102(c), by amending paragraph (12) to read as follows:

[(12) any Executive agency to the extent of any election under section 1212(b)(2) (relating to the Panama Canal Employment System) of the Panama Canal Act of 1979;”

[(7) in section 5583(b), by—

[(A) adding “and” at the end of paragraph (1);

[(B) striking out paragraph (2); and

[(C) redesignating paragraph (3) as paragraph (2);

[(8) in section 5533(d)(7), by—

[(A) striking out the semicolon at the end of subparagraph (E) and inserting in lieu thereof “; or”;

[(B) striking out “; or” at the end of subparagraph (F) and inserting in lieu a period; and

[(C) striking out subparagraph (G);

[(9) in section 8146—

[(A) by striking out “Canal Zone” in the catchline and inserting in lieu thereof “Panama Canal Commission”;

[(B) in subsection (a)(1), by striking out “Canal Zone Government and of the Panama Canal Company are concerned to the Governor of the Canal Zone” and inserting in lieu thereof “Panama Canal Commission are concerned to the Commission”;

[(C) in the first sentence of subsection (b), by striking out “Canal Zone Government” and inserting “Panama Canal Commission” in lieu thereof;

[(D) in the first sentence of subsection (b), by striking out “or from funds of the Panama Canal Company”;

[(E) in the second sentence of subsection (b), by striking out “Governor of the Canal Zone” and inserting “Panama Canal Commission” in lieu thereof and by striking out “Canal Zone Government” and inserting “Panama Canal Commission” in lieu thereof;

[(F) by amending subsection (c) to read as follows:

[(c) The President may authorize the Panama Canal Commission to waive, at its discretion, the making of the claim required by section 8121 of this title in the case of compensation to an employee of the Panama Canal Commission for temporary disability, either total or partial.”; and

[(G) in subsection (e), by striking out “Canal Zone Government and of the Panama Canal Company” and inserting in lieu thereof “Panama Canal Commission”;

[(10) in section 5343(a)(5), by striking out “Canal Zone” and inserting in lieu thereof “areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979).”;

[(11) in section 5316(87), by striking out “Governor of the Canal Zone” and inserting in lieu thereof “Administrator of the Panama Canal Commission”; and

[(12) in the table of sections for chapter 81, by striking out “Canal zone” in the item relating to section 8146 and inserting in lieu thereof “Panama Canal Commission”.]

EXEMPTION

SEC. 3302. *The Commission is exempt from the provisions of subchapter II of chapter 6 of title 15, United States Code.*

REPEALS AND REDESIGNATION

SEC. 3303. (a) \* \* \*

\* \* \* \* \*

(c) *The Panama Canal Code is repealed effective on the date of the enactment of the Panama Canal Act Amendments of 1996.*

\* \* \* \* \*

ADDITIONAL VIEWS OF JAMES V. HANSEN, GLEN BROWDER, TILLIE K. FOWLER, SOLOMON P. ORTIZ, RANDY "DUKE" CUNNINGHAM, WALTER B. JONES, JR., SAXBY CHAMBLISS, J.C. WATTS, JR., JOHN N. HOSTETTLER, NEIL ABERCROMBIE, ROBERT K. DORNAN, LANE EVANS, AND JAMES B. LONGLEY, JR.

We note that the committee, by a bipartisan vote of 34 to 13, overwhelmingly defeated repeal of 10 U.S.C., Section 2466 during consideration of the National Defense Authorization Act for Fiscal Year 1997. This vote to retain the current 60/40 rule for depot maintenance represents a commitment to preserving our organic depot structure and a repudiation of the Department of Defense depot privatization plan.

It is important to understand the context in which this vote occurred. After significant debate, the Congress in 1995 passed section 311 of the National Defense Authorization Act of 1996 in an effort to provide the Department of Defense with expanded flexibility to manage its depot maintenance and repair requirements, while at the same time assuring the viability of an organic logistics capability necessary to ensure troop readiness and national security. This provision required the Department to develop a responsible, comprehensive depot maintenance policy and report to the Congress on its findings.

We are disappointed that the series of reports provided by the Secretary of Defense pursuant to Section 311 of P.L. 104-106 failed to address many of the primary requirements of the statute. Specifically, we find the Department Policy Regarding Performance of Depot-Level Maintenance and Repair seriously deficient and non-responsive in a number of areas including: providing for performance of core depot level maintenance and repair capabilities in facilities owned and operated by the United States; providing for core capabilities necessary to meeting the requirements of the National Military Strategy; providing for sufficient organic workload to ensure cost-efficiency and technical proficiency in time of peace; providing for competition for above core workloads between public and private entities to achieve cost savings; adequately addressing issues concerning exchange of technical data between the Federal Government and the private sector; developing a methodology that ensures that appropriate costs to the government and the private sector are identified; and providing for the performance of maintenance and repair for any new weapons systems defined as core in facilities owned and operated by the United States, and other considerations.

Furthermore, we are gravely concerned about the failure of the Department to provide specific information required by the statute to enable the Congress to properly exercise its oversight responsibility for defense policy. In particular, we found the Department

to be remiss in its report on Depot-Level Maintenance and Repair Workload, which failed to provide mandated data on workload as measured by direct labor hours. We are particularly troubled by the Department's presentation of workload data which appeared to skew the comparison of previous workload distribution and future workload distribution through manipulation of data concerning contractor logistic support and interim contractor support for depot maintenance.

