103D CONGRESS
2D SESSION

S. 2182

AMENDMENT

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

In the House of Representatives, U. S.

July 25, 1994.

Resolved, That the bill from the Senate (S. 2182) entitled ''An Act to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes'', do pass with the following

AMENDMENT:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 1995''.

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

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

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

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

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

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Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Defense Inspector General.
Sec. 106. Reserve components.
Sec. 107. Chemical demilitarization program.

Subtitle B—Army Programs

Sec. 111. Procurement of helicopters.

Subtitle C—Navy Programs

Sec. 121. Termination of Navy F–14A/B upgrade program.
Sec. 122. Limitation on acquisition of guidance systems for Trident II missiles.
Sec. 123. Prohibition on Trident II backfit.
Sec. 124. Inclusion of conversion of vessels in Fast Sealift Program.
Sec. 125. Limitation on cost of Seawolf submarine program.
Sec. 126. Limitation on procurement of TAGS vessels.

Sec. 127. Advanced Capability (ADCAP) modification program for the MK–48 torpedo.

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Sec. 132. B–2 bomber program cost limitation.
Sec. 133. Bomber force upgrade program.
Sec. 134. Evaluation of restart of C–5B aircraft procurement.

Subtitle E—Defense-Wide Activities

Sec. 141. Ballistic missile early warning programs.

Subtitle F—National Defense Sealift Fund

Sec. 161. Prohibition of transfer of fiscal year 1994 funds to CVN–76 construction.
Sec. 162. Fiscal year 1995 National Defense Sealift fund program.
Sec. 163. Transfer of excess amount to BRAC III account.
Sec. 164. Fiscal year 1994 unauthorized sealift appropriation defined.
Sec. 165. Operation of sealift vessels for which assistance is provided through National Defense Sealift Fund.

Subtitle G—Other Matters

Sec. 171. Transfer of USNS Maury.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic research and exploratory development.
Sec. 203. Taconite processing technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

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Sec. 212. Standoff air-to-surface munitions technology demonstration.
Sec. 213. Extension of prohibition on testing Mid-Infrared Advanced Chemical Laser against an object in space.
Sec. 214. Applicability of certain electronic combat systems testing requirements.
Sec. 215. Advanced Self Protection Jammer (ASPJ) program.
Sec. 216. Advanced lithography program.
Sec. 217. Federally funded research and development centers.
Sec. 218. Defense experimental program to stimulate competitive research.
Sec. 219. Digital battlefield program.
Sec. 220. Mobile Off-Shore Base and Landing Ship Quay Causeway program.
Sec. 221. Arrow/ACES program.
Sec. 222. Army helicopter engine upgrade program.
Sec. 223. Research and development for strategic metals.

Subtitle C—Missile Defense Programs

Sec. 231. Ballistic Missile Defense Organization budget presentation.
Sec. 232. Theater Missile Defense programs.
Sec. 233. Theater Missile Defense risk reduction activities.

Sec. 234. Military satellite communications.
Sec. 235. Limitation on flight tests of certain missiles.
Sec. 236. Compliance with the ABM Treaty.

Subtitle D—Women's Health Research

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TITLE III—OPERATION AND MAINTENANCE

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Sec. 301. Operation and maintenance funding.
Sec. 302. Defense Business Operations Fund.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Funds for depot-level maintenance and repair work.
Sec. 305. Support for the 1996 Olympics.
Sec. 306. Funds for clearing landmines.
Sec. 307. Support for the 1995 Special Olympics World Games.

Subtitle B—Limitations

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Sec. 312. Limitation on retention of morale, welfare, and recreation funds by military installations.
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Sec. 322. Modification of limitation on performance of depot-level maintenance.
Sec. 323. Limitation on the performance of depot-level maintenance of materiel for new weapon systems.
Sec. 324. Audits to monitor cost growth of contracts to perform depot-level maintenance and repair.
Sec. 325. Consideration of costs of closing Department of Defense depots in certain cost comparisons.
Sec. 326. Authority for depot-level activities of the Department of Defense to compete for maintenance and repair workloads of other Federal agencies.
Sec. 327. Authority of depots to provide services outside of the Department of Defense.
Sec. 328. Maintenance of sufficient depot-level facilities, activities, and employees of the Department of Defense.
Sec. 329. Reutilization initiative for depot-level activities.

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Sec. 341. Oversight of Defense Business Operations Fund.
Sec. 342. Review by Comptroller General of charges imposed by Defense Business Operations Fund.

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Sec. 352. Survey and pilot program for the transfer of Department of Defense domestic dependent elementary and secondary schools to appropriate local educational agencies.
Sec. 353. Report on calculation and recovery of tuition costs of certain students enrolled in schools of the defense dependents' education system.
Sec. 354. Authority to accept gifts for Department of Defense domestic elementary and secondary schools.

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Sec. 363. Department of Defense food inventory program.
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Sec. 365. Transportation of the remains of deceased retired members who die outside of the United States.
Sec. 366. Authority to transport the remains of certain deceased veterans on Department of Defense aeromedical evacuation aircraft.
Sec. 367. Modification of Air Force support for the Civil Air Patrol.
Sec. 368. Review and report on use of operations and maintenance funds by the Department of Defense.
Sec. 369. Requirement of comparative report on operations and maintenance funding.
Sec. 370. Automated data processing programs of the Department of Defense.
Sec. 371. Review by Defense Inspector General of cost growth in certain contracts.
Sec. 372. Cost comparison studies for contracts for advisory and assistance services.
Sec. 373. Requirement and plan for converting performance of certain positions to performance by Department of Defense employees.
Sec. 374. Use of service contract funds for separation incentive programs for Department of Defense employees.
Sec. 375. Non-Federal employment incentive pilot program.
Sec. 376. Uniform health benefits program for employees of the Department of Defense assigned to nonappropriated fund instrumentalities.
Sec. 377. Operation of military exchange and commissary store at Naval Air Station Fort Worth, Joint Reserve Center, Carswell Field.
Sec. 378. Ships' stores.
Sec. 379. Program to commemorate World War II.
Sec. 380. One-year extension of certain programs.
Sec. 381. Clarification and codification of overseas military end strength limitation.
Sec. 382. Authority to issue military identification cards to so-called honorary retirees of the Naval and Marine Corps Reserves.
Sec. 383. Modification of statute of limitations for certain claims for personal property damage or loss.
Sec. 384. Operation of overseas facilities of the Department of Defense by United States firms.
Sec. 385. Exclusion of certain troops in calculation of authorized and strength for military personnel in Europe.
Sec. 386. Authority to transfer certain excess property to educational institutions and training schools.

Sec. 387. Priority to States for transfer of nonlethal excess supplies of the Department of Defense.

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Sec. 412. End strengths for reserves on active duty in support of the reserves.
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Sec. 502. Army field grade officer strength limitations.
Sec. 503. Technical changes to provisions enacted by Warrant Officer Management Act.
Sec. 504. Navy and Marine Corps limited duty officers.
Sec. 505. Retirement or enlistment of certain limited duty officers of the Navy and Marine Corps.
Sec. 506. Temporary exclusion of Superintendent of Naval Academy from counting toward number of senior admirals authorized to be on active duty.
Sec. 507. Grade of heads of certain professional military education schools.

Subtitle B—Reserve Component Matters

Sec. 511. Selected Reserve activation authority.
Sec. 512. Reserve general and flag officers on active duty.
Sec. 513. Definition of active guard and reserve duty.
Sec. 514. Repeal of obsolete provisions pertaining to transfer of regular enlisted members to the Retired Reserve.
Sec. 515. Guard and reserve transition initiatives.
Sec. 516. Semiannual report on separations of active Army officers.

Subtitle C—Other Matters

Sec. 521. Repeal of required reduction in recruiting personnel.
Sec. 522. Coast Guard force reduction transition benefits.
Sec. 523. Extension of Warrant Officer Management Act to Coast Guard.
Sec. 524. Authorized active duty strengths for Army enlisted members in pay grade E–8.

Sec. 525. Reimbursement for certain losses of household effects during PCS moves.
Sec. 526. Victims' advocates programs in Department of Defense.
Sec. 527. Prohibition of retaliatory actions against members of the Armed Forces making allegations of sexual harassment or unlawful discrimination.
Sec. 528. Annual report on personnel readiness.
Sec. 529. Programs related to Desert Storm mystery illness.
Sec. 530. Upgrade of Armed Forces Staff College wargaming and other capabilities.
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Sec. 532. Authorization for instruction of civilian students at Foreign Language Center of the Defense Language Institute.
Sec. 533. Sense of Congress concerning appropriate Department of Defense force structure through 1997.
Sec. 534. Discharge of members who are permanently nonworldwide assignable.
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Sec. 536. Survey on the state of race and ethnic issues in the military.
Sec. 537. Request for posthumous commissioning in the Army of two African Americans discharged from West Point due to racial prejudice during post-Civil War period.
Sec. 538. Detail of Department of Defense personnel to assist Immigration and Naturalization Service, Border Patrol and Customs Service.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

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Sec. 602. Cost-of-living allowance for members of the uniformed services assigned to high cost areas in the continental United States.
Sec. 603. Increase in subsistence allowance payable to members of Senior Reserve Officers' Training Corps.

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Sec. 633. Crediting of reserve service of enlisted members for computation of retired pay.

Sec. 634. Minimum required reserve service for eligibility for retired pay for nonregular service during force drawdown period.
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Sec. 1323. Active-duty list promotion boards to have authority to recommend that reserve officers considered for promotion be required to show cause for retention on active duty.
Sec. 1324. Applicability of chapter 36 to reserve officers during war or national emergency.
Sec. 1325. Grade in which reserve officers are ordered to active duty.
Sec. 1326. Date of rank.
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Sec. 1328. Conforming amendments relating to Navy and Marine Corps officers.
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TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

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TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Conditions on authority to dispose of certain strategic and critical materials.
Sec. 3302. Rejection of change in stockpiling principles.
Sec. 3303. Limitations on the disposal of chromite and manganese ores.
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TITLE XXXIV—CIVIL DEFENSE

Sec. 3401. Authorization of appropriations.
Sec. 3402. Transfer of Federal Civil Defense Act of 1950 to the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

TITLE XXXV—NAVAL PETROLEUM RESERVES

Sec. 3501. Authorization of appropriations.
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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1995 for procurement for the Army as follows:

(1) For aircraft, $1,301,452,000.

(2) For missiles, $685,136,000.

(3) For weapons and tracked combat vehicles, $942,886,000.

(4) For ammunition, $854,883,000.

(5) For other procurement, $2,651,233,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1995 for procurement for the Navy as follows:

(1) For aircraft, $4,588,007,000.

(2) For weapons, including missiles and torpedoes, $2,223,246,000.

(3) For shipbuilding and conversion, $6,869,897,000.

(4) For other procurement, $3,241,611,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1995 for procurement for the Marine Corps in the amount of $528,352,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1995 for procurement for the Air Force as follows:

(1) For aircraft, $6,101,767,000.

(2) For weapons including missiles, $3,953,232,000.

(3) For other procurement, $6,855,423,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1995 for defense-wide procurement in the amount of $2,066,694,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1995 for procurement for the Inspector General of the Department of Defense in the amount of $1,000,000.

SEC. 106. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1995 for procurement of aircraft, vehicles, commu-

nications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $262,000,000.

(2) For the Air National Guard, $176,000,000.

(3) For the Army Reserve, $50,000,000.

(4) For the Naval Reserve, $183,000,000.

(5) For the Air Force Reserve, $68,900,000.

(6) For the Marine Corps Reserve, $47,300,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

(a) AUTHORIZATION.—There is hereby authorized to be appropriated for fiscal year 1995 the amount of $670,349,000 for—

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

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

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

(1) $365,084,000 is for operations and maintenance;

(2) $284,465,000 is for procurement; and

(3) $20,800,000 is for research and development efforts in support of the nonstockpile chemical weapons program.

Subtitle B—Army Programs

SEC. 111. PROCUREMENT OF HELICOPTERS.

Sections 132 and 133 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189) are repealed.

Subtitle C—Navy Programs

SEC. 121. TERMINATION OF NAVY F–14A/B UPGRADE PROGRAM.

(a) TERMINATION.—The Secretary of Defense shall terminate the F–14A/B aircraft upgrade program.

(b) LIMITATION ON FUNDS.—None of the funds appropriated or otherwise made available to the Department of Defense for procurement for fiscal year 1995 or a later fiscal year may be obligated for the F–14A/B aircraft upgrade program.

SEC. 122. LIMITATION ON ACQUISITION OF GUIDANCE SYSTEMS FOR TRIDENT II MISSILES.

No funds authorized to be appropriated for fiscal year 1995 for Mark 6 guidance systems for Trident II (D–5) missiles may be obligated until the Secretary of Defense certifies to the congressional defense committees that, based upon a review by the Secretary of the readiness, testing,

spares, and logistics requirements for the guidance system, the inventory objective of 562 units of the guidance system is required to support the inventory objective for Trident II (D–5) missiles.

SEC. 123. PROHIBITION ON TRIDENT II BACKFIT.

(a) LIMITATION.—The Secretary of the Navy may not modify any Trident I submarine to enable that submarine to be deployed with Trident II (D–5) missiles.

(b) WAIVER AUTHORITY.—If the Secretary of Defense determines that adherence to the prohibition in subsection (a) would result in a significant national security risk to the United States, the Secretary may waive that prohibition. Such a waiver may not take effect until the Secretary submits to Congress a certification of that determination and of the reasons for that determination.

SEC. 124. INCLUSION OF CONVERSION OF VESSELS IN FAST SEALIFT PROGRAM.

Section 1424(b) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 7291 note) is amended—

(1) by inserting ''or converted'' after ''constructed'' each place it appears; and

(2) by inserting ''or conversion'' after ''construction'' each place it appears.

SEC. 125. LIMITATION ON COST OF SEAWOLF SUBMARINE PROGRAM.

No more than $4,673,371,000 nay be obligated or expended for procurement of the SSN–21 and SSN–22 Seawolf submarines.

SEC. 126. LIMITATION ON PROCUREMENT OF TAGS VESSELS.

(a) LIMITATION.—The Secretary of the Navy may not obligate funds for any of the vessels designated as TAGS–63, TAGS–64, or TAGS–65 unless the Secretary certifies to the congressional defense committees that the multibeam sonars to be used on those vessels (whether new or remanufactured) have been obtained through the use of competitive acquisition procedures.

(b) NATIONAL SECURITY WAIVER.—The Secretary of the Navy may waive the limitation in subsection (a) for reasons of national security. Such a waiver may not take effect until the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report giving notice of the waiver and an explanation of the national security reasons for the waiver.

SEC. 127. ADVANCED CAPABILITY (ADCAP) MODIFICATION PROGRAM FOR THE MK–48 TORPEDO.

Within the amount provided in section 102(a)(2) for procurement of weapons, including missiles and torpedoes, for the Navy—

(1) the amount provided for the Advanced Capability (ADCAP) modification program for the MK–48 torpedo is hereby increased by $52,300,000; and

(2) the amount provided for the Fleet Satellite Communications program is hereby reduced by $52,300,000.

Subtitle D—Air Force Programs

SEC. 131. INTERTHEATER AIRLIFT PROGRAMS.

(a) AUTHORIZATION.—Of the amount provided in section 103 for procurement of aircraft for the Air Force—

(1) $103,000,000 shall be available for Non-Developmental Alternative Aircraft procurement; and

(2) $2,303,402,000 shall be available for the C–17 aircraft program, of which—

(A) $2,249,819,000 is for procurement of six C–17 aircraft;

(B) $47,475,000 is for advance procurement of up to eight C–17 aircraft for fiscal year 1996; and

(C) $6,108,000 is for C–17 modifications.

(b) REQUIREMENT FOR COMPETITION.—The Secretary of Defense shall use competitive procedures in selecting a source for the aircraft to be procured as Non-Developmental Alternative Aircraft under subsection (a).

(c) NOTICE TO CONGRESS.—Funds described in subsection (a) may not be obligated for procurement under subsection (a) until 60 days after the date which the Secretary of Defense submits to the congressional defense committees a report describing the Secretary's plan for the obligation of those funds.

(d) PRESERVATION OF INTERTHEATER AIRLIFT CAPACITY.—In acquiring aircraft under subsection (a), the Secretary of Defense shall structure the acquisition of those aircraft so as to preserve the aggregate intertheater airlift capacity of the Air Force (measured in millions of ton-miles per day) as of the date of the enactment of this Act.

SEC. 132. B–2 BOMBER PROGRAM COST LIMITATION.

In determining the expenditures to be applied against the total program cost limitation of $28,968,000,000 (in fiscal year 1981 constant dollars) specified by law for the B–2 bomber program, expenditures by the Department of Defense associated with preserving the industrial facilities used to produce that aircraft shall be included in that total program cost.

SEC. 133. BOMBER FORCE UPGRADE PROGRAM.

(a) HEAVY BOMBER FORCE UPGRADE FUND.—From funds authorized by section 104 for defense-wide procurement activities, $100,000,000 shall be for a heavy bomber

force upgrade fund. The Secretary of Defense may obligate amounts in the fund for—

(1) long-range heavy bombers that would otherwise become attrition reserve aircraft;

(2) accelerating conventional mission upgrades for the B–1 bomber; or

(3) a combination of expenditures under paragraphs (1) and (2).

(b) NOTICE TO CONGRESS.—Funds described in subsection (a) may not be obligated until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees notice of the Secretary's proposed expenditures from that fund for the purposes specified in subsection (a).

SEC. 134. EVALUATION OF RESTART OF C–5B AIRCRAFT PROCUREMENT.

(a) EVALUATION.—The Secretary of the Air Force shall conduct an evaluation of the costs of restarting production of C–5B aircraft for the strategic airlift mission. The evaluation shall include startup costs and production costs for a production run of from 30 to 70 units.

(b) REPORT.—The Secretary shall submit to the congressional defense committees a report on the evaluation under subsection (a). The report may be submitted as part

of any other required report to those committees relating to intertheater airlift.

Subtitle E—Defense-Wide Activities

SEC. 141. BALLISTIC MISSILE EARLY WARNING PROGRAMS.

(a) RISK MITIGATION FUND.—From funds authorized by section 104 for defense-wide procurement, $300,000,000 shall be for a satellite early-warning assurance fund. The Secretary of Defense may obligate amounts in the fund for—

(1) continued procurement of Defense Support Program (DSP) satellite number 24;

(2) accelerated development of the Alert, Locate, and Report Missiles (ALARM) satellite program leading to launch of the first satellite under that program no later than the first quarter of 2002;

(3) development of the Brilliant Eyes satellite sensor system;

(4) acquisition of up to three additional interim theater missile sensors; or

(5) a combination of expenditures under paragraphs (1), (2), (3), and (4).

(b) NOTICE TO CONGRESS.—Funds described in subsection (a) may not be obligated until after the date on which the Secretary of Defense submits to the congressional defense committees notice of the Secretary's proposed ex-

penditures from that fund for the purposes specified in subsection (a).

Subtitle F—National Defense Sealift Fund

SEC. 161. PROHIBITION OF TRANSFER OF FISCAL YEAR 1994 FUNDS TO CVN–76 CONSTRUCTION.

None of the fiscal year 1994 unauthorized sealift appropriation (as defined in section 164) may be transferred (pursuant to the provisions of an Act making appropriations for a fiscal year after fiscal year 1994 or to authority provided under such an Act) to funds appropriated for fiscal year 1994 or a later fiscal year for Shipbuilding and Conversion, Navy, to be available for CVN–76 construction.

SEC. 162. FISCAL YEAR 1995 NATIONAL DEFENSE SEALIFT FUND PROGRAM.

(a) USE OF FISCAL YEAR 1994 UNAUTHORIZED SEALIFT APPROPRIATION.—From the fiscal year 1994 unauthorized sealift appropriation (as defined in section 164), the amount of $608,600,000 shall, to the extent provided in appropriations Acts making appropriations for a fiscal year after fiscal year 1994, be available for fiscal year 1995 programs to be carried out through the National Defense Sealift Fund, of which—

(1) $546,400,000 is for the execution of new ship construction contract options for construction of two prepositioning surge ships;

(2) $43,000,000 is for procurement and installation of national defense sealift features on privately owned, United States documented commercial roll-on/roll-off vessels that are constructed after the date of the enactment of this Act by a shipyard located in the United States; and

(3) $19,200,000 is for research and development of strategic sealift technology.

(b) DENIAL OF AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1995.—No funds are authorized to be appropriated to the National Defense Sealift Fund for fiscal year 1995.

SEC. 163. TRANSFER OF EXCESS AMOUNT TO BRAC III ACCOUNT.

From the fiscal year 1994 unauthorized sealift appropriation (as defined in section 164), the amount of $591,400,000 shall, to the extent provided in appropriations Acts, be transferred to, and deposited in, the account ''BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III'', to be available for the same purposes, and subject to the same limitations, as other funds in that account.

SEC. 164. FISCAL YEAR 1994 UNAUTHORIZED SEALIFT APPROPRIATION DEFINED.

For purposes of this subtitle, the term ''fiscal year 1994 unauthorized sealift appropriation'' means $1,200,000,000 of the amount appropriated for fiscal year 1994 to the National Defense Sealift Fund (in title V of the Department of Defense Appropriations Act, 1994 (Public Law 103–139; 107 Stat. 1435)).

SEC. 165. OPERATION OF SEALIFT VESSELS FOR WHICH ASSISTANCE IS PROVIDED THROUGH NATIONAL DEFENSE SEALIFT FUND.

Section 2218(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) A vessel that is constructed, altered, converted, purchased, operated, maintained, leased, or chartered with funds in the National Defense Sealift Fund pursuant to subsection (c)(1)—

''(i) may not be operated or maintained directly by the Department of Defense or Department of Transportation; and

''(ii) may not be crewed by employees of the United States.

''(B) Operation and maintenance of any such vessel with funds in the National Defense Sealift Fund (including retention of the vessel in reduced operating status) shall be conducted using private operating companies employing

only merchant mariners on board such vessel who are United States citizens. To the extent possible, preference in employing such mariners shall be given to otherwise qualified former or retired military personnel who are released from active duty as a result of the downsizing of the armed forces.

''(C) Subparagraphs (A) and (B) do not apply during time of war or national emergency declared by the President or the Congress if the Secretary of Defense certifies that no qualified private contractor or private sector merchant mariners are available to operate the vessel.

''(D) Nothing in this paragraph shall be construed to—

''(i) require the separation by reduction in force of any employee of the United States who, on the date of the enactment of this paragraph, is employed as a crewmember on a vessel described in subparagraph (A); or

''(ii) restrict the ability to embark military detachments to operate special equipment.''.

Subtitle G—Other Matters

SEC. 171. TRANSFER OF USNS MAURY.

(a) IN GENERAL.—The Secretary of the Navy shall transfer the USNS Maury (TAGS–39) to the Department of Transportation for assignment as a training ship to the California Maritime Academy at Vallejo, California. The

transfer shall be made on the date of the decommissioning of that vessel.

(b) TERMS AND CONDITIONS.—(1) In carrying out subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of the conveyance;

(B) in its condition on that date; and

(C) at no cost to the United States.

(2) The Secretary may require such additional terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1995 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army $5,425,303,000.

(2) For the Navy, $8,913,963,000.

(3) For the Air Force, $12,318,766,000.

(4) For Defense-wide activities, $9,325,708,000, of which—

(A) $254,995,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $12,501,000 is authorized for the Director of Operational Test and Evaluation.

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

(a) FISCAL YEAR 1995.—Of the amounts authorized to be appropriated by section 201, $4,288,064,000 shall be available for basic research and exploratory development projects.

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

SEC. 203. TACONITE PROCESSING TECHNOLOGY.

Of the amount provided in section 201 for the Navy, the sum of $500,000 shall be available for the purpose of initiating and carrying out a manufacturing technology program for taconite processing technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. SPACE LAUNCH MODERNIZATION.

(a) POLICY.—(1) It is in the Nation's long-term national security and economic interests to regain pre-

eminence in the area of space launch technology and operations.

(2) Access to space at affordable costs is fundamental to maintaining required command, control, communications, intelligence, navigation, weather, and early warning support to United States and coalition forces.

(3) Encouragement of privately financed, cost effective expendable and reusable launch vehicles is in the economic interest of the Department of Defense and the United States Government.

(b) REQUIRED ACTIONS.—The Secretary of Defense shall take the following actions in pursuance of the space launch modernization policy set forth in subsection (a):

(1) Begin and complete a program to replace or consolidate the current fleet of medium and heavy expendable launch vehicles with new or upgraded expendable launch vehicles or with a combination of expendable and reusable launch vehicles. The Secretary shall initiate flight tests of new or upgraded expendable launch vehicles and of reusable launch vehicles not later than 1998 to achieve an initial launch capability for selected replacement vehicles not later than July 1, 2002. The program shall include a fly-before-buy acquisition strategy with both advanced concept technology demonstrations of expendable launch vehi-

cles and advanced technology demonstrations of reusable launch vehicles.

(2) For purposes of paragraph (1), initiate a competitive Advanced Concept Technology Demonstration program to achieve a cost reduction over current medium and heavy expendable launch vehicles of at least 15 percent in flyaway cost per pound (in fiscal year 1994 dollars) and at least 25 percent reduction in launch operations costs per launch (in fiscal year 1994 dollars).

(3) Encourage and evaluate innovative acquisition, technical, and financing (including best commercial practices) solutions for providing affordable, operable, reliable, and responsive access to space.

(4) Centralize oversight of launch requirements of the Department of Defense and other users to preclude inflated requirements from escalating current and future launch costs.

(5) Encourage and provide incentives for the use of commercial practices in the acquisition, operation, and support of Department of Defense space operations.

(6) Establish effective suitable coordination among military, civilian, and commercial launch developers and users.

(c) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated in section 201(3), $200,000,000 shall be available for research, development, test, and evaluation of non-man-rated space launch systems and technologies. Of that amount—

(1) $100,000,000 shall be available only for a competitive reusable rocket technology demonstration program, including—

(A) use of at least 90 percent of such amount for development and flight testing of one or more technology demonstration vehicles, and

(B) further development of reusable rocket technologies; and

(2) $100,000,000 shall be available only for an Advanced Concept Technology Demonstration program for expendable launch vehicles, including—

(A) competitive development and flight testing of advanced concept technology demonstration vehicles, and

(B) further development of enhanced technologies related to expendable launch vehicles, including Russian rocket propulsion technology.

(d) LIMITATIONS.—(1) Not more than 2 percent of the funds made available by subsection (c) may be used for di-

rect and indirect Department of Defense-related program office, contractor support, and management overhead costs.

(2) Program office staff may not exceed 10 individuals, including contractor support.

(3) None of the funds authorized in this section may be released or otherwise transferred for execution or obligation to any Government department, agency, or organization outside the Department of Defense.

SEC. 212. STANDOFF AIR-TO-SURFACE MUNITIONS TECHNOLOGY DEMONSTRATION.

(a) IN GENERAL.—(1) Of the amounts authorized to be appropriated pursuant to section 201, up to $2,000,000 of the amount for the Navy and up to $2,000,000 of the amount for the Air Force shall be used for the conduct of a demonstration of nondevelopmental technology that would enable the use of a single adaptor kit for munitions described in paragraph (2) in order to give those munitions a standoff and near-precision guided capability. Such amounts shall be obligated not later than nine months after the date of the enactment of this Act.

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

(b) REPORT.—The Secretary of the Defense shall submit to the congressional defense committees a report setting forth in detail the results and costs of the demonstration

and the applicability of the technology demonstrated in providing the Armed Forces with an inexpensive solution to providing both range extension and near-precision guided capability to in-inventory munitions.

SEC. 213. EXTENSION OF PROHIBITION ON TESTING MID-INFRARED ADVANCED CHEMICAL LASER AGAINST AN OBJECT IN SPACE.

The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space during fiscal year 1995 unless such testing is specifically authorized by law.

SEC. 214. APPLICABILITY OF CERTAIN ELECTRONIC COMBAT SYSTEMS TESTING REQUIREMENTS.

(a) COVERED SYSTEMS.—Subsection (a) of section 220 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1589) is amended—

(1) by inserting ''ACAT I level integrated or stand-alone'' before ''electronic combat system''; and

(2) by inserting ''ACAT I level integrated or stand-alone'' before ''command, control, and communications countermeasure system''.

(b) APPLICABILITY.—Subsection (e) of section 220 of such Act is amended to read as follows:

"(e) APPLICABILITY.—The provisions of subsections (a) and (b) shall apply to an ACAT I level integrated or stand-alone electronic combat system and to an ACAT I level integrated or stand-alone command, control, and communications countermeasure system regardless of whether development of the electronic combat system or the command, control, and communications countermeasure system, as the case may be, began before, on, or after the date of the enactment of this Act.".

SEC. 215. ADVANCED SELF PROTECTION JAMMER (ASPJ) PROGRAM.

(a) Subject to subsection (b), the Secretary of the Navy shall, not later than September 30, 1994, obligate funds appropriated to the Department of Defense for fiscal year 1994 and prior years to carry out logistics support, maintenance, and integration of existing Advanced Self Protection Jammer systems from the Navy inventory into the F–14D aircraft for testing and evaluation. The Secretary may acquire sufficient racks, spares, and logistic support, including hardware and software, necessary to maintain the existing ASPJ systems in the Navy inventory.

(b) The Secretary of the Navy may obligate funds under subsection (a) only to the extent provided in appropriations Acts.

(c) The Secretary of the Navy shall carry out subsection (a) notwithstanding section 122 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2334).

SEC. 216. ADVANCED LITHOGRAPHY PROGRAM.

(a) PURPOSE.—The purpose of the Advanced Lithography Program (hereinafter in this section referred to as the ''ALP'') is to fund goal-oriented research and development to be conducted in both the public and private sectors to help achieve a competitive position for American lithography tool manufacturers in the international market place.

(b) CONDUCT OF PROGRAM.—(1) The program shall be conducted in accordance with research and development plans (including an interim plan) developed by the Semiconductor Technology Council, established in section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (15 U.S.C. 4603) (as amended by section 263 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1608)).

(2) The interim plan referred to in paragraph (1) shall be the Semiconductor Industry Association (SIA) 1994 development plan for lithography.

(c) PROGRAM MANAGEMENT.—The Advanced Research Projects Agency (ARPA) shall be the executive agent for the

ALP and shall ensure seamless program planning of the ALP into the full range of ARPA core electronics development programs.

(d) FUNDING.—Of the funds authorized to be appropriated in section 201, $100,000,000 shall be available for the advanced lithography program. Of that amount—

(1) $75,000,000 shall be available to conduct research and development activities in accordance with subsection (b); and

(2) $25,000,000 shall be available to procure advanced American-manufactured lithography tools for evaluation at Government-owned or Government-sponsored research facilities engaged in advanced lithography.

(e) REQUIREMENTS.—Not later than January 1, 1995—

(1) the President shall appoint to the Semiconductor Technology Council, referred to in subsection (a), the members listed in section 273(c) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (15 U.S.C. 4603);

(2) the Under Secretary of Defense for Acquisition and Technology, in his capacity as Cochairman of the Council, shall call a meeting of the Council for

the purpose of developing a national strategy for lithography;

(3) the Council shall issue a Department of Defense instruction for the operation of the Council; and

(4) the Council shall develop and submit to the Secretary of Defense a plan for achieving the national strategy for lithography.

(f) RESTRICTION.—After January 1, 1995, no funds may be obligated by the Department of Defense for the High Performance Computing Program (PE 602301E), Sematech (PE 603745E), or Warbreaker (PE 603226E; Project EE40) unless the events listed in subsection (e) have occurred.

SEC. 217. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) AUTHORITY.—A Federally Funded Research and Development Center (FFRDC) of the Department of Defense that functions primarily as a research laboratory may respond to solicitations and announcements under programs authorized by the Federal Government for the purpose of promoting the development and transfer of dual-use technology to the United States industrial sector if such FFRDC meets the following conditions:

(1) The FFRDC is a collaborating member of a United States industry-led team.

(2) The nature of such collaboration is that of a precompetitive research and technology development effort.

(b) USE OF COOPERATIVE AGREEMENTS.—An FFRDC described in subsection (a) that responds to a solicitation or announcement described in such subsection shall not be considered to be engaging in a competitive procedure and may use a cooperative research and development agreement (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)) or other cooperative agreement as the instrument of participation in the solicitation or announcement.

SEC. 218. DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

(a) IN GENERAL.—(1) The Secretary, through the Director of Defense Research and Engineering, shall operate a Defense Experimental Program to Stimulate Competitive Research (hereinafter in this section referred to as ''DEPSCoR'') as part of the university research programs of the Department of Defense.

(2) The objectives of DEPSCoR shall be—

(A) to enhance the competitiveness within the peer-review system of investigators from academic institutions in eligible States; and

(B) to increase the probability of long-term growth of competitive funding to investigators at institutions from eligible States.