Additionally, we regret that the Department failed to provide the Congress with the required information regarding the detailed methodology used to determine core requirements and the specific weapons systems and equipment which support JCS mobilization, contingency and emergency scenarios under the National Military Strategy. We view with skepticism the Administration "refinement" of the process used by the Military Services in determining core capability requirements and the workloads necessary to sustain these capabilities. We are especially concerned about the Department's predilection toward private sector accomplishment of core depot level maintenance without the development of an analytically based risk assessment process. We view core depot level workload as synonymous with organic workload. Core workload should be accomplished by government employees in facilities owned and operated by the United States with only limited exceptions. We believe that the defeat of the amendment to repeal 10 U.S.C., Section 2466 validates this view.

While we support privatization of functions that are not inherently governmental in nature, including some depot maintenance of above core systems, we do not support the wholesale privatization of those functions necessary to ensure readiness and defend the United States and our allies during periods of armed conflict. Depot maintenance by its very nature is inherently governmental when conducted on mission essential weapons systems used in combat, combat support, combat service support, and combat readiness training.

The Administration policy, by contrast, appears to have been developed without proper consideration of future readiness implications, and seems directly aimed at circumventing both Congressional intent and current public law, specifically P.L. 101-480 (BRAC) and 10 U.S.C., Sections 2464, 2466, 2469, and 2472. By pursuing the Privatization in Place of facilities closed by the 1995 Base Closure Commission, the Administration has failed to eliminate excess capacity or achieve savings through consolidation of workloads and efficient use of remaining facilities. Moreover, it appears that the Department is routinely in direct violation of the law requiring competitive procedures prior to transfer of any organic workload valued at more than \$3 million to the private sector. We are particularly concerned about the flagrant disregard of this statute by the Administration in planning its Privatization in Place initiative. By its actions, the Administration has embarked on a journey that impairs readiness and could lead to a return of the hollow force of the 1970s.

Congressional support of privatization initiatives is based on the achievement of cost savings to the government as a result of a competitive marketplace. The Department of Defense has assumed cost

savings will be achieved by privatization and outsourcing of depot level maintenance, but has offered no concrete data to support that assertion. An audit of current depot level contracting practices reveals that a large percentage of depot level maintenance is awarded without the benefit of full and open competition between several qualified bidders, indicating the lack of a competitive market for most depot level maintenance activities. In testimony before the committee, the Department of Defense revealed that more than 50 percent of competitions between the public and private sector were won by the public sector, indicating that competition rather than privatization may achieve the greatest degree of potential savings. Additionally, an Army Audit Agency report investigating the difference in cost between Department of Army civilians and private sector contractor employees deployed in support of Desert Shield/Desert Storm revealed that contractor employees cost the taxpayer between 50 percent and 117 percent more per employee. Indeed, a careful analysis of historical data reveals that organic depot level maintenance may provide the best value to the American taxpayer in terms of cost, quality and efficiency.

To preserve our military readiness, the Department should sustain the organic capability and capacity to maintain and repair mission-essential equipment associated with combat, including new weapons systems. Furthermore, the weapon systems and equipment necessary to meet the requirements of the National Military Strategy should be maintained and repaired in organic Department of Defense facilities by government employees.

To ensure efficient use of organic maintenance and repair capacity, as well as the best value to the taxpayer, we believe the Department of Defense must effectively utilize its logistics facilities. We note that the General Accounting Office presented testimony indicating that the optimal capacity utilization rate for an industrial facility such as a military depot is 85 percent of that facility's capacity.

With regard to current practices, the Department should discontinue all regulatory and administrative policies and actions which fail to comply with 10 U.S.C., Section 2469. To ensure equity and fairness in competitions between the public and private sector, the Department should aggressively pursue any necessary adjustments to the Cost Comparability Handbook. Furthermore, we believe the Department should halt the transfer of depot-level maintenance and repair workloads from organic facilities to the private sector until the Department has officially notified Congress that all depots of the Department of Defense have been certified as fully eligible to participate in competitions between the public and private sector entities under 10 U.S.C., Section 2469. Additionally, while price should not always be the sole determinant of where depot-level repair and maintenance work is performed, we find efforts to manipulate the assignment of workloads and circumvent public law through the application of biased "best value" criteria unacceptable.

Finally, we register our strong disapproval of the Department's continuing disregard of 10 U.S.C., Section 2472, concerning the management of depot-level maintenance and repair workloads by end-strength. In passing this provision, the Congress made clear its opposition to the management of depot-level maintenance and re-

pair by artificial personnel constraints. Nevertheless, the Department routinely manages depot-level maintenance and repair by Full Time Equivalent (FTE) limitations, which we consider to be end-strength constraints by another name. This practice is not in keeping with the law and should not be continued.

We admonish the Department that continued disregard for public law may result in serious Congressional sanctions in the future, such as sequestration of funds.

JAMES V. HANSEN.  
TILLIE K. FOWLER.  
RANDY "DUKE" CUNNINGHAM.  
SAXBY CHAMBLISS.  
JOHN N. HOSTETTLER.  
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J.C. WATTS, Jr.  
NEIL ABERCROMBIE.  
LANE EVANS.



ADDITIONAL AND DISSENTING VIEWS OF RONALD V.  
DELLUMS

I offer dissenting views because I am deeply troubled by several aspects of the authorization bill and its report, most especially by its overall focus and direction. I remain convinced that the authorization top line is significantly higher than required for the military aspects of our national security strategy. It may be true that the committee marked to a top line that it anticipates in the coming fiscal year 1997 budget resolution. Despite this, I believe it had the opportunity to make prudent reductions in the overall program authorization, thereby providing guidance to the Committee on the Budget as to how better to meet deficit reduction goals. Moreover, I remain convinced that the significant plus-up over the President's request has caused a lack of focus and a lack of discipline in our procurement and research and development accounts, a point to which I will return later.

Despite the collegial and effective working relationship between the committee's majority leadership and the minority, there has at times been a troubling partisan appearance to some of the committee's business and is reflected in the committee report as well. Most troubling has been an unwillingness to hear from administration witnesses on important policy issues before the committee. It is certainly true that outside experts provide important insight into the policy choices and strategic circumstances we confront, but we owe ourselves the responsibility to hear also from government experts and responsible officials. What is especially troubling is that we have failed to request the traditional intelligence threat briefing which has provided a cogent perspective on the strategic requirements that we face. Given our rapidly changing world, this annual review is even more important now than it was during the period of the Cold War.

A small but important additional example of this problem is the committee's determination to plumb the conclusions reached by the Intelligence Community in a National Intelligence Estimate (NIE) on the ballistic missile threat to the United States. Whether or not there is a legitimate concern about the development of the NIE and whatever questions one has regarding the validity of its conclusions, it is unconscionable that we have failed to have the Intelligence Community before the committee to testify on the NIE's contents and its methodology. I have requested such a committee hearing on several occasions, and am disappointed that this has not occurred. While I am willing to support the provisions contained in the committee report asking the Director of Central Intelligence to review both the matter of the NIE and to develop an updated and expanded assessment, and while I accept the majority's interest in having an alternative analysis rendered, it concerns me

that we have gotten to this point without a full committee deliberation on the substance and development of the IN.

While the fiscal year 1997 authorization bill reported by the committee does not itself contain highly contentious provisions on the command and control of U.S. armed forces participating in peace-keeping operations, the issue arises in a free-standing piece of legislation marked-up the same day by the committee and reported as H.R. 3308 just three months after the Congress sustained the President's veto of the National Defense Authorization Act for Fiscal Year 1996 on this issue, among other reasons.

The same point can be made for the committee's decision to report out H.R. 3144, a national missile defense program guideline clearly calculated to breach the ABM Treaty and return the United States to pursuit of a "star wars" missile defense program. A less extreme formulation for national missile defense program activity was met with a Presidential veto on last year's defense authorization bill. As with the command and control issue, it strikes this gentleman that there is little legislative reason to have decided to push forward an even more extreme ballistic missile defense program, given that it is surely destined to meet a Presidential veto as well. Our committee must achieve its policy goals through legislation, and obviously that activity must be bound by the constraints of our Constitution's separation of powers between the Branches. Pursuing legislation knowing that it will be vetoed, when nothing has occurred to change the imaginable outcome seems a political rather than a legislative course.

But the national ballistic missile defense issue is also embedded in the committee recommendation and report on H.R. 3230 in important ways. And there is much more commonality between the administration and the Congress on this issue than the political rhetoric would suggest. Many of the differences between the two approaches are rooted in a perception of the timing of the appearance of a threat to which we would need such a response. This is essentially a function of risk management, and how to determine what type of "insurance policy" we wish to purchase against such a future contingency. What is less focused on but should be very central to the debate, is the cost and character of the alternative "insurance policies" that are available to the Nation. And this is where the parties diverge.

The administration's current national ballistic missile defense plan can provide for an affordable defense against limited ballistic missile threats before those threats will emerge. It does so in a way that anticipates likely changes in the threat from today's estimates. It also does so in a way that avoids becoming trapped in a technological cul-de-sac by a premature deployment of a potentially misdirected system.

The committee recommendation and its report would unfocus U.S. efforts by pursuing space-based interceptors without regard to ABM Treaty requirements, START treaty considerations and the threat reduction and strategic stability goals that the treaties promise.

This course of action commits us as well to an incredibly expensive and ultimately unaffordable path. Both the department's 3+3 program and the Spratt substitute to H.R. 3144, provide for a more

capable missile defense system when deployed, and one that is affordable within current budget projections. It blends arms control and counterproliferation activities with deterrence and missile intercept capabilities. It thus pursues the most effective approach to missile defense, preventing missiles from being deployed at all, while providing a prudent "insurance policy" against limited but as of yet non-existent threats.

The overreliance by the committee recommendation on a "hardware" solution to intercept incoming missiles in the final minutes of their flight time, risks constructing a very expensive 21st Century Maginot Line. Such a defense strategy may well prove as ineffective to the 21st Century threats we might face, as the original Maginot Line was in defending France during World War II.

Returning now to refocus on the issue of the size of the top line and its impact on our procurement choices, I am reminded of echoes from last year's debate on the fiscal year 1996 authorization bill.

During that debate, we heard a hue and cry that there existed a readiness crisis in the services. Foregone training and maintenance, as well as "optempo" stress were all allegedly impacting adversely on the U.S. armed force's ability to perform its principal missions. This hue and cry was raised despite assurances by the top military leadership that the force was receiving historically high levels of operational funding and was as ready a force as we had ever had. Facts have borne out their more sober assessment and, indeed, one can say that the relatively modest increased investment that the fiscal year 1996 defense authorization conference in the end committed to the readiness accounts confirmed the view that a "crisis" did not really exist. The small increase in the readiness account proposed in the fiscal year 1997 authorization bill lends additional credence to this assessment.