(3) In order to carry out the objectives stated in paragraph (2), DEPSCoR shall provide for activities which may include competitive research awards, research infrastructure support, and graduate traineeships.

(4) DEPSCoR shall assist those States that—

(A) historically have received relatively little Federal research and development funding; and

(B) have demonstrated a commitment to develop their research bases and improve science and engineering research and education programs at their universities and colleges.

(b) DEFINITION.—The term ''eligible States'' means States that have been designated by the Director of the National Science Foundation as eligible to participate in the Experimental Program to Stimulate Competitive Research.

(c) COORDINATION.—The Secretary shall consult with the Director of the National Science Foundation and the Director of the Office of Science and Technology Policy in the planning, development, and execution of DEPSCoR and shall coordinate the Department's program with similar programs sponsored by other Federal agencies. All solicitations shall be made to, and all awards shall be made

through, the State committees established by the National Science Foundation for the purpose of administering the Experimental Program to Stimulate Competitive Research. The State committees shall ensure that the DEPSCoR program is coordinated with other Federal Experimental Program to Stimulate Competitive Research initiatives in their respective States.

SEC. 219. DIGITAL BATTLEFIELD PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of the Army shall establish a Digital Battlefield program to provide enhancements required to field components for a digitalized battlefield by 1996. These enhancements shall include electronics, second-generation forward-looking infrared technology, and communications for major platforms and development of applique packages for platforms without embedded digital systems.

(b) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 201, $50,000,000 shall be available for fiscal year 1995 for the digital battlefield program (PE 203758A).

(c) PROGRAM LIMITATION.—None of the funds appropriated pursuant to section 201 for the digital battlefield program (PE 203758A) for the Army for fiscal year 1995 may be obligated for research and development activities for

development or integration of such program until the Secretary of the Army—

(1) establishes, and programs funds for, a research and development program to enhance the processing and memory capability of the electronic systems on the Abrams tank to make the M1/M1A2 Abrams tank compatible and interoperable with the digital battlefield, when placed into service;

(2) restructures the M1 Abrams tank upgrade program to incorporate the enhancements produced by the research and development program established under paragraph (1);

(3) transmits to the congressional defense committees a report providing notice of the restructured M1A2 program under paragraph (2) and a description of the program;

(4) coordinates with the Secretary of the Navy to include the Marine Corps in the Army's plans for the digital battlefield; and

(5) transmits to the congressional defense committees a report describing—

(A) the Army's plan of actions and milestones for defining the overall system architecture for the digital battlefield, the standards and pro-

tocols for the digital battlefield, and resulting requirements;

(B) how those requirements affect or will affect the major platforms that will make up the digital battlefield; and

(C) the manner in which coordination with the Secretary of the Navy under paragraph (4) is being carried out.

SEC. 220. MOBILE OFF-SHORE BASE AND LANDING SHIP QUAY CAUSEWAY PROGRAM.

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

(1) The concepts of the sea-going Mobile Off-Shore Base and the related Landing Ship Quay Causeway could result in significant improvements in the capability for the Armed Forces to respond to crises in those areas where land bases are not available for use by those forces.

(2) The potential development and acquisition costs of the Mobile Off-Shore Base and the Landing Ship Quay Causeway are such that any program for development of the Mobile Off-Shore Base or the Landing Ship Quay Causeway should be designated as a major defense acquisition program.

(b) LIMITATION.—No funds are authorized for fiscal year 1995 for research and development for a Mobile Off-

Shore Base or a Landing Ship Quay Causeway program. The Secretary of Defense may not develop or acquire a Mobile Off-Shore Base or a Landing Ship Quay Causeway until both of the following occur:

(1) The military requirement for a Mobile Off-Shore Base and a Landing Ship Quay Causeway, as reflected in operational requirements documents, is approved by the Joint Requirements Oversight Council.

(2) The Secretary of Defense certifies to the congressional defense committees that—

(A) there is a validated requirement for the Mobile Off-Shore Base or the Landing Ship Quay Causeway; and

(B) the acquisition plan and program to fulfill the requirement are established and are funded to the end of the current future-years defense program submitted pursuant to section 221 of title 10, United States Code.

SEC. 221. ARROW/ACES PROGRAM.

Of the amount provided in section 201 for Defense-wide activities, $52,400,000 is available for the Arrow/ACES program.

SEC. 222. ARMY HELICOPTER ENGINE UPGRADE PROGRAM.

The amount authorized in section 201 for the Army is hereby reduced by $4,500,000, to be derived from the amount provided for development of an electronic fuel control to upgrade the hydromechanical unit for the T53-series helicopter engine.

SEC. 223. RESEARCH AND DEVELOPMENT FOR STRATEGIC METALS.

(a) RESEARCH AND DEVELOPMENT.—The Secretary of Defense, in consultation with the Secretary of Commerce, shall give consideration to acceleration of research and development projects for strategic metals and alloys to support the objectives of section 2501(c) of title 10, United States Code. In carrying out the preceding sentence, the Secretary of Defense shall begin by conducting a project for the acceleration of research in aluminum beryllium alloys to meet military and commercial standards for emerging applications.

(b) FUNDING.—Of the amounts authorized in section 201(4) for materials and electronic technology carried out by the Advanced Research Projects Agency, $2,000,000 is authorized for the project for acceleration of research in aluminum beryllium alloys described in subsection (a).

Subtitle C—Missile Defense Programs

SEC. 231. BALLISTIC MISSILE DEFENSE ORGANIZATION BUDGET PRESENTATION.

In the budget of the President for any fiscal year, amounts requested for the Ballistic Missile Defense Organization shall be set forth showing the amounts requested for each individual program, project, and activity of that organization as well as the total amount requested for the organization.

SEC. 232. THEATER MISSILE DEFENSE PROGRAMS.

(a) NAVAL THEATER MISSILE DEFENSE.—Of the amount provided for the Ballistic Missile Defense Organization under section 201 for Theater Missile Defense, not less than $40,000,000 shall be available to support the aggressive exploration of the Navy Upper Tier Program for Naval Theater Missile Defense.

(b) ACCELERATED ADVANCED CONCEPT TECHNOLOGY DEMONSTRATION PROGRAM.—The Secretary of Defense, acting through the Director of the Ballistic Missile Defense Organization, shall initiate during fiscal year 1995 an accelerated Advanced Concept Technology Demonstration Program to demonstrate the technical feasibility of using the Navy's Block IV Standard Missile combined with a kick stage rocket motor and the lightweight Exoatmospheric Pro-

jectile (LEAP) as a near-term option for cost-effective wide-area Theater Missile Defense.

(c) THEATER MISSILE DEFENSE PROGRAM PRIORITIES.—(1) The Secretary of Defense, acting through the Director of the Ballistic Missile Defense Organization, shall establish as the first priority of the Theater Missile Defense Program the deployment of—

(A) a layered land-based Theater Missile Defense capability consisting of the Patriot Advanced Capability (PAC–3) system and the Theater High-Altitude Area Defense (THAAD) system; and

(B) a layered sea-based Theater Missile Defense capability consisting of the Navy Lower Tier theater missile defense program and the Navy Upper Tier theater missile defense program.

(2) Each program referred to in paragraph (1) shall be treated by the Department of Defense as a major acquisition program for funding purposes for fiscal years 1995 through 1999, as prescribed in the October 1993 report of the Secretary of Defense entitled ''Report on the Bottom Up Review'' and in Defense Planning Guidance.

SEC. 233. THEATER MISSILE DEFENSE RISK REDUCTION ACTIVITIES.

(a) IN GENERAL.—Of the amount provided in section 201 for Defense-wide Activities, $210,000,000 is for theater

missile defense risk reduction activities of the Ballistic Missile Defense Organization. None of such amount may be obligated for a program specified in subsection (b) until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees notice of the Secretary's plans to obligate funds for such program.

(b) PROGRAMS.—The programs referred to in subsection (a) are the following:

(1) The Extended-Range Interceptor (ERINT) program.

(2) The Multi-Mode Missile.

(3) Sea-based lower tier systems.

(4) Sea-based upper tier systems.

SEC. 234. MILITARY SATELLITE COMMUNICATIONS.

(a) MILSTAR LIMITATION.—Of the amount authorized in section 201 for the MILSTAR satellite communications program, $50,000,000 may not be obligated until a report setting forth the plan described in subsection (b) has been received by the congressional defense committees.

(b) MILITARY COMMUNICATIONS MASTER PLAN.—The Secretary of Defense shall develop a military communications master plan that addresses—

(1) the projected military communications requirements of the Department of Defense;

(2) alternate and innovative ways of meeting those requirements (including greater reliance on the commercial sector); and

(3) methods to ensure that those elements of the Department of Defense that create the demand for such communications services are required to have an important role in paying for the provision of those services.

SEC. 235. LIMITATION ON FLIGHT TESTS OF CERTAIN MISSILES.

(a) LIMITATION.—The Secretary of Defense may not conduct a flight test program of theater missile defense interceptors and sensors if an anticipated result of the launch of a missile under that test program would be release of debris in a land area of the United States outside a designated Department of Defense test range.

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

(c) CERTAIN TESTING UNAFFECTED.—Nothing in this section shall be construed as prohibiting or limiting testing of cruise missiles, unmanned aerial vehicles (UAVs), or precision-guided munitions.

SEC. 236. COMPLIANCE WITH THE ABM TREATY.

(a) LIMITATION.—Funds appropriated to the Department of Defense for fiscal year 1995, or otherwise made available to the Department of Defense from any funds appropriated for fiscal year 1995 or for any fiscal year before 1995, may not be obligated or expended—

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

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

(b) DEFINITIONS.—In this section:

(1) The term ''July 13, 1993, ACDA letter'' means the letter dated July 13, 1993, from the Acting Director of the Arms Control and Disarmament Agency to the chairman of the Committee on Foreign Relations of the Senate relating to the correct interpreta-

tion of the ABM Treaty and accompanied by an enclosure setting forth such interpretation.

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

Subtitle D—Women's Health Research

SEC. 241. DEFENSE WOMEN'S HEALTH RESEARCH PROGRAM.

(a) CONTINUATION OF THE PROGRAM.—The Secretary of Defense shall continue the Defense Women's Health Research Program (hereinafter in this section referred to as the ''Program'') established in fiscal year 1994 pursuant to the authority in section 251 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1606). The Program shall continue under an Army executive agency or agent and shall serve as the coordinating agent for multidisciplinary and multi-institutional research within the Department of Defense on women's health issues related to service in the Armed Forces. The Program also shall coordinate with research supported by the Department of Health and Human Services and

other agencies that is aimed at improving the health of women.

(b) IMPLEMENTATION PLAN.—If the Secretary of Defense intends to change the plan for the implementation of the Program previously submitted to the Committees on Armed Services of the Senate and House of Representatives, the amended plan shall be submitted to such committees before implementation.

(c) PROGRAM ACTIVITIES.—The Program shall support health research into matters relating to the service of women in the military, including the following matters:

(1) Epidemiologic research, including health care needs of deployed women, patterns of illness and injury, environmental and occupational hazards, side-effects of pharmaceuticals and biologicals, and psychological stress associated with military training, deployment, traumatic incidents, and other military life conditions.

(2) Data base development designed to facilitate long-term research studies of women's health issues, and continued development and support of a military women's health information clearinghouse to serve as an information resource for clinical, research, and policy issues affecting women in the Armed Forces.

(3) Policies and standards issues, including research supporting development of military standards related to training, operations, deployment, and retention and their relationship to factors affecting women's health.

(4) Research emphasizing interventions that have a potential for affecting health issues associated with women's military service.

(d) FUNDING.—Of the amount authorized to be appropriated pursuant to section 201, $40,000,000 shall be available for the Program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1995 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army, $17,362,741,000.

(2) For the Navy, $20,110,196,000.

(3) For the Marine Corps, $1,997,095,000.

(4) For the Air Force, $18,733,458,000.

(5) For Defense-wide activities, $9,513,523,000.

(6) For the Army Reserve, $1,255,057,000.

(7) For the Naval Reserve, $827,819,000.

(8) For the Marine Corps Reserve, $81,462,000.

(9) For the Air Force Reserve, $1,481,332,000.

(10) For the Army National Guard, $2,448,615,000.

(11) For the Air National Guard, $2,780,178,000.

(12) For the National Board for the Promotion of Rifle Practice, $2,544,000.

(13) For the Defense Inspector General, $147,172,000.

(14) For the Court of Military Appeals, $6,152,000.

(15) For Environmental Restoration, Defense, $2,180,200,000.

(16) For Drug Interdiction and Counter-drug Activities, Defense-wide, $714,200,000.

(17) For Medical Programs, Defense, $9,613,331,000.

(18) For the National Contingency Operation Non-DBOF Costs Fund, $300,000,000.

(19) For Department of Defense World War II 50th Anniversary Program, $500,000.

(20) For Project Peace, $15,000,000.

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

(22) For Overseas Humanitarian, Disaster, and Civic Aid programs, $60,000,000.

SEC. 302. DEFENSE BUSINESS OPERATIONS FUND.

Funds are hereby authorized to be appropriated for fiscal year 1995 for the use of the Armed Forces and other activities and agencies of the Department of Defense for the Defense Business Operations Fund in the amount of $1,212,038,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1995 from the Armed Forces Retirement Home Trust Fund the sum of $59,317,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. FUNDS FOR DEPOT-LEVEL MAINTENANCE AND REPAIR WORK.

(a) INCREASED FUNDING FOR DEPARTMENT OF DEFENSE DEPOT-LEVEL ACTIVITIES.—Of amounts authorized to be appropriated for fiscal year 1995 under section 301, the amount that shall be available for the performance of depot-level maintenance and repair work by depot-level ac-

tivities of the Department of Defense is the amount equal to the sum of—

(1) the total amount requested in the President's budget for that fiscal year for the Department of Defense for the performance of depot-level maintenance and repair work; and

(2) $600,000,000, of which—

(A) $300,000,000 shall be available for the Army;

(B) $100,000,000 shall be available for the Navy;

(C) $150,000,000 shall be available for the Air Force; and

(D) $50,000,000 shall be available for the Marine Corps.

(b) DECREASED FUNDING FOR CONTRACTORS.—Of amounts appropriated for fiscal year 1995 pursuant to section 301, the amount that shall be available for the performance of depot-level maintenance and repair work by non-Federal Government personnel is not more than the amount equal to 40 percent of the total amount requested in the President's budget for that fiscal year for the Department of Defense for the performance of depot-level maintenance and repair work.

SEC. 305. SUPPORT FOR THE 1996 SUMMER OLYMPICS.

(a) AUTHORITY TO PROVIDE SUPPORT.—The Secretary of Defense may provide logistical support and personnel services in connection with the 1996 games of the XXVI Olympiad to be held in Atlanta, Georgia.

(b) PAY AND NONTRAVEL-RELATED ALLOWANCES.—(1) Except as provided in paragraph (2), the costs for pay and nontravel-related allowances of members of the Armed Forces for the support and services referred to in subsection (a) may not be charged to appropriations made pursuant to the authorization of appropriations in subsection (c).

(2) Paragraph (1) does not apply in the case of members of a reserve component called or ordered to active duty to provide logistical support and personnel services for the games of the XXVI Olympiad.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $4,000,000 for the Department of Defense for fiscal year 1995 to carry out subsection (a).

SEC. 306. FUNDS FOR CLEARING LANDMINES.

Of the funds authorized to be appropriated in section 301, not more than $25,000,000 shall be available for activities to support the clearing of landmines for humanitarian purposes, as determined by the Secretary of Defense.

SEC. 307. SUPPORT FOR THE 1995 SPECIAL OLYMPICS WORLD GAMES.

(a) AUTHORITY TO PROVIDE SUPPORT.—The Secretary of Defense may provide logistical support and personnel services in connection with the 1995 Special Olympics World Games to be held in the State of Connecticut.

(b) PAY AND NONTRAVEL-RELATED ALLOWANCES.—(1) Except as provided in paragraph (2), the costs for pay and nontravel-related allowances of members of the Armed Forces for the support and services referred to in subsection (a) may not be charged to appropriations made pursuant to the authorization in subsection (c).

(2) Paragraph (1) does not apply in the case of members of a reserve component called or ordered to active duty to provide logistical support and personnel services for the 1995 Special Olympics World Games.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Defense for fiscal year 1995 the sum of $2,000,000 to carry out subsection (a).

Subtitle B—Limitations

SEC. 311. REPORTS AND LIMITATION ON TRANSFER OF CERTAIN OPERATION AND MAINTENANCE FUNDS.

(a) LIMITATION ON TRANSFER.—Section 116 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (d); and

(2) by inserting after subsection (a) the following:

''(b) REPORTS ON TRANSFERS OF CERTAIN FUNDS.—(1) Each report required by subsection (a) shall include a report on the following:

''(A) Each transfer of amounts provided in an appropriation Act to the Department of Defense for the activities referred to in paragraph (3) between appropriations during the preceding fiscal year, including the reason for the transfer.

''(B) Each transfer of amounts provided in an appropriation Act to the Department of Defense for an activity referred to in paragraph (3) within that appropriation for any other such activity during the preceding fiscal year, including the reason for the transfer.

''(2) On May 1 of each year, the Secretary of Defense shall submit to the Congress a report on the following:

''(A) Each transfer during the first six months of the fiscal year in which the report is submitted of amounts provided in an appropriation Act to the Department of Defense for the activities referred to in

paragraph (3) between appropriations, including the reason for the transfer.

"(B) Each transfer during the first six months of the fiscal year in which the report is submitted of amounts provided in an appropriation Act to the Department of Defense for an activity referred to in paragraph (3) within that appropriation for any other such activity, including the reason for the transfer.

"(3) The activities referred to in paragraphs (1) and (2) are the following:

"(A) Activities for which amounts are appropriated for the Army for operations and maintenance for operating forces for (i) combat units, (ii) tactical support, and (iii) force-related training/special activities.

"(B) Activities for which amounts are appropriated for the Navy for operations and maintenance for operating forces for (i) mission and other flight operations, (ii) mission and other ship operations, (iii) fleet air training, and (iv) ship operational support and training.

"(C) Activities for which amounts are appropriated for the Air Force for operations and maintenance for operating forces for (i) primary combat

forces, (ii) primary combat weapons, (iii) global and early warning, and (iv) air operations training.

''(c) LIMITATION.—The Secretary of Defense may not transfer an amount that exceeds $20,000,000 of amounts provided in an appropriation Act to the Department of Defense for the activities referred to in subsection (b)(3) between appropriations or within that appropriation for any other such activity until—

''(1) the Congress is notified of the transfer; and

''(2) a period of 30 days elapses after such notification is received.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 116. Operations and maintenance activities: congressional oversight''.

(2) The item relating to such section in the table of sections at the beginning of chapter 2 of such title is amended to read as follows:

''116. Operations and maintenance activities: congressional oversight.''.

(c) CONFORMING REPEAL.—Section 377 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1638) is repealed.

SEC. 312. LIMITATION ON RETENTION OF MORALE, WELFARE, AND RECREATION FUNDS BY MILITARY INSTALLATIONS.

(a) LIMITATION.—Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2219. Retention of morale, welfare, and recreation funds by military installations: limitation

''Amounts may not be retained in a nonappropriated morale, welfare, and recreation account of a military installation of a military department in excess of the amount necessary to meet working capital requirements of that installation. Amounts in excess of that amount shall be transferred to a single, department-wide nonappropriated morale, welfare, and recreation account of the military department.''.

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

''2219. Retention of morale, welfare, and recreation funds by military installations: limitation.''.

SEC. 313. PROHIBITION ON USE OF APPROPRIATED FUNDS FOR OPERATION OF ARMED FORCES RECREATION CENTER, EUROPE.

No funds appropriated to the Department of Defense for any fiscal year may be used to operate the Armed Forces

Recreation Center, Europe, except that such funds may be used for the payment of utilities, emergency repairs, and transportation of United States products for the Center.

SEC. 314. LIMITATION ON USE OF SPECIFICATIONS FOR PROCUREMENT OF SUBSISTENCE ITEMS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2332. Subsistence items: limitation on use of specifications and restrictions in procurement of

"(a) LIMITATION.—Except as provided in subsection (b), the Secretary of Defense may not use specifications or restrictions in the procurement of subsistence items for use at military installations.

"(b) EXCEPTION.—The Secretary of Defense may use specifications and restrictions in the procurement of field rations and shipboard rations (including tray packs and meals ready-to-eat), except that any such specifications and restrictions shall be developed consistent with the preference of the Department of Defense for commercial items.".

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

"2332. Subsistence items: limitation on use of specifications and restrictions in procurement of.".

Subtitle C—Depot-Level Activities

SEC. 321. FINDINGS.

The Congress finds the following:

(1) By providing the Armed Forces with a critical capacity to respond to the needs of the Armed Forces for depot-level maintenance and repair of weapon systems and equipment, the depot-level maintenance and repair activities of the Department of Defense play an essential role in maintaining the readiness of the Armed Forces.

(2) The consolidation of entities within the defense industry has jeopardized the capability of the defense industry to perform maintenance and repair of weapon systems and equipment.

(3) The defense industry maintains not less than 60 percent of the total capability to perform maintenance and repair of weapon systems and equipment.

(4) The capability of the depot-level maintenance and repair activities of the Department of Defense to perform maintenance and repair of weapon systems and equipment should not be determined by policies established by the defense industry.

(5) Reductions in the number of civilian employees of the depot-level maintenance and repair activities of the Department of Defense may account for ap-

proximately 80 percent of all reductions in the coming years in the number of civilian employees of the Department.

(6) An increase from one fiscal year to the next in the amount of funds available for the maintenance and repair of weapon systems and equipment does not necessarily result in a corresponding increase in the performance of such maintenance and repair.

SEC. 322. MODIFICATION OF LIMITATION ON PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

(a) MODIFICATION.—Subsection (a) of section 2466 of title 10, United States Code, is amended to read as follows:

''(a) PERCENTAGE LIMITATION.—Not more than 40 percent of the funds made available in a fiscal year to a military department or a Defense Agency for depot-level maintenance and repair workload may be used to contract for the performance by non-Federal Government personnel of such workload for the military department or the Defense Agency. Any such funds that are not used for such a contract shall be used for the performance of depot-level maintenance and repair workload by employees of the Department of Defense.''.

(b) INCLUSION OF REPAIR ACTIVITIES.—Subsection (b) of such section is amended by inserting ''and repair'' after ''maintenance'' each place it appears.

(c) COMPUTATION OF PERCENTAGE.—Such section is further amended—

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

(2) by inserting after subsection (c) the following new subsection (d):

''(d) COMPUTATION OF PERCENTAGE.—In computing for purposes of subsection (a) the percentage of funds referred to in that subsection that are used to contract for the performance of depot-level maintenance and repair workload, the Secretary of the military department, or in the case of a Defense Agency, the Secretary of Defense shall include in the computation any funds provided for the performance by such personnel of the following:

''(1) Interim contractor support.

''(2) Contract logistic support.

''(3) Maintenance and repair workload above the unit level.

''(4) The provision of materials and parts.''.

(d) REPORT.—Subsection (f) of such section, as redesignated by subsection (c)(1), is amended to read as follows:

''(f) REPORT.—Not later than January 15, 1995, the Secretary of Defense shall submit to the Congress a report describing the progress during the preceding fiscal year by each military department and Defense Agency to achieve

and maintain the percentage of depot-level maintenance and repair required to be performed by employees of the Department of Defense pursuant to subsection (a).''.

SEC. 323. LIMITATION ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL FOR NEW WEAPON SYSTEMS.

(a) LIMITATION.—Subsection (a) of section 2466 of title 10, United States Code, as amended by section 322 of this Act, is amended—

(1) by inserting ''(1)'' before ''Not more than 40 percent''; and

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

''(2) The Secretary concerned shall, within 5 years after the initial delivery of a weapon system by a contractor to the Department of Defense, provide for the performance by employees of the Department of Defense of not less than 60 percent of the depot-level maintenance of the weapon system.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply only with respect to a weapon system initially delivered after the date of the enactment of this Act.

SEC. 324. AUDITS TO MONITOR COST GROWTH OF CONTRACTS TO PERFORM DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) REQUIREMENT.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2470. Audits of cost growth in contracts to perform depot-level maintenance and repair

''The Secretary of Defense shall audit contracts entered into by the Department of Defense for the performance of depot-level maintenance and repair to monitor the costs incurred by the contractor to perform the contract. An audit of a contract under this section shall be performed at least once during the period in which the contract is performed and shall take account of any costs incurred by the contract in excess of the amount proposed by the contractor to perform the contract or in excess of costs incurred by the contractor during the previous year.''.

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

''2470. Audits of cost growth in contracts to perform depot-level maintenance and repair.''.

SEC. 325. CONSIDERATION OF COSTS OF CLOSING DEPARTMENT OF DEFENSE DEPOTS IN CERTAIN COST COMPARISONS.

Section 2467 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) REQUIREMENT TO CONSIDER COSTS OF CLOSING DEPOTS.—In any comparison conducted by the Department of Defense of the cost of performing depot-level maintenance and repair work by non-Federal Government personnel and the cost of performing such work by employees of the Department of Defense, the Secretary of Defense shall, to the maximum extent practicable, consider the estimated cost (including the cost to perform any necessary environmental restoration of the facility) that would be incurred if the Department of Defense were required to close a Department of Defense defense depot-level facility as a result of awarding the contract to non-Federal Government personnel to perform such work.''.

SEC. 326. AUTHORITY FOR DEPOT-LEVEL ACTIVITIES OF THE DEPARTMENT OF DEFENSE TO COMPETE FOR MAINTENANCE AND REPAIR WORKLOADS OF OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Chapter 146 of title 10, United States Code, as amended by section 324 of this Act, is further amended by adding at the end the following new section:

"§ 2471. Depot-level activities of the Department of Defense: authority to compete for maintenance and repair workloads of other Federal agencies

"A depot-level activity of the Department of Defense shall be eligible to compete for the performance of any depot-level maintenance and repair workload of a Federal agency for which competitive procedures are used to select the entity to perform the workload.".

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

"2471. Depot-level activities of the Department of Defense: authority to compete for maintenance and repair workloads of other Federal agencies.".

SEC. 327. AUTHORITY OF DEPOTS TO PROVIDE SERVICES OUTSIDE OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 146 of title 10, United States Code, as amended by section 326 of this Act, is fur-

ther amended by adding at the end the following new section:

"§ 2472. Persons outside the Department of Defense: lease of excess depot-level equipment and facilities by

"(a) AUTHORITY TO LEASE EXCESS EQUIPMENT AND FACILITIES.—Subject to subsection (b), the Secretary of a military department and, with respect to a Defense Agency, the Secretary of Defense, may lease excess equipment and facilities of a depot-level activity of the military department, or the Defense Agency, to a person outside the Department of Defense for the performance of depot-level maintenance and repair work by such person.

"(b) LIMITATIONS.—A lease under subsection (a) may be entered into only if—

"(1) the lease of any such equipment or facilities will not have a significant adverse effect on the readiness of the armed forces, as determined by the Secretary concerned;

"(2) the person leasing such equipment or facilities agrees to reimburse the Department of Defense for the costs (both direct and indirect costs, including any rental costs, as determined the Secretary concerned) attributable to the lease of such equipment or facilities;

"(3) the person leasing such equipment or facilities agrees to hold harmless and indemnify the United States, except in cases of willful conduct or extreme negligence, from any claim for damages or injury to any person or property arising out the lease of such equipment or facilities; and

"(4) the person leasing such equipment or facilities agrees to hold harmless and indemnify the United States from any liability or claim for damages or injury to any person or property arising out of a decision by the Secretary concerned to suspend or terminate the lease in times of war or national emergency.

"(c) CREDIT TO GENERAL FUND.—Any reimbursement received under this section shall be credited to the General Fund of the Treasury.".

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

"2472. Persons outside the Department of Defense: lease of excess depot-level equipment and facilities by.".

SEC. 328. MAINTENANCE OF SUFFICIENT DEPOT-LEVEL FACILITIES, ACTIVITIES, AND EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

The Secretary of Defense shall maintain sufficient depot-level activities and facilities of the Department of Defense and a sufficient number of employees of the Depart-

ment that are assigned to the performance of depot-level maintenance and repair to carry out this subtitle and the amendments made by this subtitle. The Secretary of Defense should seek to ensure that the military departments maintain depot-level maintenance and repair capabilities necessary to ensure their critical readiness requirements.

SEC. 329. REUTILIZATION INITIATIVE FOR DEPOT-LEVEL ACTIVITIES.

(a) PILOT PROGRAM AUTHORIZED.—During fiscal year 1995, the Secretary of Defense shall carry out a pilot program to encourage commercial firms to enter into partnerships with depot-level activities of the military departments for the purpose of—

(1) demonstrating commercial uses of such depot-level activities that are related to the principal mission of such depot-level activities;

(2) preserving employment and skills of employees currently employed by such depot-level activities or providing for the reemployment and retraining of employees who, as the result of the closure, realignment, or reduced in-house workload of such activities, may become unemployed; and

(3) supporting the goals of other defense conversion, reinvestment, and transition assistance programs while also allowing such depot-level activities

to remain in operation to continue to perform their defense readiness mission.

(b) PARTICIPANTS IN PILOT PROGRAM.—The Secretary shall designate not less than six depot-level activities of the military departments to participate in the pilot program under this section. Of these depot-level activities, at least two shall be depot-level activities of the Department of the Army, at least two shall be depot-level activities of the Department of the Navy, and at least two shall be depot-level activities of Department of the Air Force.

(c) CONDITIONS ON PILOT PROGRAM.—In carrying out the pilot program under this section, the Secretary shall ensure that the program—

(1) does not interfere with the closure or realignment of a depot-level activity of the military departments under a base closure law; and

(2) does not adversely affect the readiness or primary mission of a participating depot-level activity.

(d) FUNDING FOR FISCAL YEAR 1995.—Of the amounts authorized to be appropriated under section 301, $100,000,000 shall be available only to carry out the pilot program under this section.

Subtitle D—Defense Business Operations Fund

SEC. 341. OVERSIGHT OF DEFENSE BUSINESS OPERATIONS FUND.

(a) EXTENSION OF AUTHORITY.—Section 316(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2208 note) is amended by striking out ''During the period'' and all that follows through ''December 31, 1994, the'' and inserting in lieu thereof ''The''.

(b) LIMITATION ON TRANSFERS.—Except as otherwise provided in this Act, the Secretary of Defense may not transfer amounts to or from the Defense Business Operations Fund from or to any other account or source until after the expiration of 30 days from the date on which the Secretary transmits to the Congress a notification of the Secretary's intent to make the transfer.

(c) PROHIBITION ON ADVANCE CHARGES.—(1) After September 30, 1995, the Secretary of Defense may not charge for goods and services provided through the Defense Business Operations Fund in advance of the provision of such goods and services.

(2) The payment of amounts to the Defense Business Operations Fund from another fund or activity of the Department of the Defense may be made only for goods or serv-

ices actually provided by the Defense Business Operations Fund.

(d) 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 Defense Business Operations Fund from a source other than the Defense Business Operations Fund if the Secretary determines that such source offers a more competitive rate for the goods and services than the Defense Business Operations Fund offers.

(e) ANNUAL REPORTS AND BUDGET.—(1) The Secretary of Defense shall annually submit to the Congress, at the same time that the President submits the budget under section 1105 of title 31, United States Code, the following:

(A) A detailed report that contains a statement of all receipts and disbursements of the Defense Business Operations Fund (including such a statement for each subaccount of the Fund) for the year for which the report is submitted.

(B) A detailed proposed budget for the operation of the Defense Business Operations Fund for the fiscal year for which the budget is submitted.

(2) Not later than September 30 each year, the Secretary of Defense shall submit to the Congress a report that contains a comparison of the amounts actually expended

for the operation of the Defense Business Operations Fund for the fiscal year ending on that September 30 with the amount proposed for the operation of the Defense Business Operations Fund for that fiscal year in the President's budget.

(f) LIMITATION ON INCLUSION OF CERTAIN COSTS IN DBOF CHARGES.—A charge for a good or service provided through the Defense Business Operations Fund may not include amounts necessary to recover losses incurred by the Defense Business Operations Fund that are unrelated to the good or service or amounts to cover costs incurred in connection with the closure or realignment of a military installation.

(g) LIMITATION ON ACCUMULATION OF FUNDS.—(1) The Secretary of Defense shall establish billing procedures to ensure that the balance in the Defense Business Operations Fund does not exceed $300,000,000 more than amount necessary to provide for the working capital requirements of the Defense Business Operations Fund, as determined by the Secretary.

(2) The Secretary may waive the limitation described in this subsection if the Secretary determines that such waiver is critical to the national security of the United States. The Secretary shall immediately notify the Congress of any such waiver and the reasons for the waiver.

SEC. 342. REVIEW BY COMPTROLLER GENERAL OF CHARGES IMPOSED BY DEFENSE BUSINESS OPERATIONS FUND.

(a) REVIEW.—The Comptroller General of the United States shall review the charges for goods and services provided by the Defense Business Operations Fund, including a review of—

(1) charges for goods and services provided by the Defense Business Operations Fund, including a comparison of charges imposed for the provision of goods and services to the military departments and Defense Agencies with charges imposed for the provision of goods and services to persons outside the Department of Defense;

(2) charges imposed by the Defense Business Operations Fund for overhead costs and service charges; and

(3) the extent to which charges imposed by the Defense Business Operations Fund provide an advantage or disadvantage for the military departments and Defense Agencies or for persons outside the Department of Defense for whom such goods and services are provided.

(b) REPORT.—Not later than April 15, 1995, the Comptroller General of the United States shall submit to the Congress a report on the results of the review conducted

under subsection (a) and the recommendations of the Comptroller General for any legislative and administrative action the Comptroller General considers to be appropriate.

Subtitle E—Department of Defense Domestic and Overseas Schools

SEC. 351. REAUTHORIZATION OF DEPARTMENT OF DEFENSE DOMESTIC ELEMENTARY AND SECONDARY SCHOOLS FOR MILITARY DEPENDENTS.

(a) CONTINUED AUTHORITY TO PROVIDE FOR EDUCATION OF MILITARY DEPENDENTS WHEN LOCAL AGENCIES ARE UNABLE TO.—Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2164. Department of Defense domestic dependent elementary and secondary schools

"(a) AUTHORITY OF SECRETARY.—If the Secretary of Defense makes a determination that appropriate educational programs are not available through a local educational agency for dependents of members of the armed forces residing on or near a military installation in the United States (including territories, commonwealths, and possessions of the United States), the Secretary may provide for the elementary or secondary education of such dependents.

"(b) FACTORS TO BE CONSIDERED.—Factors to be considered by the Secretary of Defense in making a determination under subsection (a) shall include the following:

"(1) The extent to which such dependents are eligible for free public education in the local area adjacent to the military installation.

"(2) The extent to which the local educational agency is able to provide an appropriate educational program for such dependents. For purposes of this section, an appropriate educational program, as determined by the Secretary, is a program comparable to a program of free public education provided for children—

"(A) in similar communities in the State, in the case of a military installation located in a State;

"(B) in similar communities in adjacent States, in the case of a military installation adjacent to or located in more than one State; and

"(C) in the District of Columbia, in the case of a military installation located in a territory, commonwealth, or possession, except that an appropriate educational program under this subparagraph is also a program of education conducted in the English language.

"(c) EDUCATION FOR DEPENDENTS OF FEDERAL EMPLOYEES.—(1) An individual who is a dependent of a Federal employee residing at any such military installation at any time during the school year may enroll in an educational program provided by the Secretary of Defense pursuant to subsection (a).

"(2)(A) Except as provided in subparagraph (B), an individual who is a dependent of a Federal employee, who is enrolled in an educational program provided by the Secretary pursuant to subsection (a), and who is not living on the military installation may be enrolled in the program for not more than five consecutive school years.

"(B) An individual referred to in subparagraph (A) may be enrolled in the program for more than five consecutive school years if the Secretary determines, after consideration of the individual's educational well-being, that good cause exists to extend the enrollment for more than the five-year period described in such subparagraph. Any such extension may be made for only one school year at a time.

"(C) For purposes of this paragraph, the five-year period described in subparagraph (A) begins on the date the individual enrolls in the program pursuant to this section or pursuant to any provision of law enacted before the date of the enactment of this section that provided eligibility to the individual for enrollment in a similar program.

"(3) An individual enrolled in a program under this subsection may participate in the program for the remainder of the school year notwithstanding a change in status of the Federal employee with respect to whom the individual is a dependent, except that any such individual may be removed from enrollment in the program at any time for good cause, as determined by the Secretary.

"(d) ESTABLISHMENT OF SCHOOL BOARDS.—(1) The Secretary of Defense shall provide for the establishment of a school board for each Department of Defense elementary or secondary school established for a military installation under this section.

"(2) Each school board established for a school under paragraph (1) shall be elected by the parents of individuals attending the school. Meetings conducted by the school board shall be open to the public.

"(3)(A) A school board elected for a school under this subsection may develop fiscal, personnel, and educational policies and procedures for the school, including fiscal, personnel, and educational program management, except that the Secretary may issue any directive to the school board and school administrative officials the Secretary considers necessary for the effective operation of the school or the entire school system.

"(B) Any directive referred to in subparagraph (A) shall, to the maximum extent practicable, be issued only after consultation with appropriate school boards elected under this subsection. The Secretary shall establish a process by which a school board or school administrative officials may formally appeal such directives directly to the Secretary. Consideration of such appeals may not be delegated below the Secretary of Defense.

"(e) STAFF.—(1) The Secretary of Defense, in coordination with the school board established for a school under subsection (d), may enter into such arrangements as may be necessary to provide educational programs under this section.

"(2) The Secretary may, without regard to the provisions of any other law relating to the number, classification, or compensation of employees—

"(A) establish such positions for civilian employees in schools established under this section;

"(B) appoint individuals to such positions; and

"(C) fix the compensation of such individuals for service in such positions.

"(3)(A) Except as provided in subparagraph (B), in fixing the compensation of employees appointed under paragraph (2), the Secretary, in coordination with the

school board established for a school under subsection (d), shall consider—

"(i) the compensation of comparable employees of the local educational agency in the capital of the State where the military installation is located;

"(ii) the compensation of comparable employees in the local educational agency that provides public education to students who live adjacent to the military installation; or

"(iii) the average compensation for similar positions in not more than three other local educational agencies, as determined by the Secretary and the appropriate local school boards in the State in which the military installation is located.

"(B) In fixing the compensation of employees in schools established in the territories, commonwealths, and possessions under this section or any other provision of law enacted before the date of the enactment of this section that provided for similar schools, the Secretary shall determine the level of compensation required to attract qualified employees. For employees in such schools, the Secretary, in coordination with the local school boards and without regard to the provisions of title 5, may arrange for the tenure, leave, hours of work, and other incidents of employment on

a similar basis as is provided for comparable positions in the public schools of the District of Columbia.

''(f) REIMBURSEMENT.—When the Secretary of Defense provides educational services under this section to an individual who is a dependent of an employee of another Federal agency, the head of the other Federal agency shall, upon request of the Secretary of Defense, reimburse the Secretary of Defense for those services at rates routinely prescribed by the Secretary of Defense for those services. Any payments received by the Secretary of Defense under this section shall be credited to the account designated by the Secretary for the operation of educational programs under this section.''.

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

''2164. Department of Defense domestic dependent elementary and secondary schools.''.

(c) SAVINGS PROVISION.—Nothing in section 2164 of title 10, United States Code, as added by subsection (a), shall be construed as affecting the rights in existence on the date of the enactment of this Act of an employee of any school established under such section (or any other provision of law enacted before the date of the enactment of this Act that established a similar school) to negotiate or bargain collectively with the Secretary with respect to wages, hours, and other terms and conditions of employment.

SEC. 352. SURVEY AND PILOT PROGRAM FOR THE TRANSFER OF DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS TO APPROPRIATE LOCAL EDUCATIONAL AGENCIES.

(a) SURVEY.—(1) The Secretary of Defense shall conduct a survey of each Department of Defense domestic dependent elementary and secondary school operated by the Department of Defense to determine the feasibility of, and actions necessary to be taken to provide for, the transfer of that school to the appropriate local educational agency.

(2) The Secretary of Defense shall coordinate the conduct of the survey of each such school with representatives of the local educational agency referred to in paragraph (1) and of parent organizations representing parents of students enrolled in the school.

(3) Issues addressed by the survey shall include—

(A) the opinions and attitudes of such parents with respect to the appropriate entity to operate the school;

(B) the position of the local educational agency and the appropriate education officials of the State in which the school is located regarding the extent to which the transfer of the school to the local educational agency is feasible and desirable, including

the financial and legal justifications for that position; and

(C) the requirements, as specified by the local educational agency and the appropriate education officials of the State in which the school is located, for financial support, military construction, and any other support provided by the Department of Defense in order to complete the transfer of the school to the local educational agency.

(4) Not later than June 30, 1995, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the survey. The report shall include the recommendations of the Secretary with respect to the transfer of each such school.

(b) PILOT PROGRAM.—(1) The Secretary of Defense shall conduct a pilot program to assess the potential for the transfer of Department of Defense domestic dependent elementary and secondary schools to appropriate local educational agencies.

(2) The Secretary of Defense shall select two schools for participation in the pilot program based on the results of the survey conducted by the Secretary under subsection (a). The Secretary shall provide for the transfer of each such school to the appropriate local educational agency not later

than the date on which the 1995 school year begins for that school.

(3) Not later than March 31, 1996, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the pilot program. The report shall include the recommendation of the Secretary with respect to the extent to which other Department of Defense domestic dependent elementary and secondary schools should be transferred to appropriate local educational agencies.

(c) LIMITATION.—A Department of Defense domestic dependent elementary or secondary school may not be transferred to a local educational agency under this section except on terms that are agreeable to the local educational agency.

SEC. 353. REPORT ON CALCULATION AND RECOVERY OF TUITION COSTS OF CERTAIN STUDENTS ENROLLED IN SCHOOLS OF THE DEFENSE DEPENDENTS' EDUCATION SYSTEM.

(a) REPORT.—Not later than March 31, 1995, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives and the Committee on Education and Labor of the House of Representatives a report on the calculation and application of the tuition rate required to be determined under section

1404(b) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 923(b)).

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall contain the following:

(1) A description of—

(A) the costs included in the tuition rate;

(B) the method by which the tuition rate is determined; and

(C) the method by which any increase in the tuition rate is determined.

(2) An analysis of—

(A) the variation in the cost of providing educational services in the defense dependents' education system in different geographic locations; and

(B) the extent to which the imposition of a uniform tuition rate enables the system to receive adequate funds to defray the cost of providing educational services to tuition-paying students.

(3) Recommendations of the Secretary with respect to improvements that may be made in the determination and application of the tuition rate.

SEC. 354. AUTHORITY TO ACCEPT GIFTS FOR DEPARTMENT OF DEFENSE DOMESTIC ELEMENTARY AND SECONDARY SCHOOLS.

(a) AUTHORITY.—Section 2605 of title 10, United States Code, is amended—

(1) by striking out ''the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.)'' in subsection (a) and inserting in lieu thereof ''a defense dependents' school''; and

(2) by striking out ''the defense dependent's education system'' in subsection (b) and inserting in lieu thereof ''defense dependents' schools''.

(b) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

''(g) In this section, the term 'defense dependents' school' means the following:

''(1) A school established as part of the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

''(2) An elementary or secondary school established pursuant to section 2164 of this title.''.

(c) CLERICAL AMENDMENT.—(1) The heading of such section is amended to read as follows:

"§ 2605. Acceptance of gifts for defense dependents' schools".

(2) The item relating to such section in the table of sections at the beginning of chapter 155 of such title is amended to read as follows:

''2605. Acceptance of gifts for defense dependents' schools.''.

Subtitle F—Other Matters

SEC. 361. MODIFICATION OF FEES PAID BY RESIDENTS OF ARMED FORCES RETIREMENT HOME.

(a) IN GENERAL.—Paragraph (2) of section 1514(c) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 414(c)(2)) is amended to read as follows:

''(2) The fee shall be fixed as a percentage of the monthly income and monthly payments (including Federal payments) received by a resident, subject to such adjustments in the fee as the Retirement Home Board may make under paragraph (1). The percentage shall be the same for each establishment of the Retirement Home.''.

(b) APPLICATION OF MODIFIED FEES TO ALL RESIDENTS.—(1) Subsections (d) and (e) of section 1514 of such Act are repealed.

(2) Such section is further amended by adding after subsection (c) the following new subsection (d):

''(d) APPLICATION OF FEES.—Subject to such adjustments in the fee as the Retirement Home Board may make

under subsection (c), each resident of the Retirement Home shall be required to pay a monthly fee equal to—

"(1) in the case of a resident who is receiving assisted-living services at the Retirement Home, 65 percent of all monthly income and monthly payments (including Federal payments) received by the resident; and

"(2) in the case of a resident who is not receiving assisted-living services at the Retirement Home, 40 percent of all such monthly income and monthly payments.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act.

SEC. 362. NATIONAL GUARD YOUTH PROGRAM.

(a) AUTHORITY.—Chapter 5 of title 32, United States Code, is amended by adding at the end the following new section:

"§ 508. Assistance to certain youth organizations

"(a) Members or units of the National Guard may provide the services described in subsection (b) to an organization described in subsection (c) in conjunction with training required under this chapter if—

"(1) the provision of such services does not degrade the quality of the training or otherwise interfere

with the ability of any unit to perform its military functions;

"(2) the services provided are not commercially available or affected commercial entities have agreed in writing not to object to the provision of the services;

"(3) members of the National Guard providing the services perform activities which enhance their skills in their military specialties; and

"(4) such assistance does not materially increase the cost of training activities under this chapter.

"(b) Services which may be provided under this section are the following:

"(1) Ground transportation.

"(2) Limited air transportation, but only in the case of the Special Olympics.

"(3) Administrative support.

"(4) Technical training.

"(5) Emergency medical assistance.

"(6) Communications.

"(c) The organizations which may be assisted under this section are the following:

"(1) The Boy Scouts of America.

"(2) The Girl Scouts of America.

"(3) The Boys and Girls Clubs of America.

''(4) The YMCA.

''(5) The YWCA.

''(6) The Civil Air Patrol.

''(7) The Special Olympics.

''(8) Campfire Boys and Girls.

''(9) The 4–H Club.

''(10) The Police Athletic League.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 32, United States Code, is amended by adding at the end the following item:

''508. Assistance to certain youth organizations.''.

SEC. 363. DEPARTMENT OF DEFENSE FOOD INVENTORY PROGRAM.

(a) DEMONSTRATION PROJECT.—The Department of Defense Food Inventory Demonstration Project (the implementation of which was requested of the military departments and the Defense Logistics Agency by the Deputy Under Secretary of Defense, Logistics, in a memorandum dated August 16, 1993) shall be completed by the Department of Defense not later than September 30, 1995 and shall be expanded to cover two geographic areas, as designated by the Secretary of Defense.

(b) REPORT.—Not later than October 1, 1995, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a re-

port on the implementation of the demonstration project referred to in subsection (a).

(c) IMPLEMENTATION OF PROGRAM THROUGHOUT UNITED STATES.—Not later than October 1, 1996, the Secretary of Defense shall provide for the expanded use throughout the United States of full-line commercial food distributors to meet the food requirements of the Department of Defense.

SEC. 364. DEPARTMENT OF DEFENSE SPECIAL SUPPLEMENTAL FOOD PROGRAM.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1060a. Special supplemental food program

"(a) AUTHORITY.—The Secretary of Defense may carry out a program to provide special supplemental food benefits to members of the armed forces on duty at stations outside the United States (and its territories and possessions) and to eligible civilians serving with, employed by, or accompanying the armed forces outside the United States (and its territories and possessions).

"(b) FEDERAL PAYMENTS AND COMMODITIES.—For the purpose of obtaining Federal payments and commodities in order to carry out the program referred to in subsection (a), the Secretary of Defense shall make available,

from funds appropriated for such purpose, the same payments and commodities as are made for the special supplemental food program in the United States under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(c) PROGRAM ADMINISTRATION.—(1)(A) The Secretary of Defense shall administer the program referred to in subsection (a) and, except as provided in subparagraph (B), shall determine eligibility for program benefits under the criteria published by the Secretary of Agriculture under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(B) The Secretary of Defense shall prescribe regulations governing computation of income eligibility standards for families of individuals participating in the program under this section.

"(2) The program benefits provided under the program shall be similar to benefits provided by State and local agencies in the United States.

"(d) DEPARTURES FROM STANDARDS.—The Secretary of Defense may authorize departures from standards prescribed by the Secretary of Agriculture regarding the supplemental foods to be made available in the program when local conditions preclude strict compliance or when such compliance is highly impracticable.

''(e) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Defense for operations and maintenance for any fiscal year in such amounts as may be necessary for the administrative expenses of the Department of Defense under this section.

''(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to administer the program authorized by this section.

''(g) DEFINITIONS.—In this section:

''(1) The term 'eligible civilian' means—

''(A) a dependent of a member of the armed forces residing with the member outside the United States;

''(B) a employee of a military department who is a national of the United States and is residing outside the United States in connection with such individual's employment or a dependent of such individual residing with the employee outside the United States; or

''(C) an employee of a Department of Defense contractor who is a national of the United States and is residing outside the United States in connection with such individual's employment

or a dependent of such individual residing with the employee outside the United States.

''(2) The term 'national of the United States' means—

''(A) a citizen of the United States; or

''(B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))).

''(3) The term 'dependent' has the meaning given such term in subparagraphs (A), (D), (E), and (I) of section 1072(2) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of title 10, United States Code, is amended by adding at the end the following new item:

''1060a. Special supplemental food program.''.

SEC. 365. TRANSPORTATION OF THE REMAINS OF DECEASED RETIRED MEMBERS WHO DIE OUTSIDE OF THE UNITED STATES.

(a) AUTHORITY.—Section 1481 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out ''the remains of—'' and inserting in lieu thereof ''the remains of the following:'';

(B) by amending the first word in each paragraph by capitalizing the first letter of that first word;

(C) by striking out ''and'' after the semicolon in paragraph (7);

(D) by striking out the semicolon at the end of each paragraph and inserting in lieu thereof a period; and

(E) by inserting after paragraph (8) the following new paragraph:

''(9) To the extent authorized under section 1482(g) of this title, any retired member of an armed force or a dependent of such a member who dies while outside the United States.''; and

(2) by adding at the end the following new subsection:

''(c) In this section, the term 'dependent' has the meaning given such term in section 1072(2) of this title.''.

(b) EXPENSES INCIDENT TO DEATH.—Section 1482 of such title is amended by adding at the end the following new subsection:

''(g) The payment of expenses incident to the recovery, care, and disposition of a decedent covered by section 1481(a)(9) of this title is limited to the payment of expenses described in paragraphs (1) through (5) of subsection (a)

and air transportation of the remains from a location outside the United States to a point of entry in the United States. Such air transportation may be provided without reimbursement on a space-available basis in military or military-chartered aircraft. The Secretary concerned shall pay all other expenses authorized to be paid under this subsection only on a reimbursable basis. Amounts reimbursed to the Secretary concerned under this subsection shall be credited to appropriations available, at the time of reimbursement, for the payment of such expenses.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the remains of, and incidental expenses incident to the recovery, care, and disposition of, an individual who dies after the date of the enactment of this Act.

SEC. 366. AUTHORITY TO TRANSPORT THE REMAINS OF CERTAIN DECEASED VETERANS ON DEPARTMENT OF DEFENSE AEROMEDICAL EVACUATION AIRCRAFT.

(a) TRANSPORTATION AUTHORIZED.—Subsection (a) of section 2641 of title 10, United States Code, is amended by inserting before the period the following: ''or of transporting the remains of a deceased veteran who died at the facility after being transported to the facility under this subsection. Transportation of the remains of a deceased vet-

eran under this subsection may be provided to the place from which the veteran was transported to the facility or to any other destination which is not farther away from the facility than such place''.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b)—

(A) by inserting ''or for the remains of a veteran'' after ''furnished to a veteran'';

(B) in paragraph (1), by inserting ''or of the remains of such veteran'' after ''of such veteran''; and

(C) in paragraph (2), by inserting ''or the remains of the veteran'' after ''for the veteran'';

(2) in subsection (d)(1)—

(A) by inserting ''or on the survivors of a veteran'' after ''on a veteran''; and

(B) by inserting ''or for the remains of the veteran'' after ''to the veteran''; and

(3) in subsection (d)(2), by inserting ''or for the remains of veterans'' after ''to veterans''.

(c) CROSS REFERENCE AMENDMENT.—Subsection (c) of such section is amended by striking out ''5011(g)(5)'' and inserting in lieu thereof ''8111(g)(5)''.

SEC. 367. MODIFICATION OF AIR FORCE SUPPORT FOR THE CIVIL AIR PATROL.

(a) PROVISION OF FUNDS.—Subsection (b) of section 9441 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (8), (9), (10), and (11) as paragraphs (9), (10), (11), and (12), respectively; and

(2) by inserting after paragraph (7) the following new paragraph (8):

''(8) provide funds for the national headquarters of the Civil Air Patrol, including the provision (in advance of payment) of funds for the payment of staff compensation and benefits, administrative expenses, travel, per diem and allowances, rent and utilities, and other operational expenses;''.

(b) LIAISONS.—Such section is further amended by adding at the end the following new subsection:

''(d)(1) The Secretary of the Air Force may authorize the Civil Air Patrol to employ, as administrators and liaison officers, retired members of the Air Force whose qualifications are approved under regulations prescribed by the Secretary and who request such employment.

''(2) A retired member employed pursuant to paragraph (1) may receive the member's retired pay and an additional amount that is not more than the difference between the member's retired pay and the pay and allowances

the member would be entitled to receive if ordered to active duty in the grade in which the member retired. The additional amount shall be paid to the Civil Air Patrol by the Secretary from funds generally available to the Air Force for civil air assistance.

''(3) A retired member employed pursuant to paragraph (1) shall not, while so employed, be considered to be on active duty or inactive-duty training for any purpose.''.

SEC. 368. REVIEW AND REPORT ON USE OF OPERATIONS AND MAINTENANCE FUNDS BY THE DEPARTMENT OF DEFENSE.

(a) REVIEW.—The Secretary of Defense shall conduct a review of each operations and maintenance account of the Department of Defense to determine the extent to which funds appropriated to the Department for operations and maintenance accounts are used for an activity for which funds have been appropriated to, or are more appropriately made available from, accounts of the Department for procurement, research, development, test, and evaluation, or military construction.

(b) REPORT.—Not later than March 31, 1995, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report that contains the result of the review conducted by the Secretary under subsection (a) and a report on the extent

to which funds appropriated to the Department of Defense for operations and maintenance accounts are being used for an activity for which funds have been appropriated to, or are more appropriately made available from, accounts of the Department for procurement, research, development, test, and evaluation, or military construction.

SEC. 369. REQUIREMENT OF COMPARATIVE REPORT ON OPERATIONS AND MAINTENANCE FUNDING.

(a) REQUIREMENT.—Subsection (a) of section 116 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) The Secretary shall include in each such report a comparison of the level of funding for operations and maintenance for the next fiscal year with the level of operations and maintenance funding for each previous fiscal year beginning with fiscal year 1975, using constant dollars and the same standard of comparison for each such fiscal year.''.

(b) DEVELOPMENT OF COMPARATIVE METHOD.—Not later than February 1, 1995, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the development by the Secretary of a method to make the comparison required under paragraph (3) of section 116(a) of title 10, United States Code, as added by subsection (a).

SEC. 370. AUTOMATED DATA PROCESSING PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) LIMITATION.—Of amounts authorized to be appropriated under section 301, not more than $2,575,000,000 shall be available for new development and modernization of automated data processing programs of the Department of Defense. The Secretary of Defense may not obligate or expend amounts in excess of $2,000,000,000 for any such new development or modernization until the Secretary—

(1) makes a determination that any such new development or modernization is based on—

(A) a sound functional economic analysis;

(B) objectives of the defense information infrastructure;

(C) migratory assessment guidance provided by the Defense Information Systems Agency; and

(D) Department of Defense directives on life cycle management; and

(2) establishes performance measures and management controls to oversee and manage the accelerated implementation of migration systems, data standards, and process improvement.

(b) REPORTS.—(1) Not later than December 15, 1994, the Secretary of Defense shall submit to the Congress a report on the establishment by the Secretary of performance measures and management controls to ensure, to the maxi-

mum extent practicable, the best possible return on investment for any funds used by the Secretary for new development and modernization of automated data processing programs of the Department of Defense.

(2) Not later than March 15 and December 15 of each year, the Secretary of Defense shall submit to the Congress a report on the progress made by the Secretary in improving the defense information infrastructure, realizing a reduction in the overall support infrastructure of the Department of Defense, selecting and converting to migration systems, establishing data standards, and improving the functional business process for the automated data processing programs of the Department. The report shall include information (by functional area) on—

(A) the migration systems selected for the programs;

(B) the systems that will be migrated or eliminated;

(C) the total cost of migration, including conversion and interface costs;

(D) the number of corporate data elements that have been standardized; and

(E) the improvements that have been made to any such process, including the savings that have been achieved by such improvements.

(c) REVIEW BY THE COMPTROLLER GENERAL.—Not later than March 1, 1995, the Comptroller General of the United States shall submit to the Congress a report that contains an evaluation of the performance measures and management controls established by the Secretary of Defense to manage and oversee the implementation of migration systems, data standards, and process improvements for the automated data processing programs of the Department of Defense.

SEC. 371. REVIEW BY DEFENSE INSPECTOR GENERAL OF COST GROWTH IN CERTAIN CONTRACTS.

(a) IN GENERAL.—(1) Chapter 146 of title 10, United States Code, as amended by section 327, is further amended by adding at the end the following new section:

"§ 2473. Cost growth in commercial contracts: review by Inspector General

"(a) REVIEW.—Each fiscal year, the Inspector General of the Department of Defense shall conduct a review of not less than 20 percent of existing contracts for the performance of commercial activities which resulted from a cost comparison study conducted by the Department of Defense under Office of Management and Budget Circular A–76 (or any other successor administrative regulation or policy) to determine the extent to which the costs incurred by a con-

tractor under any such contract has exceeded the cost of the contract at the time the contract was entered into.

''(b) REPORT.—Each year, not later than 30 days after the day on which the President submits to the Congress the budget for a fiscal year under section 1105 of title 31, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the most recently conducted review under subsection (a).''.

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

''2473. Cost growth in commercial contracts: review by Inspector General.''.

(b) USE OF FUNDS.—Of amounts authorized to be appropriated pursuant to section 301(12) for the Inspector General of the Department of Defense, $10,000,000 shall be available to conduct a review under subsection (a) for fiscal year 1995.

SEC. 372. COST COMPARISON STUDIES FOR CONTRACTS FOR ADVISORY AND ASSISTANCE SERVICES.

(a) IN GENERAL.—(1) Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2410l. Contracts for advisory and assistance services: cost comparison studies

''(a) REQUIREMENT.—Before the Secretary of Defense enters into a contract for the performance of advisory and

assistance services, the Secretary of Defense shall conduct a comparison study of the cost of performing the services by Department of Defense personnel and the cost of performing the services by contractor personnel.

''(b) WAIVER.—The Secretary of Defense may, pursuant to guidelines established by the Secretary, waive the requirement under subsection (a) to perform a cost comparison study based on factors that are not related to cost.''.

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

''2410l. Contracts for advisory and assistance services: cost comparison studies.''.

(b) PROCEDURES FOR CONDUCT OF STUDIES.—The Secretary of Defense shall establish the following procedures:

(1) Procedures to carry out a cost comparison study under section 2410l of title 10, United States Code, as added by subsection (a). Such procedures may contain a requirement that the cost comparison study include consideration of factors that are not related to cost, including the quality of the service required to be performed, the availability of Department of Defense personnel, the duration and recurring nature of the services to be performed, and the consistency of the workload.

(2) Procedures to review contracts entered into after a waiver under subsection (b) of such section to

determine whether the contract is justified and sufficiently documented.

(c) EFFECTIVE DATE.—Section 2410l of title 10, United States Code, as added by subsection (a), shall take effect six months after the date of the enactment of this Act.

SEC. 373. REQUIREMENT AND PLAN FOR CONVERTING PERFORMANCE OF CERTAIN POSITIONS TO PERFORMANCE BY DEPARTMENT OF DEFENSE EMPLOYEES.

(a) CONVERSION TO PERFORMANCE BY EMPLOYEES.—In each of fiscal years 1995, 1996, and 1997, the Secretary of Defense shall change the performance of not less than 10,000 positions that, as of September 30, 1994, were designated to be performed by members of the Armed Forces on active duty to performance by employees of the Department of Defense.

(b) PLAN.—Not later than March 31, 1995, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a plan for the implementation of subsection (a).

SEC. 374. USE OF SERVICE CONTRACT FUNDS FOR SEPARATION INCENTIVE PROGRAMS FOR DEPARTMENT OF DEFENSE EMPLOYEES.

During fiscal year 1995, any separation pay paid to an employee of the Department of Defense pursuant to sec-

tion 5597 of title 5, United States Code, or any other separation incentive program shall be paid from funds appropriated to the Department of Defense for operation and maintenance for the purpose of entering into service contracts.

SEC. 375. NON-FEDERAL EMPLOYMENT INCENTIVE PILOT PROGRAM.

(a) AUTHORITY.—The Secretary of Defense may establish a pilot program for employees (as defined in subsection (g)) at military installations scheduled for closure or realignment under which retraining and relocation incentives may be paid to encourage non-Federal employers to hire or retain such employees.

(b) RETRAINING INCENTIVE.—(1) As part of the pilot program, the Secretary may enter into an agreement with a non-Federal employer under which the non-Federal employer agrees to hire an employee for a mutually agreeable salary for a minimum twelve-month period and to certify to the Secretary the employer's cost to train the employee.

(2) The Secretary shall pay a retraining incentive to the non-Federal employer upon the employee's completion of employment for the twelve-month period referred to in paragraph (1). The Secretary shall prorate the amount of the retraining incentive paid to the non-Federal employer

for an employee who does not complete such employment for that twelve-month period.

(c) RELOCATION INCENTIVE.—An employee employed by a non-Federal employer under the pilot program shall be eligible to receive from the Secretary a relocation incentive for such period of employment equal to the travel, transportation, and subsistence expenses that would be authorized to be paid to the employee under chapter 57 of title 5, United States Code (including the reimbursement payment authorized under section 5724b of such title) if the employee were traveling on official business away from the employee's designated post of duty or away from the employee's home or regular place of business during such period.

(d) LIMITATIONS.—A military department or a Defense Agency may offer an incentive under the pilot program only with the prior consent, or on the authority, of the Secretary. Any such incentive may be paid for retraining, relocation, or a combination of retraining and relocation, except that the maximum amount that may be paid to a non-Federal employer to hire an employee under the pilot program may not exceed $10,000.

(e) DURATION.—The pilot program shall terminate not later than September 30, 1999.

(f) DEFINITIONS.—In this section:

(1) The term ''employee'' means an employee of a military department or a Defense Agency, serving under an appointment without time limitation, who has been currently employed by the military department or Defense Agency for a continuous period of at least 12 months and who has been given specific notice of separation by reduction in force, except that such term does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 of title 5, United States Code, chapter 84 of such title, or another retirement system for employees of the Government;

(B) an employee who is subject to subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title and who, at the time of separation from service, has fulfilled the requirements for immediate annuity under such subchapter or chapter; or

(C) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

(2) The term ''non-Federal employer'' means an employer that is not the Federal Government.

SEC. 376. UNIFORM HEALTH BENEFITS PROGRAM FOR EMPLOYEES OF THE DEPARTMENT OF DEFENSE ASSIGNED TO NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) IN GENERAL.—Not later than October 1, 1995, the Secretary of Defense shall take such steps as may be necessary to provide a uniform health benefits program for employees of the Department of Defense assigned to a nonappropriated fund instrumentality of the Department.

(b) REPORT.—The Secretary of Defense shall submit a report on the implementation of subsection (a) to the Committees on Armed Services of the Senate and House of Representatives not later than March 15, 1995.

SEC. 377. OPERATION OF MILITARY EXCHANGE AND COMMISSARY STORE AT NAVAL AIR STATION FORT WORTH, JOINT RESERVE CENTER, CARSWELL FIELD.

The Secretary of Defense shall provide for the operation by the Army and Air Force Exchange Service, until December 31, 1995, of any military exchange and commissary store located at the Naval Air Station Fort Worth, Joint Reserve Center, Carswell Field.

SEC. 378. SHIPS' STORES.

(a) EXTENSION OF DEADLINE FOR CONVERSION.—Section 371(a) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 7604 note) is amended by

striking out ''October 1, 1994'' and inserting in lieu thereof ''October 1, 1995''.

(b) MODIFICATION OF EFFECTIVE DATE.—Section 371(d) of such Act is amended by striking out ''shall take effect on the date on which the Secretary of the Navy completes the conversion referred to in subsection (a)'' and inserting in lieu thereof ''shall take effect on October 1, 1994''.

SEC. 379. PROGRAM TO COMMEMORATE WORLD WAR II.

(a) EXTENSION.—Section 378 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2387) is amended by striking out ''1995'' in subsections (a) and (b) and inserting in lieu thereof ''1996''.

(b) REIMBURSEMENT OF CERTAIN COSTS.—Such section is further amended by adding at the end the following new subsection:

''(g) REIMBURSEMENT FOR CERTAIN EXPENSES.—The Secretary of Defense may provide for reimbursement of expenses incurred by a person to provide for the participation of the S.S. Jeremiah O'Brien in programs and activities to commemorate the 50th anniversary of World War II.''.