This year's hue and cry is that there is a "modernization" crisis, with much displaying of data to support the view that low levels of procurement spending must equate with an insufficient modernization strategy. What is so remarkably similar about this debate with last year's debate on readiness are three things:

First, the services generally agree that they could all "use" more money for procurement this year, but that they could meet their requirements with what had been budgeted as long as long-term trends supported their needs. This sounds very much like "we're missing some training" but "we're as ready as we've ever been."

Second, the leadership of the Department of Defense has offered a cogent and calm viewpoint that the drawdown of the force structure from its Cold War levels allowed them one more year's grace before they needed to begin to replace equipment that had been procured in large numbers during the 1980s for a much larger force. In other words, they had a plan, it was being managed, and they could perform their mission. And they could more appropriately use defense resources in other accounts and reserve for the future year's defense plan a significant increase in procurement dollars.

Third, while the committee invited the service chiefs to submit their "wish list" for additional procurement items, it has not followed the Secretary of Defense's plea to limit procurement addi-

tions to those items needed by the services. By my calculation approximately half of the procurement plus-up does not meet that qualification.

Not satisfied with this explanation the committee recommendation would spend an additional \$7.5 billion on procurement, and as I noted above much of that on requirements not established by the service chiefs. I believe that this unsolicited largess is imprudent and will have significant adverse impact on our ability to meet real future requirements. It will provoke budget and program disruptions in the near term and it will preempt important opportunities into the future.

In many cases it would appear that these adds were made with little consideration to the ability to sustain the program in the next year. The disruptive business and human implications of creating program instabilities by "spiking" procurement for one or two years could haunt the military industrial base for years to come. This is a costly and ineffective way to approach long-term modernization requirements. In addition, it would also appear that program risks, indeed even assessing the department's ability to even execute a program, may not have been given adequate consideration in determining authorization levels.

Equally important and worse, the committee recommendation throws much of this money into systems that were designed "to fight the last war." This is a common failing that is so easily avoidable. In addition, the procurement "theme" to solve the "crisis" appears to be only to buy more, and often not more of what the service chiefs requested. This binge in procurement both purchases needlessly redundant weapons capabilities and does so in excessive amounts. With regard to the former, we will end making purchases of too many different systems, rather than making choices and sticking with the best choice. With regard to the latter, we are spending our investment capital to buy unneeded equipment for today that will prevent us from purchasing the right equipment when it becomes available tomorrow.

Rather than buying more hardware now, we should invest in the technologies of the future, both the direct military technologies, including innovative non-lethal weapons technology more appropriate to operations other than war, and into those dual-use technologies that will give our economy a leg up as we move into the next century. Our failure to plan and invest wisely for the future because of hyperbolic claims about a modernization "crisis" will harm our national security in both the short and long term.

Much more could be said about this particular problem. Let me summarize my views in this area by saying that this extravagant level of spending is neither needed for our current military requirements nor prudent for meeting the needs of the future. In addition, it contributes to a defense authorization top line that needlessly consumes resources from the two other elements of our national security triad: our economy and our foreign policy program that can dampen the circumstances that give rise to war. And, unlike money put into the operations and maintenance accounts, it is not easily or efficaciously diverted to other priorities when hindsight establishes that the perceived requirement in fact does not exist.

There are other issues and problems in this report other than with its dollar level and the procurement choices. They deserve illumination as well.

Foremost among them are the several issues that erupted in the personnel title of the bill and report. While I do not support the current “don’t ask, don’t tell” policy on gays and lesbians serving in the military, I more strongly reject the committee’s view that we should return to an era in which capable and willing gay men and lesbians were denied the opportunity to serve their nation in uniform. I support a policy that would allow individuals to serve regardless of sexual orientation. Clearly “don’t ask, don’t tell” has not provided the protections to such individuals that its crafters felt it would; but a return to an era of repression and intolerance is not the solution.

By way of explanation of the necessity for the change in policy under section 566 of this legislation, the committee elsewhere in this report cites at length the decision in the case by the United States Court of Appeals for the Fourth Circuit in the case of Paul G. Thomasson, Lieutenant, United States Navy, *Plaintiff-Appellant*, v. *William J. Perry*, Secretary of Defense; John H. Dalton Secretary of the Navy, *Defendants-Appellies*.

It is useful to note that this case is but one of several that are expected to be heard before the United States Supreme Court later this year on the issue of the Administration’s “don’t ask, don’t tell” policy. No fewer than eight other cases on the policy are presently before the federal courts. In the last year, judges in two of those cases reached the opposite view of the judges in the *Thomasson* case, yet the committee does not make reference to those decisions.

The committee has not held a single hearing on the issue of gays and lesbians in the military in either the first or second session of the 104th Congress—the period during which the current policy has been implemented. Though the committee obviously feels that it is of utmost importance to change the current policy, it did not choose to expend any time or effort to get the views of witnesses from the military, the administration or the public on the issue. Instead, it relies on the decision on one court case to base a major change to military policy. —

If the committee is to make an informed and thoughtful decision on this matter, it should make the effort to shed light on the competing views and experiences that represent all sides on this complex and important issue through the committee hearing process. The committee avoids the subject by relying instead on the judicial branch for justification and to explain Congressional intent. By including legislative provisions in the subcommittee chairman’s mark without any discussion of the matter, the committee demonstrates a lack of faith in the hearing process, betrays a lack of confidence that its provision would prevail under scrutiny, and abuses the prerogatives of the majority.