SEC. 380. ONE-YEAR EXTENSION OF CERTAIN PROGRAMS.

(a) DEMONSTRATION PROJECT FOR USE OF PROCEEDS FROM THE SALE OF CERTAIN PROPERTY.—(1) Section 343(d)(1) of the National Defense Authorization Act

for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1344) is amended by striking out ''terminate on December 5, 1994'' and inserting in lieu thereof ''terminate on December 5, 1995''.

(2) Section 343(e) of such Act is amended by striking out ''February 3, 1995'' and inserting in lieu thereof ''February 3, 1996''.

(b) AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.—Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1684) is amended by striking out ''September 30, 1994'' and inserting in lieu thereof ''September 30, 1995''.

(c) AUTHORITY OF BASE COMMANDERS OVER CONTRACTING FOR COMMERCIAL ACTIVITIES.—Section 2468(f) of title 10, United States Code, is amended by striking out ''September 30, 1994'' and inserting in lieu thereof ''September 30, 1995''.

SEC. 381. CLARIFICATION AND CODIFICATION OF OVERSEAS MILITARY END STRENGTH LIMITATION.

(a) IN GENERAL.—(1) Chapter 3 of title 10, United States Code, is amended by inserting after section 123a the following new section:

"§ 123b. Forces stationed abroad: limitation on number

"(a) END-STRENGTH LIMITATION.—No funds appropriated to the Department of Defense may be used to support a strength level of members of the armed forces assigned to permanent duty ashore in nations outside the United States at the end of any fiscal year at a level in excess of 200,000.

"(b) EXCEPTION FOR WARTIME.—Subsection (a) does not apply in the event of a declaration of war or an armed attack on any member nation of the North Atlantic Treaty Organization, Japan, the Republic of Korea, or any other ally of the United States.

"(c) PRESIDENTIAL WAIVER.—The President may waive the operation of subsection (a) if the President declares an emergency. The President shall immediately notify Congress of any such waiver.".

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

"123b. Forces stationed abroad: limitation on number.".

(b) EFFECTIVE DATE.—Section 123b of title 10, United States Code, as added by subsection (a), does not apply with respect to a fiscal year before fiscal year 1996.

(c) CONFORMING REPEAL.—Section 1302 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2545) is repealed.

SEC. 382. AUTHORITY TO ISSUE MILITARY IDENTIFICATION CARDS TO SO-CALLED HONORARY RETIREES OF THE NAVAL AND MARINE CORPS RESERVES.

(a) AUTHORITY.—The Secretary of the Navy may issue a military identification card to a member of the Retired Reserve described in subsection (b).

(b) COVERED MEMBERS.—A member of the Retired Reserve referred to in subsection (a) is a member of the Naval Reserve or Marine Corps Reserve who transferred to the Retired Reserve under section 274(2) of title 10, United States Code, without having completed the years of service required under section 1331(a)(2) of such title for eligibility for retired pay under chapter 67 of that title.

(c) EFFECT ON COMMISSARY AND EXCHANGE BENEFITS.—The issuance of a military identification card under subsection (a) to a member of the Retired Reserve does not confer eligibility for commissary and exchange benefits on that member.

SEC. 383. MODIFICATION OF STATUTE OF LIMITATIONS FOR CERTAIN CLAIMS FOR PERSONAL PROPERTY DAMAGE OR LOSS.

(a) MODIFICATION.—Subsection (g) of section 3721 of title 31, United States Code, is amended—

(1) by striking out ". However, if" and inserting in lieu thereof ", except that in the case of a member

of the uniformed services, the claim must be presented in writing within 1 year after the claim accrues. If''; and

(2) in the second sentence, by inserting ''(or, in the case of a member of the uniformed services, within 1 year)'' after ''presented within 2 years''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to a claim under section 3721 of title 31, United States Code, that accrues on or after the date of the enactment of this Act.

SEC. 384. OPERATION OF OVERSEAS FACILITIES OF THE DEPARTMENT OF DEFENSE BY UNITED STATES FIRMS.

(a) OPERATION OF FACILITIES.—(1) Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2542. Operation of overseas facilities of the Department of Defense by United States firms

''(a) OPERATION OF OVERSEAS FACILITIES.—A contract to operate a Department of Defense facility not in the United States (or its territories or possessions) for the production or distribution of subsistence items may be awarded only to a United States firm. The facility shall be operated in accordance with Federal law governing the production or distribution of such items.

''(b) DEFINITION.—In this section, the term 'United States firm' has the meaning given such term in section 2532(d)(1) of this title.''.

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

''2542. Operation of overseas facilities of the Department of Defense by United States firms.''.

(b) EFFECTIVE DATE.—Section 2542 of title 10, United States Code, as added by subsection (a), shall apply with respect to solicitations issued, contracts awarded or extended, or subcontracts approved, after January 1, 1995.

SEC. 385. EXCLUSION OF CERTAIN TROOPS IN CALCULATION OF AUTHORIZED END STRENGTH FOR MILITARY PERSONNEL IN EUROPE.

Subsection (c)(1) of section 1002 of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note), is amended by adding at the end the following: ''For purposes of this paragraph, members of the Armed Forces of the United States assigned to permanent duty ashore in Iceland, Greenland, and the Azores are excluded in calculating the end strength level of members of the Armed Forces assigned to permanent duty ashore in European member nations of NATO.''.

SEC. 386. AUTHORITY TO TRANSFER CERTAIN EXCESS PROPERTY TO EDUCATIONAL INSTITUTIONS AND TRAINING SCHOOLS.

Notwithstanding title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.) and any other provision of law, the Secretary of Defense may, until January 1, 1997, authorize the transfer, on a nonreimbursable basis, of any property described in section 2535 of title 10, United States Code, to any nonprofit educational institution or training school whenever the program proposed by such institution or school for the use of such property is in the public interest.

SEC. 387. PRIORITY TO STATES FOR THE TRANSFER OF NONLETHAL EXCESS SUPPLIES OF THE DEPARTMENT OF DEFENSE.

Section 2547 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out ''The Secretary of Defense'' and inserting in lieu thereof ''Subject to subsection (d), the Secretary of Defense'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection (d):

''(d) Nonlethal excess supplies of the Department of Defense shall be made available to a State, a local government

of a State, a Territory, or a possession, upon the request of the State, local government, Territory, or possession pursuant to authority provided in another provision of law, before such supplies are made available for humanitarian relief purposes under this section. The President may make such supplies available for humanitarian purposes before such supplies are made available to a State, local government, Territory, or possession under this subsection in order to respond to an emergency for which such supplies are especially suited.''.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1995, as follows:

(1) The Army, 510,000.

(2) The Navy, 441,641.

(3) The Marine Corps, 174,000.

(4) The Air Force, 400,051.

SEC. 402. LIMITATION ON DEPLOYMENT OF DIVISIONS CONSTITUTING ARMY CONTINGENCY FORCE.

(a) IN GENERAL.—Whenever practicable, in assigning forces of the Army for operations other than war, the President shall seek to use elements of divisions that are not part

of the contingency force, and the President may not at any one time use elements of more than one division of the contingency force for such operations (except for domestic humanitarian or disaster relief missions) unless elements of all divisions that are not part of the contingency force are currently deployed for such operations.

(b) CONTINGENCY FORCE DEFINED.—For purposes of this section, the term ''contingency force'' means the set of four or five Army divisions that is designated as the Army contingency force by the Secretary of the Army, such force consisting of those divisions that are assigned to be the initial Army divisions to be deployed to respond to a regional conflict.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1995, as follows:

(1) The Army National Guard of the United States, 400,000.

(2) The Army Reserve, 242,000.

(3) The Naval Reserve, 100,710.

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

(5) The Air National Guard of the United States, 115,581.

(6) The Air Force Reserve, 78,706.

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

(b) WAIVER AUTHORITY.—The Secretary of Defense may increase the end strength authorized by subsection (a) by not more than 2 percent.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be reduced proportionately by—

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

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1995, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 23,650.

(2) The Army Reserve, 11,940.

(3) The Naval Reserve, 17,510.

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

(5) The Air National Guard of the United States, 9,098.

(6) The Air Force Reserve, 648.

SEC. 413. ACTIVE COMPONENT MEMBERS TO BE ASSIGNED FOR TRAINING COMPATIBILTY WITH GUARD UNITS.

Section 414(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 261 note) is amended by striking out ''September 30, 1994'' and inserting in lieu thereof ''September 30, 1996''.

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1995, the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 69,420.

(2) The Navy, 43,064.

(3) The Marine Corps, 25,377.

(4) The Air Force, 36,840.

(b) SCOPE.—The average military training student load authorized for an armed force under subsection (a) applies to the active and reserve components of that armed force.

(c) ADJUSTMENTS.—The average military training student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in subtitles A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year

1995 a total of $71,086,397,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1995.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. AUTHORITY FOR OFFICERS TO SERVE ON SUCCESSIVE PROMOTION BOARDS.

Section 612(b) of title 10, United States Code, is amended—

(1) by striking out ''No officer may be'' and inserting in lieu thereof ''(1) Except as provided in paragraph (2), an officer may not be''; and

(2) by adding at the end the following:

''(2) With the approval of the Secretary of the military department concerned, an officer may serve as a member on successive consideration of officers of the same competitive category and grade if the second board does not consider the same officer or officers as the first board.''.

SEC. 502. ARMY FIELD GRADE OFFICER STRENGTH LIMITATIONS.

(a) REVISIONS TO AUTHORIZED ACTIVE DUTY NUMBERS.—The table in section 523(a)(1) of title 10, United States Code, is amended by striking out all of the table

preceding ''Air Force:'' and inserting in lieu thereof the following:

''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	*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) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994.

SEC. 503. TECHNICAL CHANGES TO PROVISIONS ENACTED BY WARRANT OFFICER MANAGEMENT ACT.

Chapter 33A of title 10, United States Code, is amended—

(1) in section 578, by adding at the end the following new subsections:

''(e) An officer who is appointed to a higher grade under this section is considered to have accepted such appointment on the date on which the appointment is made unless the officer expressly declines the appointment.

''(f) An officer who has served continuously since the officer subscribed to the oath of office prescribed in section 3331 of title 5 is not required to take a new oath upon appointment to a higher grade under this section.'';

(2) in sections 573(a)(2) and 574(e), by striking out ''on active duty'';

(3) in section 575(d), by inserting before the period at the end '', except for those officers precluded from consideration under regulations prescribed by the Secretary concerned under section 577 of this title'';

(4) in section 576(f)(1), by striking out the last sentence; and

(5) in section 582(2), by inserting before the period at the end ''(except those retired warrant officers who were recalled to active duty before February 1, 1992)''.

SEC. 504. NAVY AND MARINE CORPS LIMITED DUTY OFFICERS.

Section 5589 of title 10, United States Code, is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following subsection:

''(c) An officer designated for limited duty who is serving on active duty pursuant to a temporary appointment under section 5596 of this title may be given an original appointment under this section with the same grade and date of rank as the officer held pursuant to the temporary appointment.''.

SEC. 505. RETIREMENT OR ENLISTMENT OF CERTAIN LIMITED DUTY OFFICERS OF THE NAVY AND MARINE CORPS.

Section 6383 of title 10, United States Code, is amended—

(1) in subsections (a)(1), (a)(2), (a)(3), (a)(4), (b), and (d), by striking out ''Except as provided in subsection (i),'' and inserting in lieu thereof ''Except as provided in subsections (f) and (h),'';

(2) by striking out subsection (f) and inserting in lieu thereof the following:

''(f)(1) An officer subject to discharge under subsection (b), (d), or (e) who is not eligible for retirement and to whom paragraph (2) does not apply may, upon the officer's request and in the discretion of the Secretary of the Navy, be enlisted in the grade prescribed by the Secretary.

''(2) If an officer subject to discharge under subsection (b) or (d) is, on the date on which the officer is to be discharged, within two years of qualifying for retirement

under section 6323 of this title, the officer shall be retained on active duty until qualified for retirement and shall then be retired under that section, unless the officer is sooner retired or discharged under another provision of law.'';

(3) by striking out subsection (g);

(4) by redesignating subsections (h), (i), and (j) as subsections (g), (h), and (i) respectively; and

(5) in subsection (h) (as so redesignated), by striking out ''or the discharge under subsection (d)'' and inserting in lieu thereof ''or the discharge under subsection (b) or (d)''.

SEC. 506. TEMPORARY EXCLUSION OF SUPERINTENDENT OF NAVAL ACADEMY FROM COUNTING TOWARD NUMBER OF SENIOR ADMIRALS AUTHORIZED TO BE ON ACTIVE DUTY.

(a) GRADE RELIEF.—If the next officer appointed to serve as Superintendent of the United States Naval Academy after April 1, 1994, is an officer described in subsection (b), that officer, while so serving, shall not be counted for purposes of the limitations contained in section 525(b)(2) of title 10, United States Code.

(b) QUALIFYING OFFICER.—Subsection (a) applies in the case of a retired officer who—

(1) holds the grade of admiral on the retired list;

(2) is ordered to active duty pursuant to section 688 of title 10, United States Code, to serve as Superintendent of the United States Naval Academy; and

(3) is appointed pursuant to section 601 of that title to have the grade of admiral while serving on active duty in that position.

SEC. 507. GRADE OF HEADS OF CERTAIN PROFESSIONAL MILITARY EDUCATION SCHOOLS.

(a) NATIONAL DEFENSE UNIVERSITY.—The president of the National Defense University, if a member of the Armed Forces on active duty, has the grade of lieutenant general or vice admiral while so serving, if appointed to that grade for service in that position.

(b) COMPONENT SCHOOLS OF NDU.—The commandant of each of the following Department of Defense schools shall be selected from among officers on the active-duty list who have the grade of major general or rear admiral:

(1) The National War College.

(2) The Industrial College of the Armed Forces.

(3) The Armed Forces Staff College.

(c) SERVICE SCHOOLS.—The following positions may be held only by officers on the active-duty list serving in the grade of major general or rear admiral or a higher grade:

(1) The commandant of the Army War College.

(2) The president of the Naval War College.

(3) The commandant of the Air University.

Subtitle B—Reserve Component Matters

SEC. 511. SELECTED RESERVE ACTIVATION AUTHORITY.

(a) ENHANCED ACTIVATION AUTHORITY.—Subsection (a) of section 673b of title 10, United States Code, is amended to read as follows:

"(a)(1) If the President determines that augmentation of the active forces is necessary for an operational mission, the President may provide Reserve activation authority. The period for which a unit or member is ordered to active duty pursuant to Reserve activation authority provided under this paragraph may not be more than 180 days (and is subject to extension under subsection (i)).

"(2) If the President determines that augmentation of the active forces may be necessary for an operational mission that the President authorizes to be carried out, the President may, on or after the date on which the President authorizes that mission to be carried out, provide Reserve activation authority with respect to a total of not more than 25,000 members of the Selected Reserve. The period for which a unit or member is ordered to active duty pursuant

to Reserve activation authority provided under this paragraph may not be more than 90 days.

''(3) The term 'Reserve activation authority' means authority provided by the President to the Secretary of Defense and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service of the Navy to order to active duty (other than for training) without the consent of the members concerned (A) any unit of the Selected Reserve, and (B) any member of the Selected Reserve not assigned to a unit organized to serve as a unit.

''(4) This section applies notwithstanding the provisions of section 673(a) of this title or any other provision of law.''.

(b) PERIOD OF EXTENSION OF ACTIVE DUTY.—Subsection (i) of such section is amended in the first sentence—

(1) by striking out ''is ordered to active duty under this section'' and inserting in lieu thereof ''is ordered to active duty under authority provided under subsection (a)(1)''; and

(2) by striking out ''90 additional days'' and inserting in lieu thereof ''180 additional days''.

(c) CONFORMING AMENDMENT CONCERNING NOTICE TO CONGRESS OF USE OF ACTIVATION AUTHORITY.—Subsection (f) of such section is amended—

(1) by inserting ''(1)'' after ''(f)''; and

(2) by adding at the end the following:

''(2) Whenever a unit or member of the Selected Reserve is ordered to active duty under authority provided under subsection (a)(2), the Secretary of Defense or the Secretary of Transportation, as the case may be, shall submit, within 24 hours after issuing such order, a report to Congress, in writing, setting forth the circumstances necessitating the action taken and describing the anticipated use of the units or members ordered to active duty.''.

SEC. 512. RESERVE GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.

(a) IN GENERAL.—Section 526 of title 10, United States Code, is amended by adding at the end the following:

''(d)(1) Within the numbers authorized under subsections (a) and (b), there shall be, at a minimum, the following Reserve general and flag officers serving in the National Guard Bureau, the Office of a Chief of a reserve component, or the headquarters of a reserve component command:

Army National Guard of the United States	*3 general officers.*
Army Reserve	*3 general officers.*
Naval Reserve	*3 flag officers.*
Air National Guard of the United States	*3 general officers.*
Air Force Reserve	*3 general officers.*

''(2) Within the numbers authorized under subsections (a) and (b), there shall be (in addition to the officers specified in paragraph (1)) a Reserve general or flag officer who

is assigned as the Military Executive to the Reserve Forces Policy Board.

''(e) The limitation of this section does not apply to a reserve general or flag officer who is on active duty for training or who is on active duty under a call or order specifying a period of less than 180 days.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 513. DEFINITION OF ACTIVE GUARD AND RESERVE DUTY.

Section 101(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(7)(A) The term 'active Guard and Reserve duty' means active duty or full-time National Guard duty performed by a member of a reserve component of the Army, Navy, Air Force, or Marine Corps or of the National Guard pursuant to an order to active duty or full-time National Guard duty for a period of more than 180 consecutive days for the purpose of organizing, administering, recruiting, instructing, or training the reserve components.

''(B) Such term does not include the following:

"(i) Duty performed as a member of the Reserve Forces Policy Board provided for under section 175 of this title.

"(ii) Duty performed as a property and fiscal officer under section 708 of title 32.

"(iii) Duty performed in connection with drug interdiction and counter-drug activities under section 112 of title 32.

"(iv) Duty performed as a general or flag officer.

"(v) Service as a State director of the Selective Service System under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)).".

SEC. 514. REPEAL OF OBSOLETE PROVISIONS PERTAINING TO TRANSFER OF REGULAR ENLISTED MEMBERS TO THE RETIRED RESERVE.

(a) ARMY.—Section 3914 of title 10, United States Code, is amended by striking out the second and third sentences.

(b) AIR FORCE.—Section 8914 of such title, is amended by striking out the second and third sentences.

SEC. 515. GUARD AND RESERVE TRANSITION INITIATIVES.

(a) Section 1331a(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) Notwithstanding the provisions of section 4415(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2714), the Secretary concerned may, consistent with the other provisions of this section, provide the notification required by section 1331(d) of this title to a member who no longer meets the qualifications for membership in the Selected Reserve solely because the member is unfit because of physical disability. Such notification may not be made if the disability is the result of the member's intentional misconduct, willful neglect, or willful failure to comply with standards and qualifications for retention established by the Secretary concerned or was incurred during a period of unauthorized absence.''.

(b) Section 4416 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2714) is amended—

(1) by striking out subsection (d) and inserting in lieu thereof the following:

''(d) ANNUAL PAYMENT PERIOD.—An annual payment granted to a member under this section shall be paid for the number of years specified by the Secretary concerned. Such number shall be one or more but not more

than five, except that the entitlement to the annual payment shall terminate on the member's 60th birthday.'';

(2) by adding at the end of subsection (e) the following new paragraph:

''(3) In the case of a member who will attain 60 years of age during the 12-month period following the date on which an annual payment is due, the payment shall be paid on a prorated basis of one-twelfth of the annual payment for each full month between the date on which the payment is due and the date on which the member attains age 60.'';

and

(3) by adding at the end the following new subsection:

''(i) COORDINATION WITH RETIRED PAY.—A member who has received one or more annual payments under this section shall, upon entitlement to retired pay under chapter 67 of this title, have deducted from each payment of such retired pay 50 percent of such payment until the total amount deducted is equal to the total amount of payments received under this section.''.

SEC. 516. SEMIANNUAL REPORT ON SEPARATIONS OF ACTIVE ARMY OFFICERS.

Section 1111 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–

484; 106 Stat. 2536) is amended by adding at the end the following new subsection:

''(e) On a semiannual basis, the Secretary of the Army shall furnish to the Chief of the National Guard Bureau a list containing the name, home of record, and last-known mailing address of each officer of the Army who during the previous six months was honorably separated from active service in the grade of major or below.''.

Subtitle C—Other Matters

SEC. 521. REPEAL OF REQUIRED REDUCTION IN RECRUITING PERSONNEL.

Section 431 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2400) is repealed.

SEC. 522. COAST GUARD FORCE REDUCTION TRANSITION BENEFITS.

(a) INVOLUNTARY SEPARATION BENEFITS AND SERVICES.—Chapter 58 of title 10, United States Code, is amended as follows:

(1) Section 1141 is amended in the matter preceding paragraph (1)—

(A) by striking out ''Army, Navy, Air Force, or Marine Corps'' and inserting in lieu thereof ''armed forces''; and

(B) by striking out ''or on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994'' and inserting in lieu thereof ''or after November 29, 1993, or, with respect to a member of the Coast Guard, if the member was on active duty in the Coast Guard after September 30, 1994,''.

(2) Section 1143 is amended—

*(A) in the heading, by striking out ''**: Department of Defense**'';*

(B) in subsection (a), by inserting ''and the Secretary of Transportation with respect to the Coast Guard'' after ''Secretary of Defense'' and by striking out ''under the jurisdiction of the Secretary'';

(C) in subsection (b), by adding at the end the following new sentence: ''The Secretary of Transportation shall establish permanent employment assistance centers at appropriate Coast Guard installations.'';

(D) in subsection (c), by inserting ''and the Secretary of Transportation'' after ''Secretary of Defense''; and

(E) in subsection (d), by adding at the end the following new sentence: ''The Secretary of

Transportation shall provide the same preference in hiring to involuntarily separated members of the Coast Guard, and the dependents of such members, in Coast Guard nonappropriated fund instrumentalities.''.

(3) Section 1143a is amended—

*(A) in the heading by striking out ''**: Department of Defense**''; and*

(B) by adding at the end the following new subsection:

''(h) This section shall apply to the Coast Guard in the same manner and to the same extent as it applies to the Department of Defense. The Secretary of Transportation shall implement the requirements of this section for the Coast Guard.''.

(4) Section 1145 is amended by adding at the end the following new subsection:

''(e) The provisions of this section shall apply to members of the Coast Guard (and their dependents) involuntarily separated from active duty during the five-year period beginning on October 1, 1994. The Secretary of Transportation shall implement this section for the Coast Guard.''.

(5) Section 1146 is amended by adding at the end the following new sentence: ''The Secretary of Transportation shall implement this provision for

Coast Guard members involuntarily separated during the five-year period beginning October 1, 1994.''.

(6) Section 1147(a) is amended—

(A) by inserting ''(1)'' before ''The Secretary of a military department''; and

(B) by adding at the end the following new paragraph:

''(2) The Secretary of Transportation may prescribe regulations to permit members of the Coast Guard who are involuntarily separated during the five-year period beginning October 1, 1994, to continue for not more than 180 days after the date of such separation to reside (along with others of the member's household) in military family housing provided or leased by the Coast Guard to the individual as a member of the armed forces.''.

(7) Section 1148 is amended by inserting ''and the Secretary of Transportation'' after ''Secretary of Defense''.

(8) Section 1149 is amended—

(A) by inserting ''or the Secretary of Transportation with respect to the Coast Guard'' after ''Secretary of Defense''; and

(B) by striking out ''of the military department''.

(9) Section 1150 is amended by adding at the end the following new subsection:

''(c) COAST GUARD.—This section shall apply to the Coast Guard in the same manner and to the same extent as it applies to the Department of Defense. The Secretary of Transportation shall prescribe regulations to implement this section for the Coast Guard.''.

(10) The table of sections at the beginning of the chapter is amended by striking out '': Department of Defense'' in the items relating to section 1143 and 1143a.

(b) SPECIAL SEPARATION BENEFIT.—Section 1174a of title 10, United States Code, is amended—

(1) in subsection (a), by striking out ''of each military department'' and inserting in lieu thereof ''concerned'';

(2) in subsection (d), by striking out ''of a military department'' and inserting in lieu thereof ''concerned'';

(3) in subsection (e)(3), by striking out ''of the military department''; and

(4) in subsection (h), by striking out ''of a military department'' and inserting in lieu thereof ''concerned''.

(c) VOLUNTARY SEPARATION INCENTIVE.—Section 1175 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by inserting ''and the Secretary of Transportation'' after ''Secretary of Defense'';

(2) in subsection (c), by striking out ''of the military department'';

(3) in subsection (g), by inserting ''and the Department of Transportation for the Coast Guard'' before the period at the end;

(4) in subsection (h)(3), by inserting ''except for payments to members of the Coast Guard'' after ''under this section''; and

(5) in subsection (i), by inserting ''and the Secretary of Transportation'' after ''Secretary of Defense''.

(d) TEMPORARY EARLY RETIREMENT AUTHORITY.—Section 4403 of the Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484, 106 Stat. 2702, 10 U.S.C. 1293 note) shall apply to the Coast Guard in the same manner and to the same extent as that provision applies to the Department of Defense. The Secretary of Transportation shall implement the provisions of that section with respect to the Coast Guard and apply the applicable provisions of

title 14, United States Code, relating to retirement of Coast Guard personnel.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply only to members of the Coast Guard who are involuntarily separated after September 30, 1994.

SEC. 523. EXTENSION OF WARRANT OFFICER MANAGEMENT ACT TO COAST GUARD.

(a) ESTABLISHMENT OF PERMANENT GRADE OF CHIEF WARRANT OFFICER, W–5.—(1) The grade of chief warrant officer, W–5, is hereby established in the Coast Guard.

(2) Section 571(a) of title 10, United States Code, is amended by striking out ''Army, Navy, Air Force, and Marine Corps'' and inserting in lieu thereof ''armed forces''.

(b) EXTENSION OF WARRANT OFFICER MANAGEMENT ACT PROVISIONS TO COAST GUARD WARRANT OFFICERS.—Chapter 33A of title 10, United States Code, is amended as follows:

(1) Section 573(a) is amended—

(A) by striking out ''Secretary of a military department'' in paragraph (1) and inserting in lieu thereof ''Secretary concerned''; and

(B) by striking out ''of the military department'' in paragraph (2).

(2) Section 574 is amended by striking out ''Secretary of each military department'' in subsections (a) and (b) and inserting in lieu thereof ''Secretary concerned''.

(3) Section 575(b)(2) is amended by inserting ''and the Secretary of Transportation, when the Coast Guard is not operating as a service in the Navy,'' after ''Secretary of Defense''.

(4) Section 576 is amended—

(A) in subsection (a), by striking out ''of the military department'' in the matter preceding paragraph (1);

(B) in subsection (e), by striking out ''of the military department''; and

(C) in subsection (f)(2), by striking out ''of the military department''.

(5) Section 580 is amended—

(A) in subsection (a)(4)(B), by inserting '', or severance pay computed under section 286a of title 14, as appropriate,'' after ''section 1174 of this title''; and

(B) in subsection (e)(6), by inserting ''and the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy,'' after ''Secretary of Defense''.

(6) Section 581(a) is amended by striking out ''in the Army, Navy, Air Force, or Marine Corps''.

(c) TRANSITION FOR CERTAIN REGULAR WARRANT OFFICERS SERVING IN A HIGHER TEMPORARY GRADE BELOW CHIEF WARRANT OFFICER, W–5.—(1) A regular warrant officer of the Coast Guard who on the effective date of this section is on active duty and—

(A) is serving in a temporary grade below chief warrant officer, W–5, that is higher than that warrant officer's permanent grade;

(B) is on a list of officers recommended for promotion to a temporary grade below chief warrant officer W–5; or

(C) is on a list of officers recommended for promotion to a permanent grade higher than the grade in which that warrant officer is serving;

shall be considered to have been recommended by a board convened under section 573 of title 10, United States Code, as amended by this subsection (b), for promotion to the permanent grade equivalent to the grade in which that warrant officer is serving or for which that warrant officer has been recommended for promotion, as the case may be.

(2) An officer referred to in subparagraph (A) of paragraph (1) who is not promoted to the grade to which that warrant officer is considered under such subsection to have

been recommended for promotion because that officer's name is removed from a list of officers who are considered under such paragraph to have been recommended for promotion shall be considered by a board convened under section 573 of title 10, United States Code, as amended by subsection (b), for promotion to the permanent grade equivalent to the temporary grade in which that warrant officer was serving on the effective date of this section as if that warrant officer were serving in the permanent grade.

(3) The date of rank of an officer referred to in paragraph (1)(A) who is promoted to the grade in which that warrant officer is serving on the effective date of this section is the date of that officer's temporary appointment in that grade.

(d) TRANSITION FOR CERTAIN RESERVE WARRANT OFFICERS SERVING IN A HIGHER TEMPORARY GRADE BELOW CHIEF WARRANT OFFICER, W–5.—(1)(A) Except as provided in paragraph (2), a reserve warrant officer of the Coast Guard who on the effective date of this section is subject to placement on the warrant officer active-duty list and who—

(i) is serving in a temporary grade below chief warrant officer, W–5, that is higher than that warrant officer's permanent grade; or

(ii) is on a list of warrant officers recommended for promotion to a temporary grade below chief warrant officer, W–5, that is the same as or higher than that warrant officer's permanent grade;

shall be considered to have been recommended by a board convened under section 598 of title 10, United States Code, for promotion to the permanent grade equivalent to the grade in which the warrant officer is serving or for which that warrant officer has been recommended for promotion, as the case may be.

(B) The date of rank of a warrant officer referred to in subparagraph (A)(i) who is promoted to the grade in which that warrant officer is considered under such subparagraph to have been recommended for promotion is the date of the temporary appointment of that warrant officer in that grade.

(2) A reserve warrant officer of the Coast Guard who on the effective date of this section—

(A) is subject to placement on the warrant officer active-duty list;

(B) is serving on active duty in a temporary grade; and

(C) holds a permanent grade higher than the temporary grade in which that warrant officer is serving;

shall while continuing on active duty retain such temporary grade and shall be considered for promotion to a grade equal to or lower than the permanent grade as if such temporary grade is a permanent grade. If such warrant officer is recommended for promotion, the appointment of that warrant officer to such grade shall be a temporary appointment.

(e) RANK OF COAST GUARD WARRANT OFFICERS.—(1) Subchapter A of chapter 11 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 215. Rank of warrant officers

''(a) Among warrant officer grades, warrant officers of a higher numerical designation are senior to warrant officer grades of a lower numerical designation.

''(b) Warrant officers shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in the Coast Guard in such grade. Precedence among warrant officers of the same grade who have the same date of commission shall be determined by regulations prescribed by the Secretary.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 214 the following new item:

''215. Rank of warrant officers.''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 1125(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 555 note) is repealed.

(2) Section 286a(a) of title 14, United States Code, is amended by striking out ''section 564(a)(3) of title 10 (as in effect on the day before the effective date of the Warrant Officer Management Act)'' and inserting in lieu thereof ''section 580(a)(4)(A) of title 10''.

(3) Section 334(b) of such title is amended by striking out ''section 564 of title 10 (as in effect on the day before the effective date of the Warrant Officer Management Act) or'' and inserting in lieu thereof ''section 580,''.

(4) Section 41 of such title is amended by striking out ''chief warrant officers, W–4; chief warrant officers, W–3; chief warrant officers, W–2; cadets; warrant officers, W–1;'' and inserting in lieu thereof ''chief warrant officers; cadets; warrant officers;''.

(5)(A) Sections 212 and 213 of such title are repealed.

(B) The table of sections at the beginning of chapter 11 of such title is amended by striking out the items relating to section 212 and 213.

(6) Section 214 of such title is amended by striking out subsections (b) and (c).

(7) Section 583 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) The active-duty list referred to in section 573(b) of this title includes the active-duty promotion list established by section 41a of title 14.''.

(g) TEMPORARY AUTHORITY FOR INVOLUNTARY SEPARATION OF CERTAIN WARRANT OFFICERS.—Section 580a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) This section applies to the Secretary of Transportation in the same manner and to the same extent as it applies to the Secretary of Defense. The Commandant of the Coast Guard shall take the action set forth in subsection (b) with respect to regular warrant officers of the Coast Guard.''.

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the later of—

(1) October 1, 1994; or

(2) the first day of the fourth month beginning after the date of the enactment of this Act.

SEC. 524. AUTHORIZED ACTIVE DUTY STRENGTHS FOR ARMY ENLISTED MEMBERS IN PAY GRADE E–8.

(a) IN GENERAL.—Section 517(a) of title 10, United States Code, is amended by inserting ''(or, in the case of

the Army, 2.5 percent)'' after ''may not be more than 2 percent''.

(b) SPECIAL RULE FOR 1995.—The percentage applicable to enlisted members of the Army in pay grade E–8 under section 517(a) of title 10, United States Code, during 1995 shall be 2.3 percent (rather than the percentage provided by the amendment made by subsection (a)).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall not apply with respect to the number of enlisted members of the Army on active duty in pay grade E–8 during 1994.

SEC. 525. REIMBURSEMENT FOR CERTAIN LOSSES OF HOUSEHOLD EFFECTS DURING PCS MOVES.

(a) AUTHORITY TO REIMBURSE.—The Secretary of the military department concerned may reimburse a member of the Armed Forces under the Secretary's jurisdiction for a loss described in subsection (b).

(b) COVERED LOSSES.—This section applies with respect to a loss of household effects sustained during a move made incident to a change of permanent station when, as determined by the Secretary, the loss was caused by a hostile action incident to war or a warlike action by a military force.

(c) LIMITATION.—The Secretary may provide reimbursement under this section for a loss described in sub-

section (b) only to the extent that the loss is not reimbursed under insurance or under the authority of another provision of law.

(d) EFFECTIVE DATE.—The authority provided by this section applies with respect to losses incurred after June 30, 1990.

SEC. 526. VICTIMS' ADVOCATES PROGRAMS IN DEPARTMENT OF DEFENSE.

(a) ESTABLISHMENT.—The Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness, shall establish within each of the military departments a victims' advocates program to provide assistance to members of the Armed Forces and their dependents who are victims of sexual and physical abuse, unlawful discrimination, or sexual harassment.

(b) IMPLEMENTATION THROUGH FAMILY ADVOCACY PROGRAM.—The programs under subsection (a) shall, to the extent practicable, be carried out through Family Advocacy Programs in the military departments.

(c) VICTIMS ADVOCATE DEFINED.—For purposes of the programs under subsection (a), a victims advocate program is a program in which individuals working in the program serve the interests of a victim of sexual and physical abuse, unlawful discrimination, or sexual harassment by providing information on available benefits and services, assist-

ance in obtaining those benefits and services, and other appropriate assistance.

(d) IMPLEMENTATION REPORT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the implementation of this section. The report shall be submitted not later than six months after the date of the enactment of this Act.

SEC. 527. PROHIBITION OF RETALIATORY ACTIONS AGAINST MEMBERS OF THE ARMED FORCES MAKING ALLEGATIONS OF SEXUAL HARASSMENT OR UNLAWFUL DISCRIMINATION.

(a) IN GENERAL.—(1) Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 983. Retaliatory personnel actions prohibited against members alleging sexual harassment or unlawful discrimination

"(a) PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.—(1) No person may take (or threaten to take) an unfavorable personnel action, or withhold (or threaten to withhold) a favorable personnel action, as a reprisal against a member of the armed forces for making or preparing a communication described in subsection (b)(2) to—

"(A) a Member of Congress;

"(B) an Inspector General (as defined in subsection (g));

"(C) a member of a Department of Defense audit, inspection, investigation, or law enforcement organization; or

"(D) any other person or organization (including any person or organization in the chain of command) designated pursuant to regulations or other established administrative procedures for such communications.

"(2) Any action prohibited by paragraph (1) (including the threat to take any action and the withholding or threat to withhold any favorable action) shall be considered for the purposes of this section to be a personnel action prohibited by this subsection.

"(b) INSPECTOR GENERAL INVESTIGATION OF ALLEGATIONS OF PROHIBITED PERSONNEL ACTIONS.—(1) If a member of the armed forces submits to the Department of Defense Inspector General (or to the Inspector General of the Department of Transportation, in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy) an allegation that a personnel action prohibited by subsection (a) has been taken (or threatened) against the member with respect to a communication described in paragraph (2), the Inspector General

shall expeditiously investigate the allegation. The Inspector General of the Department of Defense may not delegate or assign any such investigation to an office or organization within a military department.

"(2) A communication described in this paragraph is a communication in which a member of the armed forces complains of, or discloses information that the member reasonably believes constitutes evidence of, sexual harassment or unlawful discrimination.

"(3) The Inspector General is not required to make an investigation under paragraph (1) in the case of an allegation made more than 60 days after the date on which the member becomes aware of the personnel action that is subject of the allegation.

"(c) INSPECTOR GENERAL INVESTIGATION OF ALLEGATIONS OF SEXUAL HARASSMENT OR UNLAWFUL DISCRIMINATION.—If the Inspector General considers it necessary, due to evidence of a biased or inadequate investigation of the underlying allegation of sexual harassment or unlawful discrimination, the Inspector General may initiate a separate investigation of that allegation.

"(d) REPORTS ON INVESTIGATIONS.—(1) Not later than 30 days after completion of an investigation under subsection (b) or (c), the Inspector General shall submit a report on the results of the investigation to the Secretary

of Defense (or to the Secretary of Transportation in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy) and the member of the armed forces who made the allegation.

''(2) In the copy of the report submitted to the member, the Inspector General shall ensure the maximum disclosure of information possible, with the exception of information that is not required to be disclosed under section 552 of title 5.

''(3) If, in the course of an investigation of an allegation under this section, the Inspector General determines that it is not possible to submit the report required by paragraph (1) within 120 days after the date of receipt of the allegation being investigated, the Inspector General shall provide to the Secretary of Defense (or to the Secretary of Transportation in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy) and to the member making the allegation a notice—

''(A) of that determination (including the reasons why the report may not be submitted within that time); and

''(B) of the time when the report will be submitted.

''(4) The report on the results of the investigation shall contain a thorough review of the facts and circumstances

relevant to the allegation and the complaint or disclosure and shall include documents acquired during the course of the investigation, including summaries of interviews conducted. The report may include a recommendation as to the disposition of the complaint.

''(e) CORRECTION OF RECORDS WHEN PROHIBITED ACTION TAKEN.—(1) A board for the correction of military records acting under section 1552 of this title, in resolving an application for the correction of records made by a member or former member of the armed forces who has alleged a personnel action prohibited by subsection (a), on the request of the member or former member or otherwise, may review the matter.

''(2) In resolving an application described in paragraph (1), a correction board—

''(A) shall review the report of the Inspector General submitted under subsection (d);

''(B) may request the Inspector General to gather further evidence; and

''(C) may receive oral argument, examine and cross-examine witnesses, take depositions, and, if appropriate, conduct an evidentiary hearing.

''(3) If the board elects to hold an administrative hearing, the member or former member who filed the application described in paragaph (1)—

"(A) may be provided with representation by a judge advocate if—

"(i) the Inspector General, in the report under subsection (d), finds that there is probable cause to believe that a personnnel action prohibited by subsection (a) has been taken (or threatened) against the member with respect to a communication described in subsection (b)(2);

"(ii) the Judge Advocate General concerned determines that the case is unusually complex or otherwise requires judge advocate assistance to ensure proper presentation of the legal issues in the case; and

"(iii) the member is not represented by outside counsel chosen by the member; and

"(B) may examine witnesses through deposition, serve interrogatories, and request the production of evidence, including evidence contained in the investigatory record of the Inspector General but not included in the report submitted under subsection (d).

"(4) The Secretary concerned shall issue a final decision with respect to an application described in paragraph (1) within 180 days after the application is filed. If the Secretary fails to issue such a final decision within that time, the member or former member shall be deemed to have

exhausted the member's or former member's administrative remedies under section 1552 of this title.

"(5) The Secretary concerned shall order such action, consistent with the limitations contained in sections 1552 and 1553 of this title, as is necessary to correct the record of a personnel action prohibited by subsection (a).

"(6) If the Board determines that a personnel action prohibited by subsection (a) has occurred, the Board may recommend to the Secretary concerned that the Secretary take appropriate disciplinary action against the individual who committed such personnel action.

"(f) REVIEW BY SECRETARY OF DEFENSE.—Upon the completion of all administrative review under subsection (e), the member or former member of the armed forces (except for a member or former member of the Coast Guard when the Coast Guard is not operating as a service in the Navy) who made the allegation referred to in subsection (b)(1), if not satisfied with the disposition of the matter, may submit the matter to the Secretary of Defense. The Secretary shall make a decision to reverse or uphold the decision of the Secretary of the military department concerned in the matter within 90 days after receipt of such a submittal.

"(g) POST-DISPOSITION INTERVIEWS.—After disposition of any case under this section, the Inspector General

shall, whenever possible, conduct an interview with the person making the allegation to determine the views of that person on the disposition of the matter.

''(h) REGULATIONS.—The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations to carry out this section.

''(i) DEFINITIONS.—In this section:

''(1) The term 'unlawful discrimination' means discrimination on the basis of race, color, religion, sex, or national origin.

''(2) The term 'Member of Congress' includes any Delegate or Resident Commissioner to Congress.

''(3) The term 'Inspector General' means—

''(A) an Inspector General appointed under the Inspector General Act of 1978; and

''(B) an officer of the armed forces assigned or detailed under regulations of the Secretary concerned to serve as an Inspector General at any command level in one of the armed forces.''.

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

''983. Retaliatory personnel actions prohibited against members alleging sexual harassment or unlawful discrimination.''.

(b) DEADLINE FOR REGULATIONS.—The Secretary of Defense and the Secretary of Transportation shall prescribe

the regulations required by subsection (g) of section 983 of title 10, United States Code, as added by subsection (a), not later than 120 days after the date of the enactment of this Act.

(c) CONTENT OF REGULATIONS.—In prescribing regulations under section 983 of title 10, United States Code, as added by subsection (a), the Secretary of Defense and the Secretary of Transportation shall provide for due process procedures for the subject of any investigation carried out under the provisions of that section, including a process for appeal and review of investigative findings.

(d) EFFECTIVE DATE.—Section 983 of title 10, United States Code, as added by subsection (a), shall apply with respect to any personnel action taken (or threatened to be taken) on or after the date of the enactment of this Act as a reprisal prohibited by subsection (a) of that section.

SEC. 528. ANNUAL REPORT ON PERSONNEL READINESS.

(a) REQUIRED ASSESSMENT.—The Secretary of Defense shall submit to Congress an annual report on trends in recruiting, retention, and personnel readiness.

(b) DATA TO BE COLLECTED.—Each annual report under subsection (a) shall include the following information with respect to the preceding fiscal year for the active components of each of the Armed Forces under the jurisdiction

of the Secretary (as well as such additional information as the Secretary considers appropriate):

(1) The numbers and rates of temporary and permanent nondeployability of members of the Armed Forces, displayed by cause of nondeployability, rank, and gender.

(2) The numbers and rates of complaints and allegations involving gender and other unlawful discrimination and sexual harassment, and the rates of substantiation for those complaints and allegations.

(3) The numbers and rates of disciplinary proceedings, displayed (A) by offense or infraction committed, (B) by gender, rank, and race, and (C) by the categories specified in paragraph (2).

(4) The retention rates, by gender, rank, and race, with an analysis of factors influencing those rates.

(5) The propensity of persons to enlist, displayed by gender and race, with an analysis of the factors influencing those propensities.

(c) SUBMISSION TO CONGRESS.—The Secretary shall submit the report under this section for any fiscal year as part of the annual Department of Defense posture statement provided to Congress in connection with the Department of Defense budget request for that fiscal year.

(d) INITIAL SUBMISSION.—The first report under this section shall be submitted in connection with the Department of Defense budget request for fiscal year 1996 and shall include data, to the degree such data already exists, for fiscal years after fiscal year 1991.

SEC. 529. PROGRAMS RELATED TO DESERT STORM MYSTERY ILLNESS.

(a) OUTREACH PROGRAM TO PERSIAN GULF VETERANS AND FAMILIES.—The Secretary of Defense shall institute a comprehensive outreach program to inform members of the Armed Forces who served in the Southwest Asia theater of operations during the Persian Gulf Conflict, and the families of such members, of illnesses that may result from such service. The program shall be carried out through both medical and command channels, as well as any other means the Secretary considers appropriate. Under the program, the Secretary shall—

(1) inform such individuals regarding—

(A) common disease symptoms reported by Persian Gulf veterans that may be due to service in the Southwest Asia theater of operations;

(B) blood donation policy;

(C) available counseling and medical care for such members; and

(D) possible health risks to children of Persian Gulf veterans;

(2) inform such individuals of the procedures for registering in either the Persian Gulf Veterans Health Surveillance System of the Department of Defense or the Persian Gulf War Health Registry of the Department of Veterans Affairs; and

(3) encourage such members to report any symptoms they may have and to register in the appropriate health surveillance registry.

(b) INCENTIVES TO PERSIAN GULF VETERANS TO REGISTER.—In order to encourage Persian Gulf veterans to register any symptoms they may have in one of the existing health registries, the Secretary of Defense shall provide the following:

(1) For any Persian Gulf veteran who is on active duty and who registers with the Department of Defense's Persian Gulf War Veterans Health Surveillance System, a full medical evaluation and any required medical care.

(2) For any Persian Gulf War veteran who is, as of the date of the enactment of this Act, a member of a reserve component, opportunity to register at a military medical facility in the Persian Gulf Veterans Health Care Surveillance System and, in the case of

a Reserve who registers in that registry, a full medical evaluation by the Department of Defense. Depending on the results of the evaluation and on eligibility status, reserve personnel may be provided medical care by the Department of Defense.

(3) For a Persian Gulf veteran who is not, as of the date of the enactment of this Act, on active duty or a member of a reserve component, assistance and information at a military medical facility on registering with the Persian Gulf War Registry of the Department of Veterans Affairs and information related to support services provided by the Department of Veterans Affairs.

(c) COMPATABILITY OF DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS REGISTRIES.—The Secretary of Defense shall ensure that the Department of Defense Persian Gulf Veterans Health Surveillance System register is compatible with the Persian Gulf War Registry maintained by the Department of Veterans Affairs and that all information on individuals who register with the Department of Defense system is provided to the Department of Veterans Affairs for incorporation into the Persian Gulf War Registry.

(d) PRESUMPTIONS ON BEHALF OF SERVICE MEMBER.—(1) A member of the Armed Forces who is a Persian

Gulf veteran, who has symptoms of illness, and who the Secretary concerned finds may have become ill as a result of serving on active duty in the Southwest Asia theater of operations during the Persian Gulf War shall be considered for Department of Defense purposes to have become ill as a result of serving in that theater of operations.

(2) A member of the Armed Forces who is a Persian Gulf veteran and who reports being ill as a result of serving on active duty in the Southwest Asia theater of operations during the Persian Gulf War shall be considered for Department of Defense purposes to have become ill as a result of serving in that theater of operations until such time as the weight of medical evidence establishes other cause or causes of the member's illness.

(3) The Secretary concerned shall ensure that, for the purposes of health care treatment by the Department of Defense, health care and personnel administration, and disability evaluation by the Department of Defense, the symptoms of any member of the Armed Forces covered by paragraph (1) or (2) are examined in light of the member's service in the Persian Gulf War and in light of the reported symptoms of other Persian Gulf veterans. The Secretary shall ensure that, in providing health care diagnosis and treatment of the member, a broad range of potential causes of the member's symptoms are considered and that the mem-

ber's symptoms are considered collectively, as well as by type of symptom or medical speciality, and that treatment across medical specialties is coordinated appropriately.

(4) The Secretary of Defense shall ensure that the presumptions of service connection and illness specified in paragraphs (1) and (2) are incorporated in appropriate service medical and personnel regulations and are widely disseminated throughout the Department of Defense.

(e) REVISION OF THE PHYSICAL EVALUATION BOARD CRITERIA.—(1) The Secretary of Defense, in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services, shall ensure that case definitions of Persian Gulf related illnesses, as well as the Physical Evaluation Board criteria used to set disability ratings for members no longer medically qualified for continuation on active duty, are established as soon as possible to permit accurate disability ratings related to a diagnosis of Persian Gulf illnesses.

(2) Until revised disability criteria can be implemented and members of the Armed Forces can be rated against those criteria, the Secretary of Defense shall ensure—

(A) that any member of the Armed Forces on active duty who may be suffering from a Persian Gulf-

related illness is afforded continued military medical care; and

(B) that any member of the Armed Forces on active duty who is found by a Physical Evaluation Board to be unfit for continuation on active duty as a result of a Persian Gulf-related illness for which the board has no rating criteria (or inadequate rating criteria) for the illness or condition from which the member suffers is placed on the temporary disability retired list.

(f) REVIEW OF RECORDS AND RERATING OF PREVIOUSLY DISCHARGED GULF WAR VETERANS.—(1) The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall ensure that a review is made of the health and personnel records of each Persian Gulf veteran who before the date of the enactment of this Act was discharged from active duty, or was medically retired, as a result of a Physical Evaluation Board process.

(2) The review under paragraph (1) shall be carried out to ensure that former Persian Gulf veterans who may have been suffering from a Persian Gulf-related illness at the time of discharge or retirement from active duty as a result of the Physical Evaluation Board process are revaluated in accordance with the criteria established in subsection (c)(1) and, if appropriate, are rerated.

(g) PERSIAN GULF ILLNESS MEDICAL REFERRAL CENTERS.—The Secretary of Defense shall evaluate the feasibility of establishing one or more medical referral centers to provide uniform, coordinated medical care for Persian Gulf veterans on active duty who are or may be suffering from a Persian Gulf-related illness. The Secretary shall submit a report on such feasibility to the Committees on Armed Services of the Senate and House of Representatives not later than six months after the date of the enactment of this Act.

(h) ANNUAL REPORT TO CONGRESS.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report on—

(A) efforts taken and results achieved in notifying members of the Armed Forces and their families as part of the outreach program required by subsection (a);

(B) efforts taken to revise the Physical Evaluation Board disability rating and interim efforts to adjudicate cases before the revision of the criteria; and

(C) results of the review and rerating of previously separated servicemembers.

(2) The first report under paragraph (1) shall be submitted not later than 120 days after the date of the enactment of this Act.

(i) PERSIAN GULF VETERAN.—For purposes of this section, a Persian Gulf veteran is an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf Conflict.

SEC. 530. UPGRADE OF ARMED FORCES STAFF COLLEGE WARGAMING AND OTHER CAPABILITIES.

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

(1) The Congress and the Department of Defense have envisioned the Armed Forces Staff College as the premier educational institution for joint operational planning and warfighting.

(2) The mission of the college is to educate staff officers and other leaders in joint and combined operational planning and warfighting in order to instill a primary commitment to joint teamwork, attitudes, and perspective.

(3) The intention of the Congress and the Department of Defense is that the college be a ''hands-on'' school, preparing officers for joint duty assignments through extensive use of case studies and war games that focus on the specifics of joint warfare and

involve theaters of war set in both developed and underdeveloped regions.

(4) The inadequate wargaming capability at the college does not allow for a hands-on approach, nor does the current capability and associated facilities, in particular, the antiquated and decaying library, support an atmosphere in which students are able to develop critical thinking skills and problem-solving abilities as they pertain to joint operational planning and warfighting.

(5) In order for the college to fulfill its mission to educate officers in joint matters with a curriculum that is hands-on from the first day of school until the last, the college must be able to run war games and practical exercises simultaneously whenever the curriculum dictates. To meet this requirement, the college must have its own wargaming facility.

(6) Neither the Joint Warfighting Center, which Congress strongly supported in Public Law 103–160, nor a proposed wargaming facility for the United States Atlantic Command (both of which will be located miles from the college), can fulfill the unique, continuous, on-campus educational requirements of the college.

(7) Off-site facilities cannot sustain the evolution of the college to fulfill its potential as a research center for joint operational excellence whose faculty and advanced students achieve the highest levels of ability in critical thinking and problem solving regarding joint matters and, as a consequence, are capable of using wargaming, simulation, and other analytical techniques to develop and evaluate advanced warfighting and campaign concepts and doctrine for the future employment of joint forces.

(8) The Congress, in the joint statement of managers to accompany the bill H.R. 2401 of the 103d Congress—

(A) noted that there were ''no current Department of Defense plans to upgrade the wargaming capability at the Armed Forces Staff College'';

(B) urged ''that this situation be corrected and that the Department of Defense, particularly the Chairman of the Joint Chiefs of Staff and the Secretary of the Navy, develop plans for a wargaming capability at AFSC comparable to those at the Army, Navy, and Air Force professional military education schools''; and

(C) stated that the conferees ''expect the Department of Defense budget for fiscal year 1995 to contain a request for funding to upgrade the wargaming capability at AFSC.''.

(9) The Department of Defense budget request for fiscal year 1995 did not contain a request for funding to upgrade the Armed Forces Staff College wargaming capability.

(b) REQUIRED ACTIONS.—The Secretary of Defense shall—

(1) upgrade the wargaming capability at the Armed Forces Staff College to make that capability, at a minimum, comparable to the wargaming capability at the Army, Navy, and Air Force professional military education schools;

(2) survey the other facilities and capabilities of the college (in particular, the library and the classroom instruction facilities) and upgrade them to make them comparable to the facilities and capabilities at the Army, Navy, and Air Force professional military education schools;

(3) include a request for funding the upgrades under paragraphs (1) and (2) in the Department of Defense budget for fiscal year 1996; and

(4) submit to the congressional defense committees, not later than January 15, 1995, a plan for executing those upgrades.

SEC. 531. PROHIBITION ON IMPOSITION OF ADDITIONAL CHARGES OR FEES FOR ATTENDANCE AT CERTAIN ACADEMIES.

(a) PROHIBITION.—Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance at an academy named in subsection (c) may be imposed unless the charge or fee is specifically authorized by a law enacted after the date of the enactment of this Act.

(b) EXCEPTION.—The prohibition specified in subsection (a) shall not apply with respect to any item or service provided to cadets or midshipmen at an academy named in subsection (c) for which a charge or fee is imposed as of the date of the enactment of this Act. The Secretary of Defense or the Secretary of Transportation, as the case shall be, shall notify the Congress of any change made by an academy in the amount of a charge or fee authorized under this subsection.

(c) COVERED ACADEMIES.—This section applies to the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

(4) The United States Coast Guard Academy.

(5) The United States Merchant Marine Academy.

SEC. 532. AUTHORIZATION FOR INSTRUCTION OF CIVILIAN STUDENTS AT FOREIGN LANGUAGE CENTER OF THE DEFENSE LANGUAGE INSTITUTE.

(a) ADMISSION OF CIVILIANS AS STUDENTS.—(1) The Secretary of the Army may enter into an agreement with an accredited institution of higher education (or a consortium of such institutions) under which students enrolled at an institution of higher education that is a party to the agreement may receive instruction at the Foreign Language Center of the Defense Language Institute on a cost-reimbursable, space-available basis.

(2) The Secretary may also permit other persons who would benefit from the instruction provided at the Center, as determined by the Secretary, to receive instruction at the Center on a cost-reimbursable, space-available basis.

(b) SELECTION AND ATTENDANCE.—(1) The Secretary shall select the persons who will be permitted to receive instruction at the Center pursuant to subsection (a). In the case of agreements under subsection (a)(1), the Secretary shall consult with the other parties to the agreements to establish qualifications and methods of selection for persons to receive instruction at the Center.

(2) Except as the Secretary determines necessary, a person who receives instruction at the Center pursuant to subsection (a) shall be subject to the same regulations governing attendance, discipline, discharge, and dismissal as apply to other persons attending the Center.

(c) RETENTION OF FUNDS.—Amounts collected under subsection (a) to reimburse the Center for the costs of providing instruction to students under subsection (a) shall be credited to funds available for compensation of instructors at the Center and to defray direct civilian student costs to the school.

(d) CENTER DEFINED.—For purposes of this section, the term ''Center'' means the Foreign Language Center of the Defense Language Institute.

(e) EXPIRATION OF AUTHORITY.—No student may be admitted to the Center under subsection (a) to commence classes beginning after September 30, 1997.

SEC. 533. SENSE OF CONGRESS CONCERNING APPROPRIATE DEPARTMENT OF DEFENSE FORCE STRUCTURE THROUGH 1997.

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

(1) The United States has commited itself to fight and win two Persian Gulf-type regional wars almost simultaneously. Both the Bush and Clinton

administrations have embraced the so-called ''win/win'' strategy which requires sizing the military for two major regional conflicts.

(2) The involvement of the United States in relief efforts in Somalia, the continued involvement of the United States in Bosnia, and the possible need for military action in Korea reaffirm the importance of a sufficient-sized military to deter aggression and enforce America's interests abroad.

(3) The United States military will be called upon in the future to perform an increasing number of humanitarian and relief missions, causing increased strain on the resources of the Armed Forces.

(4) The United States military force structure has shrunk dramatically since the Persian Gulf War in 1991. Critical force enhancements which will not be deployed for several years are needed to achieve decisive victory in major regional conflicts.

(b) SENSE OF CONGRESS.—In light of the findings in subsection (a), it is the sense of Congress that—

(1) through 1997 the United States should have—

(A) not less than 520,000 personnel in the active forces of the Army;

(B) not less than 11 active aircraft carriers and one reserve aircraft carrier in the Navy;

(C) not less than 20 active and reserve fighter wings in the Air Force; and

(D) not less than 174,000 personnel in the active forces of the Marine Corps;

(2) funding for national defense for fiscal years 1995 through 1997 should be established at a level sufficient to support the force structure described in paragraph (1) and to ensure that the United States does not have a hollow force; and

(3) the force structure described in paragraph (1) represents the minimum level which should be maintained, but the President should be willing to increase defense spending to meet new or existing threats.

SEC. 534. DISCHARGE OF MEMBERS WHO ARE PERMANENTLY NONWORLDWIDE ASSIGNABLE.

(a) IN GENERAL.—(1) Chapter 59 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1177. Members who are permanently nonworldwide assignable: mandatory discharge or retirement; counseling

"(a) REQUIRED SEPARATION.—A member of the armed forces who is classified as permanently

nonworldwide assignable due to a medical condition shall (except as provided in subsection (c)) be separated unless the Secretary concerned determines that the retention of permanently nonworldwide assignable service members would not adversely affect the ability of the service to carry out its mission. Such separation shall be made on a date determined by the Secretary concerned, which (except as provided in subsection (b)(2)) shall be as soon as practicable after the date on which the determination is made that the member should be so classified and not later than the last day of the twelfth month beginning after that date.

"(b) FORM OF SEPARATION.—(1) If a member to be separated under this section is eligible to retire under any provision of law or to be transferred to the Fleet Reserve or Fleet Marine Corps Reserve, the member shall be so retired or so transferred. Otherwise, the member shall be discharged.

"(2) In the case of a member to be discharged under this section who on the date on which the member is to be discharged is within two years of qualifying for retirement under any provison of law, or of qualifying for transfer to the Fleet Reserve or Fleet Marine Corps Reserve under section 6330 of this title, the member may, as determined by the Secretary concerned, be retained on active duty until the member is qualified for retirement or transfer to the

Fleet Reserve or Fleet Marine Corps Reserve, as the case may be, and then be so retired or transferred, unless the member is sooner retired or discharged under any other provision of law.

"(c) EXCEPTIONS.—The Secretary concerned may waive subsection (a) with respect to an individual member of the armed forces under the jurisdiction of that Secretary if the Secretary determines that there are circumstances that warrant the retention of that member. Such circumstances may include—

"(1) consideration that the medical condition making the member permanently nonworldwide assignable was incurred in combat or otherwise as the result of an action of the member for which the member received a decoration or other recognition for personal bravery;

"(2) consideration that the member has a specific proficiency or skill that is vital to the national security; and

"(3) any other circumstance that the Secretary considers to be for the good of the service.

"(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) 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.".

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

"1177. Members who are permanently nonworldwide assignable: mandatory discharge or retirement; counseling.".

(b) EFFECTIVE DATE.—Section 1177 of title 10, United States Code, as added by subsection (a), shall apply with respect to members determined to be permanently nonworldwide assignable by reason of a medical condition before, on, or after the date of the enactment of this Act. In the case of such a determination made before the date of the enactment of this Act, the period for the separation of the member specified in subsection (a) of such section shall be treated as beginning on the date of the enactment of this Act.

(c) CONFORMING AMENDMENT.—Section 1174(a)(1) of title 10, United States Code, is amended by striking out

''section 580'' and inserting in lieu thereof ''section 580, 1177,''.

SEC. 535. MILITARY RECRUITING ON CAMPUS.

(a) DENIAL OF FUNDS.—(1) No funds available to the Department of Defense may be provided by grant or contract to any educational institution that has a policy of denying, or which effectively prevents, the Secretary of Defense from obtaining for military recruiting purposes—

(A) entry to campuses or access to students on campuses; or

(B) access to directory information pertaining to students.

(2) Students referred to in paragraph (1) are individuals who are 17 years of age or older.

(b) PROCEDURES FOR DETERMINATION.—The Secretary of Defense, in consultation with the Secretary of Education, shall prescribe regulations that contain procedures for determining if and when an educational institution has denied or prevented access to students or information described in subsection (a).

(c) DEFINITION.—For purposes of this section, the term ''directory information'' means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and

the most recent previous educational institution enrolled in by the student.

SEC. 536. SURVEY ON THE STATE OF RACE AND ETHNIC ISSUES IN THE MILITARY.

(a) REQUIREMENT FOR SURVEY.—The Secretary of Defense, acting through the Armed Forces Survey on Race/Ethnic Issues, shall carry out a biennial survey to measure the state of racial and ethnic issues and discrimination among active-duty military personnel. The survey shall solicit information on the race relations climate in the services, including—

(1) indicators of positive and negative trends of relations between all racial and ethnic groups; and

(2) the effectiveness of Department of Defense policies designed to improve race and ethnic relations; and

(3) the effectiveness of current complaints and investigations processes.

(b) REPORT TO CONGRESS.—The Secretary shall submit to Congress the results from the first survey under subsection (a) not later than February 15, 1995, and report the results of future surveys biennially, thereafter.

SEC. 537. REQUEST FOR POSTHUMOUS COMMISSIONING IN THE ARMY OF TWO AFRICAN AMERICANS DISCHARGED FROM WEST POINT DUE TO RACIAL PREJUDICE DURING POST-CIVIL WAR PERIOD.

(a) REQUEST.—The President is authorized and requested to issue, or have issued, posthumous commissions in the grade of second lieutenant in the Regular Army—

(1) in the name of James Webster Smith of South Carolina, the first African American appointed to the United States Military Academy, who was appointed to the Academy in 1870 and was subsequently discharged from the Corps of Cadets of the Academy and from the Army due to extreme racial prejudice; and

(2) in the name of Johnson Chesnut Whittaker of South Carolina, the third African American appointed to the United States Military Academy, who was appointed to the Academy in 1876 and was subsequently discharged from the Corps of Cadets of the Academy and from the Army shortly before his graduation and commissioning as a second lieutenant due to extreme racial prejudice.

(b) TREATMENT OF BENEFITS.—The provisions of section 1523 of title 10, United States Code, apply in the case of a commission issued as requested in subsection (a).

SEC. 538. DETAIL OF DEPARTMENT OF DEFENSE PERSONNEL TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE, BORDER PATROL AND CUSTOMS SERVICE.

(a) AUTHORITY OF SECRETARY OF DEFENSE.—Section 374 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) During each fiscal year, the Secretary of Defense may make Department of Defense personnel currently stationed in Europe available to assist—

''(A) at the request of the Attorney General, the Immigration and Naturalization Service and the United States Border Patrol in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

''(B) at the request of the Secretary of the Treasury, the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States.''.

(b) EFFECTIVE DATE.—This section shall take effect on October 1, 1994.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1995.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1995 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1995, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 2.6 percent.

(c) INCREASE IN CADET AND MIDSHIPMAN PAY.—Effective on January 1, 1995, section 203(c)(1) of title 37, United States Code, is amended by striking out ''$543.90'' and inserting in lieu thereof ''$558.04''.

SEC. 602. COST-OF-LIVING ALLOWANCE FOR MEMBERS OF THE UNIFORMED SERVICES ASSIGNED TO HIGH COST AREAS IN THE CONTINENTAL UNITED STATES.

(a) ALLOWANCE REQUIRED.—(1) Chapter 7 of title 37 is amended by inserting after section 403a the following new section:

"§ 403b. Cost-of-living allowance in the continental United States

"(a) MEMBERS ELIGIBLE.—(1) A member of the uniformed services who is assigned to a high cost area in the continental United States is entitled to a cost-of-living allowance under this section.

"(2) A member who is assigned to an unaccompanied tour of duty outside the continental United States is entitled to a cost-of-living allowance under this section if the dependents of the member reside in a high cost area in the continental United States.

"(3) A member who is assigned to duty in the continental United States and whose dependents, due to the duty location or other circumstances, must reside in a high cost area in the continental United States, may be paid a cost-of-living allowance under this section based on the area where the dependents reside if it would be inequitable to base the allowance on the duty location of the member.

"(b) EXCEPTIONS OR CONDITIONS.—(1) A member of the uniformed services who is otherwise entitled to a cost-of-living allowance under this section is not entitled to the allowance for the number of days during which travel is authorized while changing permanent duty stations.