Similarly the committee’s recommendation to discharge personnel who test positive for the HIV-1 virus is medically and militarily unnecessary and flies in the face of the Congress’s very recent determination to rescind such a policy even before it went into effect. Of even greater concern than having established a policy for which there is no military requirement, the committee’s rec-

ommendation pretends that it has protected the medical disability rights of personnel who will face discharge under its provisions. This is a disingenuous formulation given that the committee was fully apprised that in order to provide such protection it would have to do so in legislative language, which it refused to do because of the direct spending implications that would have forced funding cuts in other accounts. Our service personnel who have served this nation with honor, distinction and professionalism need better from their government than this.

In language on section 567, elsewhere in this report, the committee directs the Secretary of Defense to “deem separating service members determined to be HIV-positive as meeting all other requirements for disability retirement \* \* \*.”

While giving the appearance of providing for medical retirement, the fact is that such language had to be stripped from the bill by amendment in the full committee markup because of direct spending implications. The Congressional Budget Office has scored this provision as costing \$27 million over the next five years, and it could not be enacted without identifying an offset to pay for it. The committee could not accomplish this and, instead, decided to foist the problem off on the Department of Defense as an unfunded mandate, and then take credit for supposedly providing the medical retirement benefit.

Worse yet, it turns out that the Secretary of Defense may not have the statutory authority to fund such a mandate “out of hide” in any case. 10 U.S.C. § 1201 and 1204 direct DoD to use the Department of Veterans Affairs rating schedule. While the tables currently indicate that a servicemember who is symptomatic of AIDS is eligible for medical retirement, it rates a servicemember who has asymptomatic HIV with a zero percent disability rating. Consequently, they would not be entitled to disability retired pay.

Under these circumstances, and since the law which would be reinstated by this section was repealed, the member who is discharged under section 567 would have no medical or retirement benefits at all, nor would the members of his or her family. He or she would be promptly discharged within two months of testing positive for HIV-1 virus. It would be the height of irresponsibility to enact such a provision without first clearing up these discrepancies.

The committee’s refusal to return the right to secure safe abortion services to servicewomen serving overseas is an additional reason why I could not support the bill being reported. Of equal concern to our servicewomen should be the committee’s apparent view of the role of women in combat-related specialties and the important equal-opportunity problems that its position raises.

On another social issue, the committee has trampled on the Constitution’s First Amendment protections by embracing overly broad and vague language in an effort to suppress pornographic literature and other media. Despite the obviously degrading and sexist imagery of such media, those who would publish, sell or purchase them enjoy the protection of the Constitution. Surely better ways exist to overcome these problems than by legislating overly broad and unconstitutional attacks on the problem.

The committee's decision to weigh in on these cultural battles in this manner will, I believe, be to the ultimate detriment of the morale and welfare of our service personnel. We are a diverse society, with varying views on these issues. As such, we should decline as a legislature to impose a narrow view that fails to account fully for the human dignity of all in our society. Civility, morality and the Constitution all argue for such restraint. Failure to yield to the natural progression of expanded civil and human rights will only result in further turmoil, which will be adverse to the national security interests of our nation.

In this regard, let me note my appreciation for the committee's action to confront in a purposeful and reasonable manner the problem of hate crime in the military. Obviously, we are a multi-racial, multi-ethnic and multi-cultural society, a society with varying religious traditions. With a Constitution committed to the equality of each person, we seek to vindicate the promise of that equality. The provision in the committee recommendation helps to build upon the military's successes in moving toward making that principal a reality, and should help to overcome the shortcomings where they have occurred.

The committee's treatment of international, peacekeeping and arms control issues displays a continuing resistance to realign our requirements and resources to the realities emerging in this new strategic era. It has become apparent that operations other than war, such as our participation in the peacekeeping effort in Bosnia-Herzegovina, will become more and more common. Yet the image of the U.S. servicemember as peacekeeper is new and it does not yet fit comfortably in the view of the committee. As a result, the committee attempts to micromanage the services, and the Commander in Chief, as I noted above, as they seek to implement these efforts at which we are relatively new participants. The report language requiring probing insight into military plans to withdraw from what is thus far a highly successful effort in Bosnia, for example, is both insulting to our service leadership and potentially dangerous in what it could reveal about our planning process.

The committee and the Congress surely have an oversight responsibility; but it is equally clear that we do not have management responsibility, and the Framers of our Constitution clearly viewed it that way. I would have hoped that we could have demonstrated more confidence in our service leaderships and their ability to develop and implement an appropriate plan for the withdrawal of the U.S. forces in Bosnia. Similarly, the committee's recommendations concerning humanitarian demining and amending the prospective land-mine use moratorium are disturbing and will unduly constrain our theater CINCS in pursuing demining programs that are an essential part of their overall strategy in their area of responsibility.

On another positive note, let me support the determination reached in this bill that the environmental management and restoration programs operated by the Department of Defense and the Department of Energy are important and integral parts of our military requirements. I am pleased that we have not had the same struggle over both funding levels and authority that I believe plagued last year's effort and I look forward to continuing to work

with the committee to fashion effective programs for accelerating clean-up, making environmental management more effective and efficient and for saving money on these accounts as a result.

I remain concerned though with the funding levels and program direction of the nuclear weapons program accounts of Title XXXI. The addition of funds to the requested levels for stockpile stewardship and management seem unnecessary given the still pending Programmatic Environmental Impact Statement on Stockpile Stewardship and Management. While I appreciate the committee's responsiveness in establishing a modest fence around the stewardship increase, I do not believe that the committee has taken sufficient time to inquire fully into the opportunities available for a more fundamental reassessment of our nuclear weapons policy.

The permanent extension of the Non Proliferation Treaty concluded last year was achieved in part because of the U.S. reaffirmation of its adherence to the Treaty's Article VI requirement to reduce our arsenal towards elimination. Despite the fact that this is, and remains, the policy of our government, we are not proceeding outside of our bilateral discussions with Russia under the START process to pursue further reductions. I am concerned that such a failure will lead to lost opportunities that seemed so promising only a year and a half ago, when President Clinton and Russian President Yeltsin jointly declared that each nation would consider pursuing such unilateral initiatives.

Finally, let me note that, despite my disagreements with the committee report, I applaud the chairman and my colleagues for their willingness to work cooperatively where possible to find common ground on the important issues covered in the recommended bill and its accompanying report. I am concerned that, despite this collegiality, we may have produced a committee recommendation that remains vulnerable to a Presidential veto because of the weight of the many contentious matters that it contains.

RONALD V. DELLUMS.



#### ADDITIONAL VIEWS OFFERED BY HON. JOHN SPRATT

Although I support most of this bill, I object to Sections 232, 233, and 234. These sections are superfluous and risk a veto of this bill.

Section 232 requires the President, within 15 days after enactment, to certify whether this country could intercept a ballistic missile launched against U.S. territory. In hearings held by this committee, Secretary Perry and other senior Administration officials have discussed this matter and answered the question for the record. The certification does not add in any substantive manner to the committee's understanding of the ballistic missile threat to this country or the status of this country's defense against such an attack. Rather, given the timing of the certification, it appears to be an attempt to make ballistic missile defense a presidential election campaign issue.

Section 233 reiterates a demarcation standard between theater and strategic missile defense systems in the ABM Treaty. This demarcation standard was established last year as a matter of law with bipartisan support. Deviation from this standard requires the approval of two-thirds of the Senate or a majority of both the House and Senate. Section 233 goes one step further and prohibits administration officials from even discussing potential ABM restrictions on theater missile defense systems. This prohibition is inconsistent with Article VI(a) of the ABM Treaty and will surely be perceived as an intrusion on the prerogatives of the executive branch. Having settled the demarcation standard only a few months ago, raising the issue again with the funding prohibition leads me to the conclusion that this section is designed not to correct any unresolved demarcation issues but simply to challenge the Administration.

Section 234 prohibits any new signatory parties to the ABM Treaty without approval of two-thirds of the Senate. The Administration should seriously consider the consequences of multilateralizing the ABM Treaty. But on the other hand, Kazakhstan, Belarus and Ukraine have demonstrated a high degree of cooperation in arms control and counter-proliferation discussions; this section is unnecessarily hostile toward nations which have made good faith efforts to earn our trust. In addition, this section will likely be viewed as an unwarranted intrusion upon executive branch powers and could draw a veto from the President.

These provisions risk a repeat of last year's veto, but this year we will not likely have the time for a second conference. I urge my colleagues to drop these sections at a point in the legislative process prior to submittal to the President. Otherwise, we will not only be acting against the best interests of this committee, but we will not be serving the best interests of the men and women in uniform—for whom our efforts should be focused.

JOHN SPRATT.

## ADDITIONAL VIEWS OF CONGRESSMAN CHET EDWARDS

I was pleased to support final passage of the fiscal year 1997 Defense Authorization Act. This measure, while not fully containing the defense objectives I believe our nation should pursue, does contain many provisions needed to preserve a strong defense. I am particularly pleased with the efforts to improve our procurement modernization efforts through an increase in funding for these accounts. I also applaud our committee's efforts to enhance our personnel's Quality-of-Life, which the Administration has made a top priority.

I appreciate the efforts of our chairman for his continued efforts to maintain fairness and decorum throughout the hearing process. While the fiscal year 1997 hearing schedule was compressed, we did have a careful review of some critical areas which comprise our national security—especially in the area of national missile defense.

As I stated last year, we need to fully review our future procurement strategy in a series of hearings to ensure the proper funding level for programs is designed. I remain concerned that we may be trying to do too much in the way of starting new programs, and having a tremendous funding problem in the out years. I am hopeful these hearings can take place soon, so that we can properly plan and budget to meet these critical defense needs.

While the final defense budget figure is far from certain, I am pleased with the higher level of defense spending contained in this measure. During the post-cold war era, we have to define and meet new defense threats and obligations. To meet these objectives, we must craft a defense budget which takes into account these new criteria. With a shrinking force level and an increased number of foreign deployments, we need to be mindful of the adverse impact this has on our key defense component, our personnel.

Our most important defense asset, our first-rate personnel, keep our military second-to-none. I am pleased that our committee is continuing with the Administration's commitment to enhanced Quality-of-Life, through improved pay, benefits, and housing. One key component to enhanced Quality-of-Life is the continued work of our committee in funding the impact aid program. Through a true bipartisan effort, our committee once again added funding to assist school districts adjacent to our military installations. This funding is critical to ensure a quality education is provided to the children of our military personnel. We have a special responsibility to provide the necessary funding for these children's education, at a time when their parents are sacrificing so much for our nation's defense. I maintain that impact aid funding is a critical element in our nation's defense readiness, and removes a potential distraction from our military personnel. I am hopeful the full funding level

necessary for preserving this program can be achieved, and I am committed to working with my colleagues to achieve this goal.

Our procurement accounts were sufficiently increased to avoid potential problems with modernization efforts. I remain concerned that we may be heading into a potential problem by not fully anticipating the future costs of procuring some of these programs. A review of the military utility, future costs, and impact on our defense industrial base must be considered sooner rather than later. If a sufficient level of funding for defense is to be preserved, we must make some critical choices on many of these programs.