"(2) A member of a reserve component is not entitled to a cost-of-living allowance under this section unless the member is on active duty under a call or order that specifies

a tour of active duty of 140 days or more or states that the active duty is in support of a contingency operation.

"(c) ANNUAL ALLOWANCE THRESHOLD.—Based on the amount of funds available for a fiscal year to provide cost-of-living allowances under this section, the Secretary of Defense shall establish annually an allowance threshold to represent the percentage by which the cost of living of an area must exceed the national average cost of living in order to qualify the area as a high cost area for payment of the cost-of-living allowance to members of the uniformed services described in subsection (a). However, the allowance threshold for a fiscal year may not be less than 1.05 nor more than 1.08.

"(d) DETERMINATION OF NATIONAL AND AREA COST OF LIVINGS.—(1) The Secretary of Defense shall establish the cost-of-living allowance for a fiscal year by using the Consumer Price Index (as determined by the Bureau of Labor Statistics of the Department of Labor) or by using a comparable index developed in the private sector to determine a national average cost of living and the cost of living for various areas in the continental United States. To determine the cost of living of members of the uniformed services, the Secretary shall consider nonhousing costs (such as transportation, goods, and services) incurred by members of the uniformed services and average income tax paid by

such members. The Secretary shall reduce the amounts determined to exclude cost savings attributable to military facilities (such as commissary, military exchange, and military health care benefits) and any military subsistence allowance.

''(e) ALLOWANCE FACTOR.—The factor used in a particular high cost area to calculate the amount of the cost-of-living allowance for a fiscal year for members of the uniformed services described in subsection (a) shall be equal to the difference between—

''(1) the cost of living for the high cost area divided by the national average cost of living; and

''(2) the allowance threshold established under subsection (c) for that year.

''(f) AMOUNT OF ALLOWANCE.—The cost-of-living allowance of a member of the uniformed services described in subsection (a) who is covered by a particular high cost area is equal to the product of the basic pay of the member and the allowance factor for that high cost area determined under subsection (e). The Secretary shall adjust the amount determined to maintain after-tax purchasing power of the allowance.

''(g) DEFINITIONS.—In this section—

''(1) the term 'high cost area' means an area in the continental United States in which the cost of liv-

ing, with respect to a particular fiscal year, exceeds the national average cost of living by a percentage greater than the allowance threshold established for that fiscal year under subsection (c); and

''(2) the term 'continental United States' means the 48 contiguous States and the District of Columbia.''.

(2) The table of sections at the beginning of chapter 7 of title 37, United States Code, is amended by inserting after the item relating to section 403a the following new item:

''403b. Cost-of-living allowance in the continental United States.''.

(b) APPLICATION OF AMENDMENT.—The Secretary of Defense may not provide a cost-of-living allowance under section 403b of title 37, United States Code, as added by subsection (a), before July 1, 1995.

SEC. 603. INCREASE IN SUBSISTENCE ALLOWANCE PAYABLE TO MEMBERS OF SENIOR RESERVE OFFICERS' TRAINING CORPS.

(a) INCREASE.—Section 209(a) of title 37, United States Code, is amended by striking out ''$100 a month'' in the first sentence and inserting in lieu thereof ''$150 a month''.

(b) APPLICATION OF INCREASE.—(1) Except as provided in paragraph (2), the amendments made by sub-

section (a) shall apply with respect to months beginning after August 31, 1995.

(2) Upon the approval of the Secretary of Defense, the Secretary of a military department may implement such amendments at an earlier date with respect to members of the Senior Reserve Officers' Training Corps under the jurisdiction of the Secretary if funds are available for the monthly subsistence allowances authorized by such amendments.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. INCREASE IN AUTHORIZED INCENTIVE SPECIAL PAY FOR CERTIFIED REGISTERED NURSE ANESTHETISTS.

Section 302e(a)(1) of title 37, United States Code, is amended by striking out ''$6,000'' and inserting in lieu thereof ''$15,000''.

SEC. 612. EXTENSION OF AUTHORITY FOR PAYMENT OF AVIATION OFFICER RETENTION BONUS

Section 301b(a) of title 37, United States Code, is amended by striking out ''September 30, 1994'' and inserting in lieu thereof ''September 30, 1995''.

Subtitle C—Travel and Transportation Allowances

SEC. 621. CHANGE IN PROVISION OF TRANSPORTATION INCIDENT TO PERSONAL EMERGENCIES FOR MEMBERS STATIONED OUTSIDE THE CONTINENTAL UNITED STATES.

Section 411d(b) of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding the subparagraphs, by striking ''from the international airport'' and all that follows through ''or the international airport nearest'' and inserting in lieu thereof ''from the location of the member or dependents, at the time notification of the personal emergency is received, or''; and

(B) in subparagraph (A), by striking ''closest to the international airport'' and inserting in lieu thereof ''closest to the location''; and

(2) in paragraph (4), by striking ''to the international airport'' and all that follows through the period and inserting in lieu thereof ''to the location from which the member or dependent departed or the member's duty station.''.

SEC. 622. CLARIFICATION OF TRAVEL AND TRANSPORTATION ALLOWANCE OF FAMILY MEMBERS INCIDENT TO THE SERIOUS ILLNESS OR INJURY OF MEMBERS.

(a) ALLOWANCE IN CASES OF BRAIN DEATH.—Subsection (a) of section 411h of title 37, United States Code, is amended—

(1) in paragraph (1), by striking out ''is necessary for'' and inserting in lieu thereof ''may contribute to''; and

(2) in paragraph (2), by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph:

''(B) is seriously ill, seriously injured, or in a situation of imminent death, whether or not electrical brain activity still exists or brain death is declared; and''.

(b) DEFINITION OF HEALTH AND WELFARE.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

''(3) In this section, the term 'health and welfare', with respect to a member, includes a situation in which a decision must be made by family members regarding the termination of artificial life support being provided to the member.''.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 631. ELIMINATION OF DISPARITY BETWEEN EFFECTIVE DATES FOR MILITARY AND CIVILIAN RETIREE COST-OF-LIVING ADJUSTMENTS FOR FISCAL YEAR 1995.

(a) IN GENERAL.—The fiscal year 1995 increase in military retired pay shall (notwithstanding subparagraph (B) of section 1401a(b)(2) of title 10, United States Code) first be payable as part of such retired pay for the month of March 1995.

(b) DEFINITIONS.—For the purposes of subsection (a):

(1) The term ''fiscal year 1995 increase in military retired pay'' means the increase in retired pay that, pursuant to paragraph (1) of section 1401a(b) of title 10, United States Code, becomes effective on December 1, 1994.

(2) The term ''retired pay'' includes retainer pay.

(c) LIMITATION.—Subsection (a) shall be effective only if there is appropriated to the Department of Defense Military Retirement Fund (in an Act making appropriations for the Department of Defense for fiscal year 1995 that is enacted before March 1, 1995) such amount as is necessary to offset increased outlays to be made from that fund during

fiscal year 1995 by reason of the provisions of subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1995 to the Department of Defense Military Retirement Fund the sum of $376,000,000 to offset increased outlays to be made from that fund during fiscal year 1995 by reason of the provisions of subsection (a).

SEC. 632. CLARIFICATION OF CALCULATION OF RETIRED PAY FOR OFFICERS WHO RETIRE IN A GRADE LOWER THAN THE GRADE HELD AT RETIREMENT.

(a) PREVENTION OF RETIRED PAY BASED ON GRADE HIGHER THAN RETIRED GRADE.—Section 1401a(f) of title 10, United States Code, is amended—

(1) in the first sentence, by inserting ''based on the grade in which the member is retired'' after ''at an earlier date'';

(2) in the second sentence, by inserting '', except that such computation may not be based on a rate of basic pay for a grade higher than the grade in which the member is retired'' before the period at the end; and

(3) by striking out the third sentence.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to the computation of the retired pay of a member of the armed forces who retires on or after the date of the enactment of this Act.

SEC. 633. CREDITING OF RESERVE SERVICE OF ENLISTED MEMBERS FOR COMPUTATION OF RETIRED PAY.

(a) ARMY.—(1) Section 3925 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out ''and of computing his retired pay under section 3991 of this title,''; and

(B) by striking out subsection (c).

(2) The table in section 3991(a)(1) of such title is amended by striking out ''section 3925'' in formula B under the column designated ''Column 2'' and inserting in lieu thereof ''section 1405''.

(3) The table in section 3992 of such title is amended by striking out ''section 3925'' in formula A under the column designated ''Column 2'' and inserting in lieu thereof ''section 1405''.

(b) NAVY AND MARINE CORPS.—The table in section 6333(a) of title 10, United States Code, is amended by striking out ''his years of active service in the armed forces'' in formula C under the column designated ''Column 2'' and

inserting in lieu thereof ''the years of service that may be credited to him under section 1405.''.

(c) AIR FORCE.—(1) Section 8925 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out ''and of computing his retired pay under section 8991 of this title,''; and

(B) by striking out subsection (c).

(2) The table in section 8991(a)(1) of such title is amended by striking out ''section 8925'' in formula B under the column designated ''Column 2'' and inserting in lieu thereof ''section 1405''.

(3) The table in section 8992 of such title is amended by striking out ''section 8925'' in formula A under the column designated ''Column 2'' and inserting in lieu thereof ''section 1405''.

(d) CONFORMING AMENDMENT.—Section 1405 of such title is amended by adding at the end the following new subsection:

''(c) EXCLUSION OF TIME REQUIRED TO BE MADE UP.—Time required to be made up by an enlisted member of the Army or Air Force under section 972 of this title may not be counted in determining years of service under subsection (a).''.

(e) EFFECTIVE DATE.—This section shall apply to the computation of the retired or retainer pay of any enlisted member who retires or is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve on or after the date of the enactment of this Act.

SEC. 634. MINIMUM REQUIRED RESERVE SERVICE FOR ELIGIBILITY FOR RETIRED PAY FOR NONREGULAR SERVICE DURING FORCE DRAWDOWN PERIOD.

Section 1331 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) In the case of a person who completes the service requirements of subsection (a)(2) during the period beginning on the date of the enactment of this subsection and ending on September 30, 1999, the entitlement of that person, upon application, to retired pay under this section shall be determined, in the case of the requirement specified in subsection (a)(3), by substituting 'the last six years' for 'the last eight years'.''.

SEC. 635. SBP PREMIUMS FOR RESERVE-COMPONENT CHILD-ONLY COVERAGE.

(a) DETERMINATION OF PREMIUMS.—Subsection (b) of section 1452 of title 10, United States Code, is amended to read as follows:

''(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.".

(b) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendment made by subsection (a) applies to any election for child-only coverage under a reserve-component annuity under the Survivor Benefit Plan, whether made before, on, or after the date of the enactment of this Act.

(2) Paragraph (1) does not apply in a case of an election referred to in that paragraph that was made before the date of the enactment of this Act if the participant was informed, in writing, before the date of the enactment of this Act that no reduction in the participant's retired pay for child-only coverage would be made during a period when there was no eligible dependent child.

SEC. 636. DISCONTINUATION OF INSURABLE INTEREST COVERAGE UNDER SURVIVOR BENEFIT PLAN.

Paragraph (1) of section 1448(b) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(1)''; and

(2) by adding at the end the following:

''(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).''.

Subtitle E—Other Matters

SEC. 641. AUTHORITY FOR SURVIVORS TO RECEIVE PAYMENT FOR ALL LEAVE ACCRUED BY DECEASED MEMBERS.

(a) REMOVAL OF 60-DAY LIMITATION.—Subsection (d) of section 501 of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking out ''(1)'' after ''(d)''; and

(B) by striking out the last sentence and inserting in lieu thereof the following: ''The limita-

tions contained in the second sentence of subsection (b)(3), subsection (f), and the second sentence of subsection (g) on the number of days of leave for which payment may be made shall not apply with respect to payments made under this subsection.''; and

(2) by striking out paragraph (2).

(b) CONFORMING AMENDMENT.—Subsection (f) of such section is amended by striking out '', (d),'' in the first sentence.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

SEC. 701. REVISION OF DEFINITION OF DEPENDENTS TO INCLUDE YOUNG PEOPLE BEING ADOPTED BY MEMBERS OR FORMER MEMBERS.

(a) ELIGIBILITY FOR HEALTH BENEFITS.—Section 1072 of title 10, United States Code, is amended—

(1) in paragraph (2)(D), by striking out '', including an adopted child or stepchild,''; and

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

''(6) The term 'child' includes an adopted child, a stepchild, or an unmarried person placed in the home of a member or former member of a uniformed

service by a State licensed placement agency (recognized by the Secretary of Defense) in anticipation of the legal adoption of the person by the member or former member, who otherwise meets the requirements specified in paragraph (2)(D).''.

(b) CONFORMING AMENDMENT.—Section 401(b)(1)(B) of title 37, United States Code, is amended by striking out ''placement agency for the purpose of adoption'' and inserting in lieu thereof ''State licensed placement agency (recognized by the Secretary of Defense) in anticipation of the legal adoption of the child by the member''.

SEC. 702. TREATMENT OF CERTAIN DEPENDENTS AS CHILDREN FOR PURPOSES OF CHAMPUS, DEPENDENTS' DENTAL PROGRAM, AND CONTINUED HEALTH BENEFITS COVERAGE.

(a) CHAMPUS.—Section 1079(a) of title 10, United States Code, is amended in the first sentence by striking out ''and children'' and inserting in lieu thereof '', children, and dependents described in section 1072(2)(I) of this title''.

(b) DEPENDENTS' DENTAL PROGRAM.—Section 1076a of such title is amended—

(1) in subsection (a)(1), by striking out ''spouses and children (as described in section 1072(2)(D) of this title)'' and inserting in lieu thereof ''eligible dependents'';

(2) in subsection (e), by striking out ''spouse or child'' and inserting in lieu thereof ''eligible dependent'';

(3) in subsection (f), by striking out ''spouse or children'' both places it appears and inserting in lieu thereof ''eligible dependents''; and

(4) by adding at the end the following new subsection:

''(h) ELIGIBLE DEPENDENT DEFINED.—In this section, the term 'eligible dependent' means a spouse, child, or dependent described in section 1072(2)(I) of this title of a member of the uniformed services who is on active duty for a period of more than 30 days.''.

(c) CONTINUED HEALTH BENEFITS COVERAGE.—Section 1078a of such title is amended—

(1) in subsection (b)(2)(A), by inserting before the semicolon the following: ''or ceases to meet the requirements for being considered an unmarried dependent under section 1072(2)(I) of this title'';

(2) in subsection (c)(3)—

(A) by striking out ''child'' both places it appears and inserting in lieu thereof ''dependent''; and

(B) by striking out ''child's'' each place it appears and inserting in lieu thereof ''dependent's'';

(3) in subsection (d)(2)(A)—

(A) by striking out ''child'' the first, second, and fourth places it appears and inserting in lieu thereof ''dependent''; and

(B) by striking out ''an unmarried dependent child under section 1072(2)(D) of this title,'' and inserting in lieu thereof ''a dependent under subparagraph (D) or (I) of section 1072(2) of this title;'';

(4) in subsection (d)(2)(B)—

(A) by striking out ''child'' and inserting in lieu thereof ''dependent''; and

(B) by striking out ''child's'' and inserting in lieu thereof ''dependent's'';

(5) in subsection (g)(1)(B), by striking out ''an unmarried dependent child under section 1072(2)(D) of this title'' and inserting in lieu thereof ''a dependent under subparagraph (D) or (I) of section 1072(2) of this title''; and

(6) in subsection (g)(2), by striking out ''child'' both places it appears and inserting in lieu thereof ''dependent''.

SEC. 703. AUTHORIZATION FOR MEDICAL AND DENTAL CARE OF ABUSED DEPENDENTS OF CERTAIN MEMBERS.

(a) ADDITIONAL BASIS FOR CARE.—Subsection (e) of section 1076 of title 10, United States Code, is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

''(1) Subject to paragraph (3), if an abused dependent of a member of a uniformed service described in paragraph (4) needs medical or dental care for an injury or illness resulting from the abuse, the administering Secretary may, upon request of the abused dependent, furnish medical or dental care to the dependent for the treatment of such injury or illness in facilities of the uniformed services.''; and

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

''(4)(A) A member of a uniformed service referred to in paragraph (1) is a member who—

''(i) receives a dishonorable or bad-conduct discharge or is dismissed from a uniformed service as a result of a court-martial conviction for a criminal offense, under either military or civil law, involving abuse of a dependent of the member; or

''(ii) is administratively discharged from a uniformed service as a result of such an offense.

''(B) Whether an offense involved abuse of a dependent of the member shall be determined in accordance with regulations prescribed by the administering Secretary for such uniformed service.''.

(b) CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) in paragraph (2), by striking out ''paragraph (1)(A)'' and inserting in lieu thereof ''paragraph (4)''; and

(2) in paragraph (3)(C), by striking out ''paragraph (1)(A)'' and inserting in lieu thereof ''paragraph (4)''.

SEC. 704. ADDITIONAL AUTHORIZED HEALTH CARE SERVICE AVAILABLE THROUGH MILITARY HEALTH CARE SYSTEM.

Section 1077(b)(2)(B) of title 10, United States Code, is amended by inserting after ''artificial limbs'' the following: '', voice prostheses,''.

Subtitle B—Changes to Existing Laws Regarding Health Care Management

SEC. 711. EXPANDED USE OF PARTNERSHIP AND RESOURCE SHARING PROGRAMS FOR IMPROVED COST-EFFECTIVENESS.

Section 1096 of title 10, United States Code, is amended by inserting at the end the following new subsections:

"(d) PAYMENTS BY NON-FEDERAL PARTIES.—An agreement entered into under subsection (a) may require a civilian health care provider that is a party to the agreement to make payments to a facility of the uniformed services in connection with resources specified in subsection (b) that are provided by the facility under the agreement. Amounts received by the facility under this subsection 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.

"(e) REIMBURSEMENT FOR LICENSE FEES.—In the case of an agreement entered into under subsection (a) under which personnel of the uniformed services who are assigned to a facility of the uniformed services will provide health care services at a facility of a civilian health care provider, the Secretary of Defense may reimburse the per-

sonnel for any professional license fee that is required by the governmental jurisdiction in which the civilian health care facility is located and is paid by the personnel if the Secretary determines that such reimbursement is necessary to effectively implement the agreement. The amount of such reimbursement may not exceed $500 per person.''.

SEC. 712. IMPOSITION OF ENROLLMENT FEES FOR MANAGED CARE PLANS.

Section 1097(c) of title 10, United States Code, is amended by adding at the end the following new sentence: ''In the case of contracts for health care services under this section or health care plans offered under section 1099 of this title for which the Secretary permits covered beneficiaries who are covered by section 1086 of this title and who participate in such contracts or plans to pay an enrollment fee in lieu of meeting the deductible amount specified in section 1086(b) of this title, the Secretary may establish the same (or a lower) enrollment fee for covered beneficiaries described in section 1086(d)(1) of this title who also participate in such contracts or plans.''.

SEC. 713. STRENGTHENING MANAGED HEALTH CARE AUTHORITIES.

(a) AMENDMENTS TO ALTERNATIVE HEALTH CARE DELIVERY CONTRACTS AUTHORITY.—Section 1097 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) (as amended by section 712) as subsection (e); and

(2) by inserting after subsection (b) the following new subsections:

"(c) COORDINATION WITH FACILITIES OF THE UNIFORMED SERVICES.—The Secretary of Defense may provide for the coordination of health care services provided pursuant to any contract or agreement under this section with those services provided in medical treatment facilities of the uniformed services. Subject to the availability of space and facilities and the capabilities of the medical or dental staff, the Secretary may not deny access to facilities of the uniformed services to covered beneficiaries based on enrollment or declination of enrollment in any program established under, or operating in connection with, any contract under this section. However, the Secretary may, as an incentive for enrollment, establish reasonable preferences for services in facilities of the uniformed services for covered beneficiaries enrolled in any program established under, or operating in connection with, any contract under this section.

"(d) COORDINATION WITH OTHER HEALTH CARE PROGRAMS.—In the case of a covered beneficiary who has enrolled in a managed health care program not operated under the authority of this chapter, the Secretary may contract under this section with such other managed health

care program for the purpose of coordinating the beneficiary's dual entitlements under such program and this chapter. A managed health care program with which arrangements may be made under this subsection includes any health maintenance organization, competitive medical plan, health care prepayment plan, or other managed care program recognized pursuant to regulations issued by the Secretary.''.

(b) AMENDMENTS TO THIRD PARTY COLLECTIONS PROGRAM AUTHORITY.—Section 1095 of title 10, United States Code, is amended—

(1) in subsection (b), by striking out ''if that care'' and all that follows through the period and inserting in lieu thereof the following: ''shall operate to prevent collection by the United States under subsection (a) if that care is provided—

''(1) through a facility of the uniformed services;

''(2) directly or indirectly by a governmental entity;

''(3) to an individual who has no obligation to pay for that care or for whom no other person has a legal obligation to pay; or

''(4) by a provider with which the third party payer has no participation agreement.'';

(2) in subsection (d), by inserting ''and except as provided in subsection (j),'' after ''(b),'';

(3) in subsection (h)(1), by adding at the end the following new sentence: ''Such term also includes entities described in subsection (j) under the terms and to the extent provided in such subsection.''; and

(4) by adding at the end the following new subsection:

''(j) The Secretary of Defense may enter into an agreement with any health maintenance organization, competitive medical plan, health care prepayment plan, or other similar plan (pursuant to regulations issued by the Secretary) providing for collection under this section from such organization or plan for services provided to a covered beneficiary who is an enrollee in such organization or plan.''.

SEC. 714. DELAY IN DEADLINE FOR USE OF HEALTH MAINTENANCE ORGANIZATION MODEL AS OPTION FOR MILITARY HEALTH CARE.

Section 731 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1696; 10 U.S.C. 1073 note) is amended—

(1) in subsection (a), by striking out ''after the date of the enactment of this Act'' and inserting in lieu thereof ''after December 31, 1994'';

(2) in subsection (e), by striking out ''February 1, 1994'' and inserting in lieu thereof ''December 31, 1994''; and

(3) by adding at the end the following new subsection (f):

''(f) MODIFICATION OF EXISTING CONTRACTS.—In the case of managed health care contracts in effect or in final stages of acquisition as of December 31, 1994, the Secretary may modify such contracts to incorporate the health benefit option required under subsection (a).''.

SEC. 715. LIMITATION ON REDUCTION IN NUMBER OF RESERVE COMPONENT MEDICAL PERSONNEL.

Section 518(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2407) is amended—

(1) by inserting before the period at the end the following: '', unless the Secretary certifies to Congress that the number of such personnel to be reduced in a particular military department is excess to the current and projected needs for personnel in the Selected Reserve of that military department''; and

(2) by adding at the end the following new sentence: ''The assessment of current and projected personnel needs under this subsection shall be consistent with the wartime requirements for Selected Reserve

personnel identified in the final report on the comprehensive study of the military medical care system prepared pursuant to section 733 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 1071 note).''.

Subtitle C—Other Matters

SEC. 721. DELAY IN CLOSURE OF ARMY HOSPITAL AT VICENZA, ITALY.

(a) CLOSURE DELAY.—During fiscal year 1995, the Secretary of the Army may not reduce the level of medical care services provided by the United States Army Hospital at Vicenza, Italy.

(b) REPORT ON HOSPITAL.—Not later than March 1, 1995, the Secretary of Defense shall submit to Congress a report regarding the operation of the Army Hospital at Vicenza, Italy. The report shall contain the following:

(1) A description of the number and demographic characteristics of members of the Armed Forces on active duty and covered beneficiaries under chapter 55 of title 10, United States Code, who typically receive medical care services at the hospital, including those members and covered beneficiaries stationed or residing at (or in the immediate vicinity of) Aviano Air Force Base and Camp Darby.

(2) An analysis of the projected costs or savings, including the cost of CHAMPUS benefits, resulting from the programmed closure of the hospital.

(3) A description of the differences in practice patterns between American and Italian doctors, such as differences in the normal lengths of stay for the most frequent inpatient admissions (including childbirth) and the availability of alternative methods of providing anesthesia during childbirth.

(4) An analysis of the feasibility of establishing a birthing center for the area and patients currently served by the hospital, to be staffed primarily by American nurse-midwives.

(5) A detailed plan for ensuring the availability of quality medical care, consistent with American medical practice patterns, for covered beneficiaries residing in Northern Italy.

SEC. 722. DEMONSTRATION PROGRAM FOR ADMISSION OF CIVILIANS AS PHYSICIAN ASSISTANT STUDENTS AT ACADEMY OF HEALTH SCIENCES, FORT SAM HOUSTON, TEXAS.

(a) CIVILIAN ATTENDANCE.—The Secretary of the Army may enter into a reciprocal agreement with an accredited institution of higher education under which students of the institution may attend the didactic portion of

the physician assistant training program conducted by the Army Medical Department at the Academy of Health Sciences at Fort Sam Houston, Texas, in exchange for the provision of such academic services by the institution as the Secretary and the institution consider to be appropriate to support the physician assistant training program. The Secretary shall ensure that the Army Medical Department does not incur any additional costs as a result of the agreement than the Department would incur to obtain academic services for the physician assistant training program in the absence of the agreement.

(b) SELECTION OF STUDENTS.—(1) Subject to paragraph (2), not more than 20 civilian students per year may receive instruction at the Academy pursuant to the agreement under subsection (a). In consultation with the institution of higher education that is a party to the agreement, the Secretary shall establish qualifications and methods of selection for civilian students to receive instruction at the Academy. The qualifications established shall be comparable to those generally required for admission to the physician assistant training program at the Academy.

(2) The Secretary shall ensure that members of the Armed Forces are not denied enrollment in the physician assistant training program in order to permit the attendance of civilian students. The maximum annual enrollment

for the program may not be increased solely for the purpose of permitting civilian students to attend the program.

(c) RULES OF ATTENDANCE.—Except as the Secretary determines necessary, a civilian student who receives instruction at the Academy pursuant to the agreement under subsection (a) shall be subject to the same regulations governing attendance, discipline, discharge, and dismissal as apply to military students attending the Academy.

(d) TERM AND TERMINATION OF AGREEMENT.—The term of the agreement entered into under subsection (a) may not extend beyond September 30, 1997. Either party to the agreement may terminate the agreement at any time before that date.

(e) REPORT.—For each year in which the agreement under subsection (a) is in effect, the Secretary shall submit to Congress a report specifying the number of civilian students who received instruction at the Academy under the agreement during the period covered by the report and accessing the benefits to the United States of the agreement.

(f) ACADEMY DEFINED.—For purposes of this section, the term ''Academy'' means the Academy of Health Sciences of the Army Medical Department at Fort Sam Houston, Texas.

SEC. 723. REPORT ON EXPANDED USE OF NONAVAILABILITY OF HEALTH CARE STATEMENTS.

(a) REPORT REQUIRED.—Not later than December 31, 1994, the Secretary of Defense shall submit to Congress a report describing the plans (if any) of the Department of Defense to use the authority provided in sections 1080(b) and 1086(e) of title 10, United States Code, regarding making a determination whether to issue a nonavailability of health care statement. The report shall include an analysis of the impact of such plans on—

(1) the freedom of choice of covered beneficiaries in selecting their health care providers;

(2) the access of covered beneficiaries to health care services;

(3) the quality and continuity of health care services;

(4) the clarity and understandability of the applicable requirements regarding issuance nonavailability of health care statements; and

(5) the health care costs incurred by the United States and covered beneficiaries.

(b) USE OF AUTHORITY.—During the period beginning on the date of the enactment of this Act and ending 90 days after the date the Secretary submits the report required by subsection (a), the Secretary may not—

(1) expand the number or size of the geographical areas in which the Secretary is currently using the authority provided by sections 1080(b) and 1086(e) of title 10, United States Code; or

(2) implement or use such authority in a manner inconsistent with the manner in which such authority was implemented or used as of February 1, 1994.

SEC. 724. SENSE OF CONGRESS ON CONTINUITY OF HEALTH CARE SERVICES FOR COVERED BENEFICIARIES IN CERTAIN AREAS AFFECTED BY BASE CLOSURES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should take all appropriate steps, including a limited continuation of services for managed health care currently provided to covered beneficiaries described in subsection (b) who are eligible for such services, to ensure the continuity of health care services for such beneficiaries during the procurement, transition, and initial implementation phases of the TRICARE managed care support contract for Health Services Region Six of the Military Health Services System of Department of Defense.

(b) COVERED BENEFICIARIES DESCRIBED.—The covered beneficiaries referred to in subsection (a) are covered beneficiaries under chapter 55, United States Code, who re-

side in areas adversely affected by the closure of England Air Force Base, Louisiana, Bergstrom Air Force Base, Texas, or Carswell Air Force Base, Texas, and for whom the Secretary of Defense established a contracted managed health care program, as required by section 9032 of the Department of Defense Appropriations Act, 1993 (P.L. 102–396; 106 Stat. 1907).

SEC. 725. ORAL TYPHOID VACCINE INVENTORY OF DEPARTMENT OF DEFENSE.

(a) NUMBER OF DOSES MAINTAINED IN INVENTORY.—The Secretary of Defense shall direct that the number of doses of oral typhoid vaccine maintained in inventory by the Department of Defense during a fiscal year is not less than the number of doses of parenteral injection typhoid vaccine maintained in inventory by the Department during that fiscal year.

(b) WAIVER.—The Secretary of Defense may waive the applicability of subsection (a) for a fiscal year if the Secretary determines that the waiver is necessary for reasons of national security and notifies Congress of the reasons for the waiver.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Assistance Programs

SEC. 801. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

Of the amount authorized to be appropriated in section 301(5), $12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code.

Subtitle B—Acquisition Improvement

PART I—GENERAL IMPROVEMENTS

SEC. 811. CONGRESSIONAL DEFENSE PROCUREMENT POLICY.

Section 2301 of title 10, United States Code, is amended to read as follows:

"§ 2301. Congressional defense procurement policy

"(a) The Congress finds that in order to ensure national defense preparedness; conserve fiscal resources; enhance science and technology, research and development, and production capability; provide for continued development and preservation of an efficient and responsive defense industrial base; and ensure the financial and ethical integ-

rity of defense procurement programs, it is in the interest of the United States that property and services be acquired for the Department of Defense in the most timely, economic, and efficient manner consistent with achieving an optimum balance among efficient processes, full and open access to the procurement system, and sound implementation of socioeconomic policies. It is therefore the policy of Congress that—

"(1) full and open competitive procedures shall be used by the Department of Defense in accordance with the requirements of this chapter;

"(2) to the maximum extent practicable, the Department of Defense shall acquire commercial items to meet its needs and shall require prime contractors and subcontractors, at all levels, which furnish other than commercial items, to incorporate to the maximum extent practicable commercial items as components of items being supplied to the Department;

"(3) when commercial items and components are not available, practicable, or cost effective, the Department of Defense shall acquire, and shall require prime contractors and subcontractors to incorporate, nondevelopmental items and components to the maximum extent practicable;

"(4) property and services for the Department of Defense may be acquired by any kind of contract, other than cost-plus-a-percentage-of-cost contracts, but including multiyear contracts, that will promote the interest of the United States and will provide for appropriate allocation of risk between the Government and the contractor with due regard to the nature of the property or services to be acquired;

"(5) contracts, when appropriate, shall provide incentives to contractors to improve productivity through investment in capital facilities, equipment, flexible manufacturing processes, and advanced and dual-use technology;

"(6) contracts for advance procurement of components, parts, and materials necessary for manufacture or for logistics support of a weapon system should, if practicable, be entered into in a manner to achieve economic-lot purchases and more efficient production rates;

"(7) procurement protests and disputes shall be fairly and expeditiously resolved through uniform interpretation of relevant laws and regulations;

"(8) the head of an agency shall use advance procurement planning and market research and develop contract requirements in such a manner as is

necessary to obtain full and open competition with due regard to the nature of the property or services to be acquired; but may restrict competitions to suppliers of commercial items to foster accomplishment of the above objective; and

''(9) the head of an agency shall develop and maintain an acquisition career management program to ensure a professional acquisition work force in accordance with the requirements of chapter 87 of this title.

''(b) Further, it is the policy of Congress that procurement policies and procedures for the agencies named in section 2303 of this title shall, in accordance with the requirements of this title—

''(1) be issued in accordance with and conform to the requirements of sections 22 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b and 421);

''(2) promote and implement the Congressional policies in subsection (a) of this section and section 2 of the Office of Federal Procurement Policy Act (41 U.S.C. 401);

''(3) be implemented to support the requirements of such agencies in time of war or national emergency as well as in peacetime;

"(4) promote responsiveness of the procurement system to agency needs by—

"(A) simplifying and streamlining procurement processes; and

"(B) providing incentives to encourage contractors to take actions and make recommendations that would reduce the costs of property or services to be acquired;

"(5) facilitate the acquisition of commercial items and commercial components at or based on commercial market prices, without requiring contractors to change their business practices; and

"(6) promote the acquisition and use of commercial items, commercial components, and nondevelopmental items by requiring descriptions of agency requirements, whenever practicable, in terms of functions to be performed or performance required.