Another area of concern that I have relates to how our guard and reserve forces are funded. If our guard and reserve forces are to remain a key component to the Total Force concept, we need to ensure they review the necessary funding to meet their needs. The respective services need to adequately budget what each respective component should receive each year, rather than have the committee compile a package just prior to the committee markup. While this process has been used adequately for some time, we need to move to a more deliberative process which allows for the necessary oversight and evaluation as to the needs of the respective components. I am committed to working with my colleagues in pursuit of this effort for the next fiscal year. In this way, we will know at the beginning of the budget process, rather than at the end, what the specific needs of the guard and reserve components are for the fiscal year.

I remain concerned in the area of missile defense, especially with the decision to pursue separate legislation from our defense authorization bill. I believe this decision will create future political gridlock in the area of missile defense, much like we saw in the fiscal year 1996 Authorization bill. I am hopeful this decision can be reversed in short order so that we can craft a workable compromise in the area of national missile defense, rather than pursue an effort designed to score political points in an election year.

The decision to rush headlong into deploying a national missile defense system, rather than continued development of a workable system is troubling. I am reminded of the lengthy budget negotiations for FY 96, which were recently resolved some six months into the fiscal year. The ability to compromise and find common ground was unfortunately lost during that struggle and not realized for many months. In the area of national missile defense, there has been significant progress in the area of reaching a general consensus in pursuing development of a system for eventual deployment. The leadership of our committee is pursuing a plan to develop within two years and to deploy a system within two years. The Administration has put forth a workable plan of developing a system within three years and then make a decision to deploy such a system within three years. I support this plan because it will give us adequate time to develop a technologically feasible system that will take into account our best available technology. We need to ensure our funding efforts are adequately channeled into development of a system which will meet present and future defense needs, and builds on the consensus a strong majority supports.

This defense bill requires further refinement to ensure our present and future defense needs will be met. I am committed to

working with my colleagues, from the floor to the conference, to achieve this objective. Despite objections to certain provisions contained in the bill, I believe the committee product is a good first-step to achieving a workable compromise that is agreeable to the Congress and the Administration.

I am pleased to commend the dedication, hard work and professionalism of the committee staff for all their assistance in drafting this important measure. I look forward to their continuing efforts as we make further refinements to the committee's work in the days and weeks ahead.

I look forward to continuing to work with my colleagues in finalizing a fiscal year 1997 Defense Authorization bill in a timely manner, which meets our national security needs.

CHET EDWARDS.

ADDITIONAL VIEWS OF JANE HARMAN, ROSA L. DeLAURO,  
RONALD V. DELLUMS, PATRICIA SCHROEDER, LANE  
EVANS, NEIL ABERCROMBIE, MARTIN T. MEEHAN, AND  
PATRICK J. KENNEDY ON THE BAN OF ABORTIONS IN U.S.  
OVERSEAS MILITARY HOSPITALS, PROVISIONS REQUIR-  
ING THE IMMEDIATE SEPARATION OF HIV-POSITIVE PER-  
SONNEL, AND RESTORATION OF THE PRE-1993 POLICY  
ON GAYS AND LESBIANS IN THE MILITARY

We are disappointed that divisive social issues are, once again, at the core of debate over the Defense Department's FY97 Authorization Bill.

ABORTIONS IN MILITARY HOSPITALS OVERSEAS

Attempts to repeal the policy that bans all privately-funded abortions performed in military hospitals overseas failed in both the Personnel Subcommittee and again in full Committee. If successful, we would have reinstated a policy under which women would be permitted to use their own funds to obtain abortion services, where no federal funds would be used, and where health care professionals who were opposed to performing abortions as a matter of conscience or moral principle would not be required to do so.

This issue is a matter of fairness. Servicewomen and military dependents stationed abroad do not expect special treatment, only the right to receive the same services guaranteed to American women under *Roe v. Wade*—at their own expense—that are available in this country.

Prohibiting women from using their own funds to obtain abortions services at overseas military facilities endangers their health. Women could be forced to seek illegal and unsafe procedures, or be forced to delay the procedure for several weeks until they can return to the states. The question for our House colleagues is whether they can justify limiting constitutionally-protected rights and providing lower quality health care simply because these servicewomen have duty assignments overseas. It is our view that we should not.

SEPARATION OF HIV-POSITIVE PERSONNEL

The bill reported by the committee again includes a provision requiring HIV-positive personnel to be immediately separated from the military services. This provision is punitive, discriminatory and a terrible waste of human talent and taxpayer investment in personnel training. Only two weeks ago, by a vote of 399 to 25, Congress repealed last year's provision requiring the discharge of HIV-infected service personnel.

Under current Pentagon regulations, so long as HIV-infected individuals are deemed fit for duty by the Service itself, they may

continue in the Service. If the Service determines that they are unfit, they are discharged. The Chairman of the Joint Chiefs has said that there is no evidence that current policy has resulted in lower military readiness or the retention of unqualified individuals. Indeed, the Department and Services oppose Congress making a blanket categorization stating that an otherwise healthy individual is unfit for duty because of this disease.

The discharge provision included in this bill is worse than that just repudiated by an overwhelming bipartisan majority of the House and Senate.

While proponents of the provision describe their language as kinder and gentler, the fact that they had to change bill language to directive report language is an admission that they failed.

For example, there is considerable doubt that the Secretary of Defense has the legal authority to comply with the report's directive that individuals discharged for HIV be awarded a 30% disability rating.