"(c) Further, it is the policy of Congress that 20 percent of the purchases and contracts entered into under this chapter should be placed with small business concerns and that 5 percent of the purchases and contracts entered into under this chapter should be placed with concerns that are small disadvantaged businesses.

"(d) It is also the policy of Congress that qualified nonprofit agencies for the blind or severely handicapped (as

defined in section 2410d(b) of this title) shall be afforded the maximum practicable opportunity to provide approved commodities and services (as defined in such section) as subcontractors and suppliers under contracts awarded by the Department of Defense.''.

SEC. 812. REPEAL OF REQUIREMENT RELATING TO PRODUCTION SPECIAL TOOLING AND PRODUCTION SPECIAL TEST EQUIPMENT.

(a) REPEAL.—Section 2329 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by striking out the item related to section 2329.

SEC. 813. REPEAL OF VOUCHERING PROCEDURES SECTION.

(a) REPEAL.—Section 2355 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to section 2355.

SEC. 814. CLARIFICATION OF PROVISION RELATING TO QUALITY CONTROL OF CERTAIN SPARE PARTS.

The second sentence of subsection (a) of section 2383 of title 10, United States Code, is amended to read as follows: ''In establishing the appropriate qualification require-

ments, the Secretary of Defense shall use the Department of Defense qualification requirements that were used to qualify the original production part, unless the Secretary determines in writing—

''(A) that there are other requirements sufficiently similar to those requirements that should be used instead; or

''(B) that any or all such requirements are unnecessary.''.

SEC. 815. CONTRACTOR GUARANTEES REGARDING WEAPON SYSTEMS.

(a) REPEAL OF REQUIREMENT FOR REPORT ON WAIVERS.—Subsection (e) of section 2403 of title 10, United States Code, is amended—

(1) by striking out ''(1)''; and

(2) by striking out paragraph (2).

(b) PROVISIONS TO BE ADDRESSED BY REGULATIONS.—Subsection (h) of such section is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The regulations shall include the following:

''(A) Guidelines for negotiating contractor guarantees that are reasonable and cost effective, as deter-

mined on the basis of the likelihood of defects and the estimated cost of correcting such defects.

''(B) Procedures for administering contractor guarantees.

''(C) Guidelines for determining the cases in which it may be appropriate to waive the requirements of this section.''.

PART II—MAJOR SYSTEMS STATUTES

SEC. 821. WEAPON DEVELOPMENT AND PROCUREMENT SCHEDULES.

(a) DEADLINE AND PURPOSE.—Subsection (a) of section 2431 of title 10, United States Code, is amended—

(1) in the first sentence—

(A) by striking out ''at the same time'' and inserting in lieu thereof ''not later than 45 days after''; and

(B) by striking out ''a written report'' and inserting in lieu thereof ''budget justification documents''; and

(2) in the second and third sentences, by striking out ''report'' and inserting in lieu thereof ''documents''.

(b) ADDITIONAL MATTERS TO BE INCLUDED.—Subsection (b) of such section is amended—

(1) by striking out ''include—'' and inserting in lieu thereof ''include each of the following:'';

(2) by capitalizing the first word in each of paragraphs (1), (2), and (3);

(3) by striking out the semicolon at the end of paragraphs (1) and (2) and inserting in lieu thereof a period;

(4) by striking out ''; and'' at the end of paragraph (3) and inserting in lieu thereof a period; and

(5) by amending paragraph (4) to read as follows:

''(4)(A) The most efficient production rate, the most efficient acquisition rate, and the minimum sustaining rate, consistent with the program priority established for such weapon system by the Secretary concerned.

''(B) In this paragraph:

''(i) The term 'most efficient production rate' means the maximum rate for each budget year at which the weapon system can be produced with existing or planned plant capacity and tooling, with one shift a day running for eight hours a day and five days a week.

''(ii) The term 'minimum sustaining rate' means the production rate for each budget year

that is necessary to keep production lines open while maintaining a base of responsive vendors and suppliers.''.

SEC. 822. SELECTED ACQUISITION REPORT REQUIREMENT.

(a) DEFINITION OF PROCUREMENT UNIT COST.—

(1) DEFINITION.—Paragraph (2) of section 2432(a) of title 10, United States Code, is amended—

(A) in clause (A), by striking out ''for a fiscal year'' and all that follows through ''such program in such fiscal year'';

(B) in clause (B), by striking out ''with such funds during such fiscal year.'' and inserting in lieu thereof a period; and

(C) by striking out the last sentence.

(2) CONFORMING AMENDMENTS.—Section 2433 of such title is amended—

(A) in subparagraph (B) of subsection (c)(1), by striking out ''current'' before ''procurement unit cost'';

(B) in subsection (d), by striking out ''current'' before ''procurement unit cost'' each place it appears; and

(C) in subsection (e), by striking out ''current'' before ''procurement unit cost'' both places it appears.

(b) EXCLUSION OF FIRM, FIXED-PRICE CONTRACTS.—Subsection (a) of section 2432 of such title is amended in paragraph (3) by inserting before the period at the end the following: ''and that is not a firm, fixed price contract''.

(c) DEFINITION OF FULL LIFE-CYCLE COST.—Such subsection is further amended in paragraph (4) by striking out ''has the meaning'' and all that follows through the end of the paragraph and inserting in lieu thereof the following: ''means all costs of development, procurement, military construction, and operations and support, without regard to funding source or management control.''.

(d) NOTICE OF PROPOSED CHANGES IN SAR.—Subsection (c) of such section is amended in paragraph (2) by striking out the second sentence and inserting in lieu thereof the following: ''Whenever the Secretary of Defense proposes to make changes in the content of a Selected Acquisition Report, the Secretary shall submit a notice of the proposed changes to such committees. The changes shall be considered approved by the Secretary, and may be incorporated into the report, only after the end of the 60-day period beginning on the date on which the notice is received by those committees.''.

(e) ELIMINATION OF CERTAIN SAR REQUIREMENTS.—Such subsection is further amended in paragraph (3) by striking out subparagraph (C).

(f) UNIFORM IMPLEMENTATION OF LIFE-CYCLE COST ANALYSIS.—Such subsection is further amended—

(1) by striking out paragraph (5); and

(2) by adding at the end of subparagraph (A) of paragraph (3) the following: ''The Secretary of Defense shall ensure that this subparagraph is implemented in a uniform manner, to the extent practicable, throughout the Department of Defense.''.

(g) DEADLINE REVISION.—Subsection (f) of such section is amended by striking out ''60 days'' in the first sentence and inserting in lieu thereof ''45 days''.

(h) ELIMINATION OF PRELIMINARY REPORT.—Such subsection is further amended by striking out the second sentence.

(i) TERMINOLOGY CORRECTIONS.—Such section is further amended as follows:

(1) Subsection (b)(3)(A) is amended by striking out ''full-scale development or'' in clause (i).

(2) Subsection (c)(3) is amended by striking out ''full-scale engineering'' in subparagraph (A) and inserting in lieu thereof ''engineering and manufacturing''.

(3) Subsection (h)(1) is amended by striking out ''full-scale engineering'' both places it appears and in-

serting in lieu thereof ''engineering and manufacturing''.

SEC. 823. UNIT COST REPORT REQUIREMENT.

(a) REVISION OF BASELINE REPORT DEFINITIONS.—

(1) REVISION.—Section 2433(a) of title 10, United States Code, is amended—

(A) in paragraph (2)—

(i) by striking out ''Baseline Selected Acquisition Report'' and inserting in lieu thereof ''Baseline Estimate''; and

(ii) by striking out ''Selected Acquisition Report in which'' and all that follows through the end of the paragraph and inserting in lieu thereof ''cost estimate included in the baseline description for the program under section 2435 of this title.''; and

(B) by striking out paragraph (4).

(2) CONFORMING AMENDMENTS.—Section 2433 of such title is further amended—

(A) in subsection (c)(1), by striking out ''Baseline Report'' in subparagraphs (A) and (B) and inserting in lieu thereof ''Baseline Estimate''; and

(B) in subsection (d), by striking out ''Baseline Report'' in paragraphs (1) and (2) and inserting in lieu thereof ''Baseline Estimate''.

(b) CONTENTS OF UNIT COST REPORT.—Section 2433(b) of such title is amended in paragraph (3) by striking out ''Baseline Report was submitted.'' and inserting in lieu thereof ''contract was entered into.''.

(c) ELIMINATION OF CERTAIN UNIT COST REPORT REQUIREMENT.—Section 2433(c) of such title, as amended by subsection (a), is further amended—

(1) by striking out paragraph (2);

(2) by striking out ''(1)'' after ''(c)''; and

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(d) CONSTANT BASE YEAR DOLLARS.—Section 2433(f) of such title is amended by striking out ''include expected inflation'' and inserting in lieu thereof ''be stated in terms of constant base year dollars (as described in section 2430 of this title)''.

(e) CONTENTS OF SAR.—Subparagraph (I) of section 2433(g)(1) of such title is amended to read as follows:

''(I) The type of the Baseline Estimate that was included in the baseline description under section 2435 of this title and the date of the Baseline Estimate.''.

SEC. 824. REQUIREMENT FOR INDEPENDENT COST ESTIMATES AND MANPOWER ESTIMATES BEFORE DEVELOPMENT OR PRODUCTION.

(a) CONTENT AND SUBMISSION OF ESTIMATES.—Section 2434 of title 10, United States Code, is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the content and submission of the estimates required by subsection (a). The regulations shall require—

"(1) that the independent estimate of the full life-cycle cost of a program—

"(A) be prepared by an office or other entity that is not directly responsible for carrying out the development or acquisition of the program; and

"(B) include all costs of development, procurement, military construction, and operations and support, without regard to funding source or management control; and

"(2) that the manpower estimate include the total personnel required—

"(A) to operate, maintain, and support the program upon full operational deployment; and

''(B) to train personnel to carry out the activities referred to in subparagraph (A).''.

(b) TERMINOLOGY CORRECTION AND OTHER AMENDMENT.—Subsection (a) of such section is amended—

(1) by striking out ''full-scale engineering development'' and inserting in lieu thereof ''engineering and manufacturing development''; and

(2) by striking out ''cost of the program, together with'' and inserting in lieu thereof ''full life-cycle cost of the program, and''.

SEC. 825. BASELINE DESCRIPTION.

(a) IN GENERAL.—Section 2435 of title 10, United States Code, is amended to read as follows:

''§ 2435. Baseline description

''(a) BASELINE DESCRIPTION REQUIREMENT.—(1) The Secretary of a military department shall establish a baseline description for each major defense acquisition program under the jurisdiction of such Secretary.

''(2) The baseline shall include sufficient parameters to describe the cost estimate (referred to as the 'Baseline Estimate' in section 2433 of this title), schedule, and performance of such major defense acquisition program.

''(3) No amount appropriated or otherwise made available to the Department of Defense for carrying out a major defense acquisition program may be obligated with-

out an approved baseline description unless such obligation is specifically approved by the Under Secretary of Defense for Acquisition and Technology.

''(4) A baseline description for a major defense acquisition program shall be established—

''(A) before the program enters engineering and manufacturing development; and

''(B) before the program enters production and deployment.

''(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing—

''(1) the content of baseline descriptions;

''(2) the submission of reports on deviations of a program from the baseline description by the program manager to the Secretary of the military department concerned and the Under Secretary of Defense for Acquisition and Technology;

''(3) procedures for review of such deviation reports within the Department of Defense; and

''(4) procedures for submission to, and approval by, the Secretary of Defense of revised baseline descriptions.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by

amending the item relating to section 2435 to read as follows:

''2435. Baseline description.''.

SEC. 826. REPEAL OF REQUIREMENT FOR COMPETITIVE PROTOTYPING IN MAJOR PROGRAMS.

(a) REPEAL.—Section 2438 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by striking out the item relating to section 2438.

SEC. 827. REPEAL OF REQUIREMENT FOR COMPETITIVE ALTERNATIVE SOURCES IN MAJOR PROGRAMS.

(a) REPEAL.—Section 2439 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by striking out the item relating to section 2439.

PART III—TESTING STATUTES

SEC. 831. AUTHORIZATION OF LESS THAN FULL-UP TESTING.

Section 2366(c) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) by designating the second sentence of paragraph (1) as paragraph (3) and in that paragraph by

striking out ''such certification'' and inserting in lieu thereof ''certification under paragraph (1) or (2)''; and

(3) by inserting before paragraph (3) (as so designated) the following new paragraph:

''(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 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 subassemblies, together with performing design analyses, modeling and simulation, and analysis of combat data, if the Secretary certifies to Congress that the survivability and lethality testing of such system or program otherwise required by this section would be unreasonably expensive and impracticable.''.

SEC. 832. LIMITATION ON QUANTITIES TO BE PROCURED FOR LOW-RATE INITIAL PRODUCTION.

Section 2400(a) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking out ''paragraph (1)'' and inserting in lieu thereof ''this section''; and

(B) by striking out ''full-scale engineering development'' and inserting in lieu thereof ''engineering and manufacturing development'';

(2) by redesignating paragraph (4) as paragraph (5) and in that paragraph by inserting after the first sentence the following: ''If the quantity exceeds 10 percent of the total number of articles to be produced, as determined at the milestone II decision with respect to that system, the Secretary shall include in the statement the reasons for such quantity.''; and

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4) The quantity of articles of a major system that may be procured for low-rate initial production may not be less than one operationally configured production unit unless another quantity is established at the milestone II decision.''.

SEC. 833. OPERATIONAL TEST AND EVALUATION OF DEFENSE ACQUISITION PROGRAMS.

(a) AUTHORITY TO USE DIFFERENT PROCEDURES.—Section 2399(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

''(5) The Secretary of Defense may, for a particular major defense acquisition program, prescribe and apply operational test and evaluation procedures other than those provided under subsection (a) and paragraphs (1) through (3) of this subsection if the Secretary transmits to Congress, before the Milestone II decision is made with respect to that program—

''(A) a certification that such testing would be unreasonably expensive and impracticable; and

''(B) a description of the actions taken to ensure that the system will be operationally effective and suitable when the system meets initial operational capability requirements.''.

(b) CROSS REFERENCE CORRECTIONS.—Section 2399 of such title is further amended—

(1) in subsection (b)(6) (as redesignated by subsection (a)(1)) and subsection (c)(1), by striking out ''section 138(a)(2)(B)'' and inserting in lieu thereof ''section 139(a)(2)(B)''; and

(2) in subsection (h)(1), by striking out ''section 138(a)(2)(A)'' and inserting in lieu thereof ''section 139(a)(2)(A)''.

PART IV—CIVIL RESERVE AIR FLEET

SEC. 841. DEFINITION OF CONTRACTOR.

Section 9511(8) of title 10, United States Code, is amended—

(1) by striking out ''or'' at the end of clause (A); and

(2) by inserting before the period at the end the following: '', or (C) who owns or controls, or will own or control, new or existing aircraft and who, by contract, commits some or all of such aircraft to the Civil Reserve Air Fleet''.

SEC. 842. CONSOLIDATION OF PROVISIONS RELATING TO CONTRACTUAL COMMITMENT OF AIRCRAFT.

Chapter 931 of title 10, United States Code, is amended—

(1) in subsection (a) of section 9512, by inserting ''AUTHORITY TO CONTRACT.—'' after ''(a)'';

(2) in subsection (c) of section 9512, by striking out ''(c)'' and inserting in lieu thereof ''(d) AUTHORITY TO CONTRACT AND PAY DIRECTLY.—'';

(3) in subsection (b) of section 9512, by striking out ''(b)'' and inserting in lieu thereof ''(c) TERMS AND REQUIRED REPAYMENT.—'';

(4) by redesignating subsection (a) of section 9513 as subsection (b) and transferring such sub-

section (as so redesignated) to section 9512 and inserting such subsection after subsection (a);

(5) by redesignating subsection (b) of section 9513 as subsection (e) and transferring such subsection (as so redesignated) to the end of section 9512;

(6) in subsection (b) of section 9512, as redesignated and transferred to such section by paragraph (4)—

(A) by striking out ''under section 9512 of this title'' and inserting in lieu thereof ''entered into under this section'', and

(B) by inserting ''CONTRACT REQUIREMENTS.—'' after ''(b)'';

(7) in subsection (c) of section 9512, as redesignated by paragraph (3), by striking out ''the terms required by section 9513 of this title and'';

(8) in subsection (e) of section 9512, as redesignated and transferred to such section by paragraph (5)—

(A) by striking out ''under section 9512 of this title'' and inserting in lieu thereof ''entered into under this section'', and

(B) by inserting ''COMMITMENT TO CIVIL RESERVE AIR FLEET.—'' after ''(e)''; and

(9) by striking out the heading of section 9513.

SEC. 843. USE OF MILITARY INSTALLATIONS BY CONTRACTORS.

(a) AUTHORITY.—Chapter 931 of title 10, United States Code, as amended by section 842, is further amended by adding at the end the following new section 9513:

"§ 9513. Use of military installations by Civil Reserve Air Fleet contractors

"(a) CONTRACT AUTHORITY.—(1) The Secretary of the Air Force—

"(A) may, by contract entered into with any contractor, authorize such contractor to use one or more Air Force installations designated by the Secretary; and

"(B) with the consent of the Secretary of another military department, may, by contract entered into with any contractor, authorize the contractor to use one or more installations, designated by the Secretary of the Air Force, that is under the jurisdiction of the Secretary of such other military department.

"(2) The Secretary of the Air Force may include in the contract such terms and conditions as the Secretary determines appropriate to promote the national defense or to protect the interests of the United States.

"(b) PURPOSES OF USE.—A contract entered into under subsection (a) may authorize use of a designated installation as a weather alternate, a technical stop not in-

volving the enplaning or deplaning of passengers or cargo, or, in the case of an installation within the United States, for other commercial purposes. Notwithstanding any other provision of the law, the Secretary may establish different levels and types of uses for different installations and may provide in contracts under subsection (a) for different levels and types of uses by different contractors.

''(c) HOLD HARMLESS REQUIREMENT.—A contract entered into under subsection (a) shall provide that the contractor agrees to indemnify and hold harmless the Air Force (and any other armed force having jurisdiction over any installation covered by the contract) from all actions, suits, or claims of any sort resulting from, relating to, or arising out of any activities conducted, or services or supplies furnished, in connection with the contract.

''(d) RESERVATION OF RIGHT TO EXCLUDE CONTRACTOR.—A contract entered into under subsection (a) shall provide that the Secretary concerned may, without providing prior notice, deny access to an installation designated under the contract when the Secretary determines that it is necessary to do so in order to meet military exigencies.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 9513 and inserting in lieu thereof the following:

''9513. Use of military installations by Civil Reserve Air Fleet contractors.''.

PART V—MISCELLANEOUS

SEC. 851. REGULATIONS ON PROCUREMENT, PRODUCTION, WAREHOUSING, AND SUPPLY DISTRIBUTION FUNCTIONS.

(a) IN GENERAL.—Section 2202 of title 10, United States Code, is amended to read as follows:

"§ 2202. Regulations on procurement, production, warehousing, and supply distribution functions

''The Secretary of Defense shall prescribe regulations governing the performance within the Department of Defense of the procurement, production, warehousing, and supply distribution functions, and related functions, of the Department of Defense.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by striking out the item related to section 2202 and inserting in lieu thereof the following:

''2202. Regulations on procurement, production, warehousing, and supply distribution functions.''.

SEC. 852. REPEAL OF REQUIREMENTS REGARDING PRODUCT EVALUATION ACTIVITIES.

(a) REPEAL.—Section 2369 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by striking out the item related to section 2369.

SEC. 853. CODIFICATION AND REVISION OF LIMITATION ON LEASE OF VESSELS, AIRCRAFT, AND VEHICLES.

(a) LIMITATION.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2401 the following new section:

"§ 2401a. Lease of vessels, aircraft, and vehicles

''The Secretary of Defense or the Secretary of a military department may not enter into any contract with a term of 18 months or more, or extend or renew any contract for a term of 18 months or more, for any vessel, aircraft, or vehicle, through a lease, charter, or similar agreement, unless the Secretary has considered all costs of such contract (including estimated termination liability) and has determined in writing that the contract is in the best interest of the Government.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2401 the following new item:

''2401a. Lease of vessels, aircraft, and vehicles.''.

(b) REPEAL OF SUPERSEDED PROVISION.—Section 9081 of Public Law 101–165 (103 Stat. 1147; 10 U.S.C. 2401 note) is repealed.

SEC. 854. REPEAL OF APPLICATION OF PUBLIC CONTRACTS ACT TO CERTAIN NAVAL VESSEL CONTRACTS.

(a) REPEAL.—Section 7299 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 633 of such title is amended by striking out the item relating to section 7299.

SEC. 855. CONSOLIDATION OF LIMITATIONS ON PROCUREMENT OF GOODS OTHER THAN AMERICAN GOODS.

Section 2534 of title 10, United States Code, is amended—

(1) by striking out subsections (a) through (f); and

(2) by inserting after the section heading the following:

"(a) LIMITATION ON CERTAIN PROCUREMENTS.—The Secretary of Defense may procure the following items only if they are manufactured by an entity that is part of the national technology and industrial base (as defined in section 2491(1) of this title):

"(1) BUSES.—Multipassenger motor vehicles (buses).

"(2) CHEMICAL WEAPONS ANTIDOTE.—Chemical weapons antidote contained in automatic injectors (or components for such injectors), but only if the com-

pany that manufactures the item not only manufactures it in the United States but also meets the following requirements:

"(A) The company is an existing producer under the industrial preparedness program at the time the contract is awarded.

"(B) The company has received all required regulatory approvals.

"(C) The company has the plant, equipment, and personnel to perform the contract in existence in the United States at the time the contract is awarded.

"(3) VALVES AND MACHINE TOOLS.—(A) Items in the following categories:

"(i) Powered and non-powered valves in Federal Supply Classes 4810 and 4820 used in piping for naval surface ships and submarines.

"(ii) Machine tools in the Federal Supply Classes for metal-working machinery numbered 3405, 3408, 3410 through 3419, 3426, 3433, 3438, 3441 through 3443, 3445, 3446, 3448, 3449, 3460, and 3461.

"(B) Contracts for the procurement of items described in subparagraph (A) include contracts—

"(i) for the use of such items in any property under the control of the Department of Defense, including Government-owned, contractor-operated facilities; and

"(ii) entered into by contractors on behalf of the Department of Defense for the purposes of providing such items to other contractors as Government-furnished equipment.

"(C) In any case in which a contract for items described in subparagraph (A) includes the procurement of more than one Federal Supply Class of machine tools or machine tools and accessories, each supply class shall be evaluated separately for purposes of determining whether the limitation in this subsection applies.

"(D) This paragraph is effective through fiscal year 1996.

"(4) AIR CIRCUIT BREAKERS.—Air circuit breakers for naval vessels.

"(5) SONOBUOYS.—Sonobuoys.

"(6) BALL BEARINGS AND ROLLER BEARINGS.—Ball bearings and roller bearings, in accordance with subpart 225.71 of part 225 of the Defense Federal Acquisition Regulation Supplement, as in effect on Oc-

tober 23, 1992. This paragraph is effective through fiscal year 1995.

"(b) EXCEPTIONS.—The Secretary of Defense may waive the limitation in subsection (a) with respect to the procurement of an item listed in that subsection if the Secretary determines that any of the following apply:

"(1) Application of the limitation would cause unreasonable costs or delays to be incurred.

"(2) United States producers of the item would not be jeopardized by competition from a foreign country and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

"(3) Application of the limitation would impede cooperative programs entered into between the Department of Defense and a foreign country and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

"(4) Satisfactory quality items manufactured by an entity that is part of the national technology and industrial base (as defined in section 2491(1) of this title) are not available.

"(5) Application of the limitation would result in the existence of only one source for the item that is an entity that is part of the national technology and industrial base (as defined in section 2491(1) of this title).

"(6) The procurement is for an amount less than the simplified acquisition threshold and simplified purchase procedures are being used.

"(7) Application of the limitation is not in the national security interests of the United States.

"(8) Application of the limitation would adversely affect a United States company.

"(c) PRINCIPLE OF CONSTRUCTION WITH FUTURE LAWS.—A provision of law may not be construed as modifying or superseding the provisions of this section, or as requiring funds to be limited, or made available, by the Secretary of Defense to a particular domestic source by contract, unless that provision of law—

"(1) specifically refers to this section;

"(2) specifically states that such provision of law modifies or supersedes the provisions of this section; and

"(3) specifically identifies the particular domestic source involved and states that the contract to be

awarded pursuant to such provision of law is being awarded in contravention of this section.''.

SEC. 856. DEPARTMENT OF DEFENSE ACQUISITION OF INTELLECTUAL PROPERTY RIGHTS.

Section 2386 of title 10, United States Code, is amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

''(3) Technical data and computer software.

''(4) Releases for past infringement of patents or copyrights or for unauthorized use of technical data or computer software.''.

SEC. 857. DEPARTMENT OF DEFENSE REVIEW OF ANTITRUST CASES WITH NATIONAL SECURITY IMPLICATIONS.

(a) IN GENERAL.—Subchapter II of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2508. Antitrust cases with national security implications: Secretary of Defense review

''(a) REVIEW.—The Secretary of Defense shall conduct a review of any proposed acquisition of a business concern that is a critical United States defense supplier with respect to which the Attorney General or the Federal Trade Commission receives notice under the antitrust laws. In conducting such review, the Secretary shall assess the likely ef-

fect of the proposed acquisition (if carried out) on the policy objectives for the national technology and industrial base (as set forth in section 2501(a) of this title) and on such other considerations relating to national security as the Secretary considers appropriate.

''(b) COMMUNICATION OF VIEWS OF SECRETARY.—In any case in which the Secretary determines, as the result of a review and assessment under subsection (a), that a proposed acquisition is likely to have an appreciable effect (whether positive or negative) on the policy objectives for the national technology and industrial base or on other considerations relevant to national security (as determined by the Secretary), the Secretary shall immediately communicate that determination, in writing, to the Attorney General and the Federal Trade Commission. The Secretary shall include in such communication the Secretary's evaluation concerning the proposed acquisition.

''(c) DEFINITION.—In this section, the term 'critical United States defense supplier' means a company organized under the laws of the United States that is—

''(1) a contractor or critical subcontractor for a major system, as defined in section 2302(9) of this title;

''(2) a contractor for a contract awarded to a particular source pursuant to paragraph (3) of sec-

tion 2304(c) of this title for the reasons described in clause (A) of that paragraph; or

''(3) in such other category as the Secretary of Defense may prescribe by regulation as being critical to the national technology and industrial base.''.

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

''2508. Antitrust cases with national security implications: Secretary of Defense review.''.

SEC. 858. EXTENSION OF TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.

Section 834(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 15 U.S.C. 637 note) is amended by striking out ''September 30, 1994.'' in the second sentence and inserting in lieu thereof ''September 30, 1997.''.

Subtitle C—Other Matters

SEC. 871. ENVIRONMENTAL CONSEQUENCE ANALYSIS OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ANALYSIS.—Before development under a major defense acquisition program begins, the Secretary of Defense shall analyze the life-cycle environmental costs of such program.

(b) GUIDANCE.—The Secretary of Defense shall issue guidance, to apply uniformly throughout the Department of Defense, regarding—

(1) how to ensure timely compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to major defense acquisition programs (as defined in section 2430 of title 10, United States Code); and

(2) how to analyze the life-cycle environmental costs for such major defense acquisition program.

(c) DATA BASE FOR NEPA DOCUMENTATION.—The Secretary of Defense shall establish and maintain a data base for documents prepared by the Department of Defense in complying with the National Environmental Policy Act of 1969 with respect to major defense acquisition programs. Any such document relating to a major defense acquisition program shall be maintained in the data base for 5 years after commencement of low-rate initial production of the program.

SEC. 872. AWARD OF CONTRACTS AND GRANTS ON THE BASIS OF COMPETITION.

(a) POLICY.—Section 2301 of title 10, United States Code (as amended by section 811) is further amended by adding at the end the following new subsection:

"(e)(1) It is the policy of Congress that the Department of Defense should not be required by legislation to award a new contract or grant to a specific non-Federal Government entity (a practice commonly known as earmarking) for basic research, exploratory development, advanced technology development, and manufacturing technology activities. It is further the policy of Congress that any program, project, or technology identified in legislation be procured through competitive procedures, and that any such program, project, or technology not be so narrowly described in legislation that only one institution qualifies for competition.

"(2) A provision of law may not be construed as requiring the Department of Defense to award a new contract or grant to a specific non-Federal Government entity unless that provision of law—

"(A) specifically refers to this subsection;

"(B) specifically identifies the particular non-Federal Government entity to be awarded the contract or grant; and

"(C) sets forth the national defense purpose to be fulfilled by requiring the department to award a new contract or grant to the specified non-Federal Government entity.

"(3) For purposes of this subsection—

''(A) a contract is a new contract unless the work provided for in the contract is a continuation of the work provided for in a preceding contract; and

''(B) a grant is a new grant unless the work funded by the grant is substantially a continuation of the work for which funding is provided in a preceding grant.''.

SEC. 873. SHIPBUILDING CLAIMS.

(a) INCREASE IN TIME PERIOD DURING WHICH ADJUSTMENTS TO SHIPBUILDING CLAIMS MAY BE MADE.—Section 2405 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out ''18 months'' and inserting in lieu thereof ''six years''; and

(2) by striking out subsection (c).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply only with respect to contracts entered into after the date of the enactment of this Act.

SEC. 874. DEMONSTRATION PROJECT ON PURCHASE OF FIRE, SECURITY, POLICE, PUBLIC WORKS, AND UTILITY SERVICES FROM LOCAL GOVERNMENT AGENCIES.

(a) DEMONSTRATION PROJECT.—The Secretary of Defense shall conduct a demonstration project, beginning October 1, 1994, at Monterey, California, under which any fire-

fighting, security-guard, police, public works, utility, or other municipal services needed for operation of any Department of Defense asset in Monterey County, California, may be purchased from government agencies located within the county of Monterey. The purchase of such services for the demonstration project may be made notwithstanding section 2465 of title 10, United States Code.

(b) EVALUATION OF PROJECT.—Not later than December 31, 1995, the Secretary of Defense shall submit to Congress a report evaluating the results of the project and making any recommendations the Secretary considers appropriate, including recommendations on whether the purchase authorities used in conducting the project could be used to provide similar services at other locations.

SEC. 875. DEFENSE ACQUISITION PILOT PROGRAM.

(a) DESIGNATIONS.—Pursuant to section 809(b) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1485, 1593; 10 U.S.C. 2430 note), as amended by section 811 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2315, 2450), the following defense acquisition programs are authorized to be designated for participation in the Defense Acquisition Pilot Program:

(1) FIRE SUPPORT COMBINED ARMS TACTICAL TRAINER (FSCATT).—All contracts directly relating to

the procurement of a training simulation system, including related hardware, software, and subsystems, to perform collective training of field artillery gunnery teams, with development of software as required to generate the training exercises.

(2) JOINT DIRECT ATTACK MUNITION (JDAM I).—All contracts directly relating to the development and procurement of a strap-on guidance kit, using an inertially guided, Global Positioning System updated guidance kit to enhance the delivery accuracy of 1000 and 2000 pound bombs in inventory.

(3) COMMERCIAL-DERIVATIVE AIRCRAFT (CDA).—(A) All contracts related to acquisition or upgrading of commercial-derivative aircraft for use in future Air Force airlift, tanker, and airborne warning and control system requirements.

(B) For purposes of this paragraph, the term ''commercial-derivative aircraft'' means any of the following:

(i) Any aircraft that is of a type customarily used in the course of normal business operations for other than Federal Government purposes, that has been issued a type certificate by the Administrator of the Federal Aviation Administration, and—

(I) that has been sold or leased for use in the commercial marketplace; or

(II) that has been offered for sale or lease for use in the commercial marketplace.

(ii) Any aircraft that, but for—

(I) modifications of a type customarily available in the commercial marketplace; or

(II) minor modifications made to meet Federal Government requirements;

would satisfy the criteria in clause (i).

(b) AUTHORIZATION FOR WAIVERS.—With respect to the programs described in subsection (a), the Secretary of Defense is authorized to waive or limit the applicability of the following provisions of law:

(1) Section 2306(b) of title 10, United States Code (relating to prohibition against contingent fees).

(2) Section 2320 of such title (relating to requirements pertaining to technical data).

(3) Section 2321 of such title (relating to validation of proprietary data restrictions).

(4) Section 2324 of such title (relating to requirement for the disclosure of the identity of suppliers and sources of supplies).