And, in another twist from last year's provision, by deferring mandatory separation for service members within 5 years of retirement eligibility, the Committee highlights the double standards with which it treats so-called bad conduct, which proponents claim is the way individuals contract HIV. Under the bill, if you're within 5 years of retirement, we'll look the other way. You get special treatment.

By contrast, if you are more than 5 years from retirement, too bad. Not only no special treatment for you, but no due process either. We'll just give you the boot.

Here is a partial list of the individuals and organizations opposed to efforts to forcibly discharge HIV-infected servicemen and women:

- Secretary of Defense William Perry;
- General John Shalikashvili, Chairman of the Joint Chiefs of Staff;
- The Surgeons General of the Navy, Army and Air Force;
- The Assistant Secretary of Defense for Personnel and Readiness;
- The Assistant Secretary of Defense for Health Affairs;
- Secretary of Veterans Affairs Jesse Brown;
- The American Medical Association;
- The American Academy of Physicians Assistants;
- The American Dental Association;
- The American Nurses Association;
- The American Occupational Therapy Association;
- The American Podiatric Medical Association;
- The American Speech-Hearing-Language Association;
- The Air Force Association;
- The Veterans of Foreign Wars;
- The Disabled American Veterans;
- The Human Rights Campaign;
- National Organizations Responding to AIDS;
- Former Senator Barry Goldwater;
- Columnist George Will;
- Columnist Charles Krauthammer;
- 162 Members of the House;

and 56 Members of the Senate, including Senators Sam Nunn, John McCain, Bill Cohen, Ted Kennedy, Alfonse D'Amato, John Chafee, Slade Gorton, Orrin Hatch, Nancy Kassebaum, Connie Mack, Alan Simpson, Olympia Snowe, Robert Bennett, Jim Jeffords, Mark Hatfield, and Arlen Specter.

#### GAYS IN THE MILITARY

Lastly, the bill reported by the Committee returns the nation to the pre-1993 policy regarding gays and lesbians in the military. In our view, this policy is unconstitutional, discriminatory and in violation of the equal protection clause of the 14th Amendment and the rights of free speech under the 1st Amendment.

Just as important, the proposed change is ill-timed, unnecessary, divisive, and designed only to distract members of the House from the serious defense and security issues our nation continues to face. Several cases in the federal districts are making their way to the Supreme Court. The Court could rule as early as next year and what they decide may well be key to a better resolution of this issue. Thus, it would seem that awaiting a high court ruling clarifying the constitutional rights involved is a more prudent course.

In our view, it is way past time to recognize that gays and lesbians have always been part of the military and that they have performed their duties with diligence, patriotism and honor. They have risked their lives in order to protect some of the very rights this legislation is proposing to take away.

We feel the military needs to adopt a policy that fully integrates these highly trained and talented individuals into the force, without prejudice, without discrimination, and in recognition of the personal sacrifices all our servicemen and women make to this nation and in support of the Constitution.

We regret the Committee's action endorsing these three divisive, unfair and punitive policies.

JANE HARMAN.  
RONALD V. DELLUMS.  
LANE EVANS.  
MARTIN T. MEEHAN.  
ROSA L. DELAURO.  
PATRICIA SCHROEDER.  
NEIL ABERCROMBIE.  
PATRICK J. KENNEDY.

## SUPPLEMENTAL VIEWS OF PATRICIA SCHROEDER

During my career in the House, I have worked on twenty-four Defense Authorization bills. This year, the National Security Committee has strayed farther from its central mission than ever before. I have never seen so much attention paid to divisive social issues with so little discussion of our defense priorities. I have never seen so much money added to the Administration's request with so little Congressional oversight and scrutiny.

The House National Security Committee appears to have forgotten its primary function—to oversee the military. Of the twelve hours the committee spent in mark-up, approximately eight hours were spent on social issues. Perhaps we should rename the committee, the House Committee on Morals in the Military. This means that the committee spent four hours on half of the discretionary budget of our country.

We debated and included the same social issues I objected to last year. We added more deeply divisive social issues without addressing the implications of a \$13 billion addition to the Pentagon's request. I am disappointed that the committee has spent more time discussing pornography, discharging HIV positive personnel, abortions at military hospitals, and gays in the military than was spent on all the weapons systems and military programs included in the bill.

We spent an hour drafting legislation to implement a study of women in combat roles. The subcommittee should have worked this out, to avoid wasting our time and increasing the number of redundant studies in the military. The committee has already authorized so many studies of women, we may as well write a high-school lab manual on the subject.

While the rest of Congress focuses on balancing the budget and reducing the deficit, the committee has ignored these objectives. We made the Pentagon our sacred cow, never to be questioned or scrutinized. The public deserves better oversight from Congress. We should ensure wise and effective government spending. Moreover, the committee ignored glaring problems in Pentagon accounting systems, inventory overstock, and contractor overpayment. They threw \$13 billion in unrequested funds to an organization that in the past could not account for \$14.7 billion of its FY94 budget.

The committee has abandoned its full funding principle that would have increased congressional oversight by putting the entire funding for a program in one fiscal year. We departed from this sound principle last year by partially funding National Missile Defense (NMD) and the B-2. This year, we did so again with long lead-funding for another aircraft carrier and NMD. These programs have potential budgetary commitments of more than \$30 billion dollars.



Finally, I am also disappointed that the committee has co-opted the military to support this increase. While the committee has touted the \$13 billion increase as accelerations of the Department's priorities, this is not the case. Fifty percent of the additional money is nowhere to be found in the Department of Defense's Future Year Development Plan (FYDP).

PAT SCHROEDER.