(5) Section 2393(d) of such title (relating to prohibition against doing business with certain offerors or contractors).

(6) Section 2402 of such title (relating to prohibition on limitation of subcontractor direct sales).

(7) Section 2408(a) of such title (relating to prohibition on certain involvement with persons convicted of defense contract-related felonies).

(8) Section 2410b of such title (relating to contractor inventory accounting system standards).

(9) Section 843 of Public Law 103–160 (107 Stat. 1720) (relating to reports on defense contractors dealings with terrorist countries).

(c) CONDUCT OF DEFENSE ACQUISITION PROGRAMS.—In the case of each defense acquisition program designated under subsection (a) for participation in the Defense Acquisition Pilot Program, the Secretary of Defense shall—

(1) develop guidelines and procedures for carrying out the program and the criteria to be used in measuring the success of the program;

(2) evaluate the potential costs and benefits which may be derived from the innovative procurement methods and procedures tested under the program; and

(3) develop the methods to be used to analyze the results of the program.

(d) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as authorizing the appropriation or obligation of funds for the programs designated as defense acquisition pilot programs under subsection (a).

SEC. 876. PREFERENCE FOR LOCAL RESIDENTS.

(a) PREFERENCE ALLOWED.—In entering into contracts with private entities for services to be performed at a military installation that is affected by closure or alignment under a base closure law, the Secretary of Defense may give preference, consistent with Federal, State, and local laws and regulations, to entities that plan to hire, to the maximum extent practicable, residents of the vicinity of such military installation. Contracts for which the preference may be given include contracts to carry out environmental restoration activities or construction work at such military installations.

(b) DEFINITION.—In this section, the term ''base closure law'' means the following:

(1) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(c) APPLICABILITY.—Any preference given under subsection (a) shall apply only with respect to contracts entered into after the date of the enactment of this Act.

(d) TERMINATION.—This section shall cease to be effective on September 30, 1997.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANGAGEMENT

SEC. 901. REVISION OF NATIONAL GUARD BUREAU CHARTER.

(a) IN GENERAL.—(1) Subtitle A of title 10, United States Code, is amended by inserting after chapter 11 the following new chapter:

"CHAPTER 12—NATIONAL GUARD BUREAU

"291. National Guard Bureau.
"292. Chief of the National Guard Bureau: appointment; adviser on National Guard matters; grade.
"293. Functions of National Guard Bureau: charter from Secretaries of the Army and Air Force.
"294. Chief of National Guard Bureau: annual report.
"295. Vice Chief of the National Guard Bureau.
"296. Other senior National Guard Bureau officers.
"297. Definition.

"§ 291. National Guard Bureau

"(a) NATIONAL GUARD BUREAU.—There is in the Department of Defense the National Guard Bureau, which is

a joint bureau of the Department of the Army and the Department of the Air Force.

"(b) PURPOSES.—The National Guard Bureau is the channel of communications on all matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States between (1) the Department of the Army and Department of the Air Force, and (2) the several States.

"§ 292. Chief of the National Guard Bureau: appointment; adviser on National Guard matters; grade

"(a) APPOINTMENT.—There is a Chief of the National Guard Bureau, who is responsible for the organization and operations of the National Guard Bureau. The Chief of the National Guard Bureau is appointed by the President, by and with the advice and consent of the Senate. Such appointment shall be made from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

"(1) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

"(2) have had at least 10 years of federally recognized commissioned service in an active status in the National Guard; and

"(3) are in a grade above the grade of brigadier general.

"(b) TERM OF OFFICE.—An officer appointed as Chief of the National Guard Bureau serves at the pleasure of the President for a term of four years. An officer may not hold that office after becoming 64 years of age. An officer may be reappointed as Chief of the National Guard Bureau.

"(c) ADVISER ON NATIONAL GUARD MATTERS.—The Chief of the National Guard Bureau is the principal adviser to the Secretary of the Army and the Chief of Staff of the Army, and to the Secretary of the Air Force and the Chief of Staff of the Air Force, on matters relating to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

"(d) GRADE.—The Chief of the National Guard Bureau shall be appointed to serve in a grade above major general.

"§ 293. Functions of National Guard Bureau: charter from Secretaries of the Army and Air Force

"The Secretary of the Army and the Secretary of the Air Force shall jointly develop and prescribe a charter for

the National Guard Bureau. The charter shall cover the following matters:

"(1) Allocating unit structure, strength authorizations, and other resources to the Army National Guard of the United States and the Air National Guard of the United States.

"(2) Prescribing the training discipline and training requirements for the Army National Guard and the Air National Guard and the allocation of Federal funds for the training of the Army National Guard and the Air National Guard.

"(3) Ensuring that units and members of the Army National Guard and the Air National Guard are trained by the States in accordance with approved programs and policies of, and guidance from, the Chief, the Secretary of the Army, and the Secretary of the Air Force.

"(4) Monitoring and assisting the States in the organization, maintenance, and operation of National Guard units so as to provide well-trained and well-equipped units capable of augmenting the active forces in time of war or national emergency.

"(5) Planning and administering the budget for the Army National Guard of the United States and the Air National Guard of the United States.

"(6) Supervising the acquisition and supply of, and accountability of the States for, Federal property issued to the National Guard through the property and fiscal officers designated, detailed, or appointed under section 708 of title 32.

"(7) Granting and withdrawing, in accordance with applicable laws and regulations, Federal recognition of (A) National Guard units, and (B) officers of the National Guard.

"(8) Establishing policies and programs for the employment and use of National Guard technicians under section 709 of title 32.

"(9) Supervising and administering the Active Guard and Reserve program as it pertains to the National Guard.

"(10) Issuing directives, regulations, and publications consistent with approved policies of the Army and Air Force, as appropriate.

"(11) Facilitating and supporting the training of members and units of the National Guard to meet State requirements.

"(12) Such other functions as the Secretaries may prescribe.

"§ 294. Chief of National Guard Bureau: annual report

"(a) ANNUAL REPORT.—The Chief of the National Guard Bureau shall submit to the Secretary of Defense an annual report on the state of the National Guard and the ability of the National Guard to meet its missions. The report shall be prepared in conjunction with the Secretary of the Army and the Secretary of the Air Force and may be submitted in classified and unclassified versions.

"(b) SUBMISSION OF REPORT TO CONGRESS.—The Secretary of Defense shall transmit the annual report of the Chief of the National Guard Bureau 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(c) of this title is submitted to Congress.

"§ 295. Vice Chief of the National Guard Bureau

"(a) APPOINTMENT.—(1) There is a Vice Chief of the National Guard Bureau, selected by the Secretary of Defense from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

"(A) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

"(B) have had at least 10 years of federally recognized commissioned service in an active status in the National Guard; and

"(C) are in a grade above the grade of colonel.

"(2) The Chief and Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

"(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

"(B) The term of the Vice Chief of the National Guard Bureau shall end upon the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

"(4) The Secretary of Defense may waive the restrictions in paragraph (2) and the provisions of paragraph (3)(B) for a limited period of time to provide for the orderly transition of officers appointed to serve in the positions of Chief and Vice Chief of the National Guard Bureau.

"(b) DUTIES.—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

"(c) GRADE.—The Vice Chief of the National Guard Bureau shall be appointed to serve in a grade above brigadier general.

"(d) FUNCTIONS AS ACTING CHIEF.—When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence or disability ceases.

"(e) SUCCESSION AFTER CHIEF AND VICE CHIEF.—When there is a vacancy in the offices of both Chief and Vice Chief of the National Guard Bureau or in the absence or disability of both the Chief and Vice Chief of the National Guard Bureau, or when there is a vacancy in one such office and in the absence or disability of the officer holding the other, the senior officer of the Army National Guard of the United States or the Air National Guard of the United States on duty with the National Guard Bureau shall perform the duties of the Chief until a successor to the Chief or Vice Chief is appointed or the absence or disability of the Chief or Vice Chief ceases, as the case may be.

"§ 296. Other senior National Guard Bureau officers

"(a) ADDITIONAL GENERAL OFFICERS.—(1) In addition to the Chief and Vice Chief of the National Guard Bu-

reau, there shall be assigned to the National Guard Bureau—

"(A) two general officers selected by the Secretary of the Army from officers of the Army National Guard of the United States who have been nominated by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard, the senior of whom while so serving shall hold the grade of major general and serve as Director, Army National Guard, with the other serving as Deputy Director, Army National Guard; and

"(B) two general officers selected by the Secretary of the Air Force from officers of the Air National Guard of the United States who have been nominated by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard, the senior of whom while so serving shall hold the grade of major general and serve as Director, Air National Guard, with the other serving as Deputy Director, Air National Guard.

"(2) The officers so selected shall assist the Chief of the National Guard Bureau in carrying out the functions

of the National Guard Bureau as they relate to their respective branches.

''(b) OTHER OFFICERS.—There are in the National Guard Bureau a legal counsel, a comptroller, and an inspector general, each of whom shall be appointed by the Chief of the National Guard Bureau. They shall perform such duties as the Chief may prescribe.

''§ 297. Definition

''In this chapter, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and Guam and the Virgin Islands.''.

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

''12. National Guard Bureau ..... 291''.

(b) CONFORMING REPEAL.—(1) Section 3040 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 305 of such title is amended by striking out the item relating to section 3040.

(c) CONFORMING AMENDMENT.—The text of section 108 of title 32, United States Code, is amended to read as follows:

''If, within a time fixed by the President, a State fails to comply with a requirement of this title, or a regulation

prescribed under this title, the National Guard of that State is barred, in whole or in part, as the President may prescribe, from receiving money or any other aid, benefit, or privilege authorized by law.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 902. ARMY RESERVE COMMAND.

(a) IN GENERAL.—(1) Chapter 307 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 3083. Army Reserve Command

''(a) ESTABLISHMENT OF COMMAND.—There is in the Army a United States Army Reserve Command, which shall be maintained as a separate command of the Army. The Army Reserve Command shall be established and maintained by the Secretary of the Army with the advice and assistance of the Chief of Staff of the Army.

''(b) SUPERVISION BY CHIEF OF STAFF.—The Secretary of the Army shall provide for the Chief of Staff of the Army to exercise supervision over the Army Reserve Command and to perform all other responsibilities and functions with respect to such command as are specified or authorized in subsections (c), (d), and (e) of section 3033 of this title.

"(c) COMMANDER.—Unless otherwise directed by the Secretary, the Chief of the Army Reserve shall be the commander of the Army Reserve Command. The commander of the Army Reserve Command reports directly to the Chief of Staff of the Army.

"(d) ASSIGNMENT OF FORCES.—The Secretary of the Army shall assign to the Army Reserve Command all forces of the Army Reserve.

"(e) FUNCTIONS OF CHIEF OF STAFF.—The Chief of Staff of the Army, acting through the active component command structure, shall—

"(1) be responsible for establishing standards, evaluating units, validating units, and providing training assistance for the Army Reserve in the areas of unit training, readiness, and mobilization;

"(2) establish procedures for the evaluation of reserve component units by active component units for the purpose of determining whether, or to what extent, they meet the standards established under paragraph (1);

"(3) establish policies for acceptance of premobilization readiness evaluation results where appropriate during a mobilization in order to minimize the time required to certify reserve units as

ready for combat operations and to avoid unnecessary duplicative training;

''(4) validate and certify the readiness of reserve component units after they are mobilized; and

''(5) establish training doctrine (with associated tasks, conditions, and standards) for individual and unit training and standards, control of certification, and validation for all courses, instructors, and students for the Army Reserve.

''(f) RESPONSIBILITY.—The commander of the Army Reserve Command is responsible for meeting the standards and complying with the evaluation, certification, and validation requirements established by the Chief of Staff pursuant to paragraphs (1) and (2) of subsection (e).''.

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

''3083. Army Reserve Command.''.

(b) CONFORMING REPEAL.—Section 903 of Public Law 101–510 (10 U.S.C. 3074 note) is repealed.

(c) IMPLEMENTATION REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the plans of the Secretary for implementing of section 3082 of title 10, United States Code, as added by subsection (a).

(d) SCHEDULE FOR IMPLEMENTATION.—Implementation of section 3082 of title 10, United States Code, as added by subsection (a), shall begin not later than 90 days after the date of the enactment of this Act and shall be completed not later than one year after such date.

SEC. 903. ASSIGNMENT OF RESERVE FORCES TO COMBATANT COMMANDS.

Section 162 of title 10, United States Code, is amended by adding at the end the following new subsections:

''(c) ASSIGNMENT OF RESERVE FORCES.—(1) Except as provided in subsection (d), reserve component forces shall be subject to paragraphs (1) and (2) of subsection (a) only after being called or ordered to active duty (other than for training) in accordance with chapter 39 and sections 3013, 5013, and 8013 of this title, as applicable.

''(2) The Secretary of each military department, in accordance with directives issued by the Secretary of Defense, shall allocate reserve component units under the Secretary's jurisdiction to the combatant command or commands to which it is expected that they may be assigned after being called or ordered to active duty (other than for training).

''(3) The commanders of the combatant commands to which a reserve component unit may be assigned after being called or ordered to active duty (other than for training) shall establish standards in the areas of (A) joint training,

and (B) readiness to carry out missions assigned to the commanders. The Secretaries of the military departments, in accordance with their responsibilities under chapters 303, 503, and 803 of this title, shall prepare reserve component units to meet the standards established by the commanders of the combatant commands.

''(4) As directed by the Secretary of Defense, and notwithstanding paragraphs (1), (2), and (3), reserve component special operations units and personnel designated under section 167(b) of this title may be treated in the same manner as active forces under paragraph (1) of subsection (a).

''(d) AUTHORITY OF GOVERNORS OVER NATIONAL GUARD.—Nothing in this section shall be construed to limit or otherwise modify the authorities reserved to the Governors of the several States over forces of the National Guard when those forces are not in Federal service.

''(e) DEFINITION.—In this section, the term 'forces' refers to military units and personnel that the Secretary of a military department has determined, in accordance with the Secretary's responsibilities under chapter 303, 505, or 803 of this title, as applicable, to be prepared for the effective prosecution of war, in accordance with section 3062, 5062, 5063, or 8062 of this title and, therefore, capable of

carrying out missions assigned to the commander of a combatant command.''.

SEC. 904. BUDGET SUPPORT FOR RESERVE ELEMENTS OF SPECIAL OPERATIONS COMMAND.

Section 167 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(k) BUDGET SUPPORT FOR RESERVE ELEMENTS.—The budget proposal for the special operations command that is submitted to the Secretary of Defense for any fiscal year may not, without the concurrence of the Secretary of the military department concerned, propose to eliminate, or to significantly reduce the level of funding for, a reserve component special operations unit. The budget proposal for a military department that is submitted to the Secretary of Defense for any fiscal year may not, without the concurrence of the commander of the special operations command, propose funding for special operations forces in the military personnel budget for a reserve component in that military department that has the effect of proposing to eliminate, or to significantly reduce the level of funding for, a reserve component special operations unit.''.

SEC. 905. CHANGE OF TITLE OF COMPTROLLER OF THE DEPARTMENT OF DEFENSE TO UNDER SECRETARY OF DEFENSE (COMPTROLLER).

(a) IN GENERAL.—(1) Section 135 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out ''Comptroller of the Department of Defense'' and inserting in lieu thereof ''Under Secretary of Defense (Comptroller)''; and

(B) in subsections (b), (c), (d), and (e), by striking out ''Comptroller'' each place it appears and inserting in lieu thereof ''Under Secretary of Defense (Comptroller)''.

(2) The heading for such section is amended to read as follows:

''§ 135. Under Secretary of Defense (Comptroller)''.

(3) The item relating to such section in the table of sections at the beginning of chapter 4 of such title is amended to read as follows:

''135. Under Secretary of Defense (Comptroller).''.

(b) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—(1) Section 131(b)(4) of title 10, United States Code, is amended by striking out ''Comptroller'' and inserting in lieu thereof ''Under Secretary of Defense (Comptroller)''.

(2) Section 138(d) of such title is amended by striking out ''and Comptroller''.

(c) CONFORMING AMENDMENT TO TITLE 5, UNITED STATES CODE.—Section 5314 of title 5, United States Code, is amended by striking out ''Comptroller of the Department of Defense'' and inserting in lieu thereof ''Under Secretary of Defense (Comptroller).''.

(d) REFERENCES IN OTHER LAWS.—Any reference to the Comptroller of the Department of Defense in any provision of law other than title 10, United States Code, or in any rule, regulation, or other paper of the United States shall be treated as referring to the Under Secretary of Defense (Comptroller).

SEC. 906. RECLARIFICATION OF INDEPENDENT STATUS OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

Section 139(c) of title 10, United States Code, is amended by inserting after ''(c)'' the following: ''Within the Office of the Secretary of Defense, the Director reports to the Under Secretary of Defense (Comptroller).''.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such

action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1995 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

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

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1002. CLARIFICATION OF SCOPE OF AUTHORIZATIONS.

No funds are authorized to be appropriated under this Act for the Department of Justice.

SEC. 1003. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services of the House of Representatives to accompany the bill H.R. 4301 of the One Hundred Third Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1004. DATE FOR SUBMISSION OF FUTURE-YEARS MISSION BUDGET.

Section 222(a) of title 10, United States Code, is amended by striking out ''at the same time that'' in the second sentence and inserting in lieu thereof ''within 30 days after the date on which''.

SEC. 1005. IDENTIFICATION AND REPORTING OF UNAUTHORIZED APPROPRIATIONS.

(a) IN GENERAL.—(1) Chapter 9 of title 10, United States Code, is amended by inserting after section 222 the following new section:

''§ 223. Identification of unauthorized appropriations

''(a) IDENTIFICATION.—(1) Upon the enactment of a law making a defense appropriation, the Secretary of Defense shall determine, with respect to each defense appropriation provided in that law—

''(A) whether any part of such appropriation provides funds for an unauthorized program element (as defined in subsection (c)); and

''(B) if there are funds provided as part of any such appropriation for an unauthorized program element, the total amount of funds provided under that appropriation for all such unauthorized program elements.

''(2) A determination under paragraph (1) shall be made with respect to a defense appropriation for a fiscal

year immediately upon enactment of the law making that appropriation. However, if as of the enactment of such law there has not been enacted a law specifically authorizing appropriations for that fiscal year for the purposes named in section 114(a) of this title, such determination shall be made immediately after enactment of such an authorization law.

"(3) Not later than 30 days after the enactment of such an appropriation or authorization law (whichever is enacted later), the Secretary shall submit to Congress a report identifying—

"(A) any unauthorized program element; and

"(B) any amount determined under paragraph (1)(B).

"(b) COMPTROLLER GENERAL REVIEW AND REPORT.—(1) The Comptroller General shall promptly review each report of the Secretary under subsection (a). The Comptroller General shall submit a report to Congress if the Comptroller General determines—

"(A) that the law with respect to which the Secretary submitted a report provides appropriations for an unauthorized program element in addition to those identified in the report of the Secretary; or

"(B) that a program element identified in that report as an unauthorized program element is not unauthorized.

"(2) A report under paragraph (1)—

"(A) shall identify those defense appropriations, and program elements under appropriations, with respect to which the Comptroller General made determinations under subparagraphs (A) and (B), respectively, of such paragraph; and

"(B) shall include such comments and recommendations as the Comptroller General considers appropriate.

"(3) Such a report shall be submitted not later than 30 days after the date on which the report of the Secretary under subsection (a) is received by Congress.

"(c) DEFINITIONS.—In this section:

"(1) The term 'defense appropriation' means an amount appropriated or otherwise made available by Congress in an appropriation law for one of the purposes stated in section 114(a) of this title.

"(2) The term 'unauthorized program element' means a program element of a program, project, or activity of the Department of Defense (as identified in budget documents of the Department of Defense or in congressional budget documents) for which an amount

is provided under a defense appropriation (whether or not specified in the appropriation Act concerned) in an amount greater than the amount authorized by law to be appropriated for such program element (whether or not such authorized amount is specified by law), determined by taking into consideration statutory language, legislative history, and budget documents submitted to Congress by the Department of Defense.''.

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

''223. Identification of unauthorized appropriations.''.

(b) EFFECTIVE DATE.—Section 223 of title 10, United States Code, as added by subsection (a), shall apply with respect to amounts appropriated for fiscal years after fiscal year 1994.

Subtitle B—Counter-Drug Activities

SEC. 1011. DEPARTMENT OF DEFENSE SUPPORT FOR COUNTER-DRUG ACTIVITIES OF OTHER AGENCIES.

(a) EXTENSION OF SUPPORT AUTHORIZATION.—Section 1004(a) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended by striking out ''through 1995'' and inserting in lieu thereof ''through 1997''.

(b) FUNDING OF SUPPORT ACTIVITIES.—Of the amount authorized to be appropriated for fiscal year 1995 under section 301 for operation and maintenance with respect to drug interdiction and counter-drug activities, $40,000,000 shall be available to the Secretary of Defense for the purposes of carrying out section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note).

Subtitle C—Contingency Operations

SEC. 1021. FUNDING FOR CONTINGENCY OPERATIONS.

(a) RESTRICTION.—Section 127a of title 10, United States Code, is amended—

(1) by striking out paragraph (3) of subsection (b);

(2) by transferring subsection (d) to the end of the section and redesignating that subsection as subsection (j);

(3) by inserting after subsection (c) the following new subsection (d):

''(d) LIMITATION ON SOURCE OF FUNDS FOR CONTINGENCY OPERATIONS.—The Secretary of Defense may not use amounts in an operation and maintenance operating forces account (known as a budget activity 1 account) in fully reimbursing the Defense Business Operations Fund under a plan referred to in subsection (c).'';

(4) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

(5) by inserting after subsection (e) the following new subsection (f):

''(f) RESTRICTION.—(1) When an operating unit of the armed forces is assigned to carry out an operational mission for which funds were not specifically provided in the budget for the then-current fiscal year, otherwise applicable funding procedures described in paragraph (2) may not be waived unless the operational mission is designated as a National Contingency Operation under subsection (a).

''(2) Paragraph (1) applies to a provision of law or a Government accounting practice that requires (or that has the effect of requiring) that when an operating unit of the armed forces receives support services from a support unit of the armed forces that operates through the Defense Business Operations Fund (or a successor fund), that operating unit shall reimburse that support unit (or that fund) for

the costs incurred by the support unit (or the fund) in providing such support.''.

(b) EXTENSION OF USES OF APPROPRIATED FUND.—Subsection (e) of such section is amended—

(1) in the subsection heading, by striking out ''INCREMENTAL PERSONNEL COSTS ACCOUNT'' and inserting in lieu thereof ''NATIONAL CONTINGENCY OPERATION NON-DBOF COSTS FUND'';

(2) in the first sentence, by striking out ''Personnel'' and inserting in lieu thereof ''Non-DBOF Costs''; and

(3) in the second sentence, by inserting before the period the following: ''and for other costs attributable to a National Contingency Operation for which funds cannot be provided through the Defense Business Operations Fund (or a successor fund), and for no other purpose''.

SEC. 1022. EXTENSION OF AUTHORITY TO ENTER INTO CERTAIN COOPERATIVE AGREEMENT AUTHORITIES TO INCLUDE THE UNITED NATIONS AND REGIONAL ORGANIZATIONS OF WHICH THE UNITED STATES IS A MEMBER.

(a) LOGISTICS AGREEMENTS.—Section 2341 of title 10, United States Code, is amended—

(1) by striking out ''and'' the first place it appears in paragraph (1) and inserting in lieu thereof a comma, and

(2) by inserting after ''from North Atlantic subsidiary bodies'' the following: '', and from the United Nations Organization or any regional international organization of which the United States is a member''.

(b) CROSS-SERVICING AGREEMENTS.—Section 2342(a) of such title is amended—

(1) in paragraph (1)—

(A) by striking out ''or'' at the end of subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) the United Nations Organization or any regional international organization of which the United States is a member; or''; and

(2) in paragraph (2), by striking out ''subsidiary body'' both places it appears and inserting in lieu thereof ''organization''.

(c) METHOD OF PAYMENT FOR ACQUISITIONS AND TRANSFERS.—Section 2344(b)(4) of such title is amended

by adding at the end the following new sentence: ''The pricing principles set forth in paragraphs (1) and (2) shall also apply to agreements under this subchapter with the United Nations Organization or any regional international organization of which the United States is a member.''.

(d) DEFINITIONS.—Section 2350 of such title is amended—

(1) in paragraph (1)—

(A) by inserting ''(including airlift)'' after ''transportation'';

(B) by inserting ''calibration services,'' after ''maintenance services,''; and

(C) by adding at the end the following new sentence: ''Such term includes temporary use of general purpose vehicles and other items of military equipment not designated as part of the United States Munitions List pursuant to section 38(a)(1) of the Arms Export Control Act.''; and

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

''(4) The term 'transfer' means loaning, or otherwise temporarily providing, logistic support, supplies, and services under the terms of a cross-servicing agreement.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with regard to any acquisition or transfer of logistic support, supplies, and services under the authority of subchapter I of chapter 138 of title 10, United States Code, that is initiated after the date of the enactment of this Act.

SEC. 1023. OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID.

(a) OHDACA PROGRAMS.—For purposes of section 301 and other provisions of this Act, programs of the Department of Defense designated as Oversesas Humanitarian, Disaster, and Civic Aid (OHDACA) programs are the programs provided by sections 401, 402, 2547, and 2551 of title 10, United States Code, by section 2219 of title 10, United States Code, as added by section 1024, and by section 1025.

(b) LIMITATION.—Not more than one-half of the amount authorized to be appropriated in section 301 for those programs may be obligated until—

(1) the regulations required to be prescribed by subsection (a) of section 1504 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1839) have been prescribed; and

(2) the report required to be submitted by subsection (d) of that section has been submitted.

SEC. 1024. DISASTER RELIEF.

(a) IN GENERAL.—Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2219. Disaster relief; Defense Emergency Response Fund

''(a) DOMESTIC DISASTER RELIEF.—The Defense Emergency Response Fund (established by title V of Public Law 101–165 (103 Stat. 1126)) is available only for assistance in the case of disasters occurring in the United States.

''(b) OVERSEAS DISASTER RELIEF.—The Secretary of Defense shall carry out such foreign disaster assistance as the President may direct the Secretary to provide. Whenever the Secretary of Defense is directed to provide disaster relief assistance in the case of a natural or manmade disaster occurring outside the United States, the Secretary shall designate the activity of the Department of Defense to provide that assistance to be a National Contingency Operation under section 127a of this title.

''(c) ORGANIZING POLICIES AND PROGRAMS.—Amounts appropriated for any fiscal year for Oversesas Humanitarian, Disaster, and Civic Aid (OHDACA) programs of the Department of Defense shall be available for organizing general policies and programs for disaster relief programs for disasters occurring outside the United States.''.

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

''2219. Disaster relief; Defense Emergency Response Fund.''.

SEC. 1025. HUMANITARIAN ASSISTANCE PROGRAM FOR CLEARING LANDMINES.

(a) PROGRAM.—The Secretary of Defense shall carry out a program to assist other nations in clearing landmines for humanitarian purposes. Such assistance may be provided in the form of financial assistance, in-kind or personnel assistance, or both.

(b) LIMITATION ON ACTIONS OF UNITED STATES PERSONNEL.—The Secretary of Defense shall ensure that United States military personnel are not engaged in the physical lifting or destroying of landmines except in support of United States military operations.

(c) SOURCE OF FUNDS.—Of the funds authorized to be appropriated by section 301 for Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs of the Department of Defense, such sums as determined by the Secretary of Defense shall be available for the program under subsection (a) and may be used for—

(1) activities to support the clearing of landmines for humanitarian purposes, including activities relating to the furnishing of education, training, technical assistance, equipment, and technology; and

(2) contributions to nongovernmental organizations that have experience in landmine clearance to support activities described in paragraph (1).

Subtitle D—Other Matters

SEC. 1031. ANNUAL REPORT ON DENIAL, REVOCATION, AND SUSPENSION OF SECURITY CLEARANCES.

(a) IN GENERAL.—The Secretary of Defense shall submit to Congress, not later than 90 days after the close of each of fiscal years 1995 through 2000, a report concerning the denial, revocation, or suspension of security clearances for Department of Defense military and civilian personnel, and for Department of Defense contractor employees, for that fiscal year.

(b) MATTER TO BE INCLUDED IN REPORT.—The Secretary shall include in each such report the following information with respect to the fiscal year preceding the fiscal year during which the report is submitted (shown separately for members of the Armed Forces, civilian officers and employees of the Department of Defense, and employees of contractors of the Department of Defense):

(1) The number of denials, revocations, and suspensions of a security clearance, including clearance for special access programs and for sensitive compartmented information.

(2) For cases involving the denial of a security clearance, the average time period from the date of the initial determination and notification to the individual concerned of the denial of the clearance to the date of the final determination of the denial, as well as the shortest and longest time period in such cases.

(3) For cases involving the suspension of a security clearance, the average time period from the date of the initial determination and notification to the individual concerned of the suspension of the clearance to the date of the final determination of the suspension, as well as the shortest and longest time period of such cases.

(4) The number of cases in which a security clearance was suspended in which the resolution of the matter was the restoration of the security clearance, and the average period of time for such suspensions.

(5) The number of cases in which an individual who had a security clearance denied or revoked remained employed with the employing contractor or agency, or remained a member of the Armed Forces, for three months, for six months, and for twelve months after the date of the final determination to deny or revoke the clearance.

(6) The number of cases in which an individual who had a security clearance suspended, and in which no final determination had been made, remained employed with the employing contractor or agency, or remained a member of the Armed Forces, for three months, for six months, and for twelve months after the date of the suspension.

(7) The number of cases in which an appeal was made from a final determination to deny or revoke a security clearance and, of those, the number in which the appeal resulted in the granting or restoration of the security clearance.

SEC. 1032. COMMISSION ON ROLES AND MISSIONS OF THE ARMED FORCES.

(a) SIZE OF COMMISSION.—Section 952(b)(1) of the National Defense Authorization Act for Fiscal Year 1994 (107 Stat. 1738) is amended by striking out ''seven members'' and inserting in lieu thereof ''ten members''.

(b) CONFORMING AMENDMENT.—Section 956(b)(1) of such Act (107 Stat. 1740) is amended by striking out ''Four members'' and inserting in lieu thereof ''Six members''.

(c) DEADLINE FOR APPOINTMENT OF ADDITIONAL MEMBERS OF COMMISSION.—The additional members of the Commission on Roles and Missions of the Armed Forces authorized by the amendment made by subsection (a) shall

be appointed by the Secretary of Defense within 45 days after the date of the enactment of this Act.

SEC. 1033. PROHIBITION ON AUTHORIZATION OF PAYMENT OF COSTS UNDER DEFENSE CONTRACTS FOR RESTRUCTURING COSTS OF A MERGER OR ACQUISITION.

On and after May 4, 1994, the Secretary of Defense may not authorize payment of any restructuring costs associated with a merger or acquisition that are incurred by a contractor under contract with the Department of Defense.

SEC. 1034. TRANSFER OF CERTAIN B–17G AIRCRAFT.

The Secretary of the Air Force shall transfer all right, title, and interest of the Air Force in a B–17G aircraft, serial number 44–83684, to the organization known as Planes of Fame, Chino, California.

SEC. 1035. USS INDIANAPOLIS (CA–35): GALLANTRY, SACRIFICE AND A DECISIVE MISSION TO END WW II.

(a) The Congress finds that—

(1) the USS INDIANAPOLIS served the people of the United States with valor and distinction throughout World War Two in action against enemy forces in the Pacific Theater of operations from 7 December 1941 to 29 July 1945,

(2) the fast and powerful heavy cruiser with its courageous and capable crew, compiled an impressive combat record during her victorious forays across the battle-torn reaches of the Pacific, receiving in the process ten hard-earned Battle Stars from the Aleutians to Okinawa,

(3) this mighty ship repeatedly proved herself a swift, hard-hitting weapon of our Pacific Fleet, rendering invaluable service in anti-shipping, shore bombardments, anti-air and invasion support roles, serving with honor and great distinction as Fifth Fleet Flagship under Adm. Raymond Spruance, USN, and Third Fleet Flagship under Adm. William F. Halsey, USN,

(4) this gallant ship, owing to her superior speed and record of accomplishment, transported the world's first operational atomic bomb to the Island of Tinian, accomplishing her mission at a record average speed of 29 knots,

(5) following the accomplishment of her mission, the INDIANAPOLIS departed Tinian for Guam. And from Guam she embarked for the Leyte Gulf where she would join with the fleet assembling for the invasion of Japan. And at 0014 hours on 30 July 1945, the

USS INDIANAPOLIS was sunk by enemy torpedo action,

(6) of her crew of 1,198 officers and men, approximately 900 survived the initial torpedo attack. And, owing to the fact that her communication ability had been destroyed in the attack, INDIANAPOLIS' sinking was not discovered for 5 fateful days, during which the survivors suffered incessant shark attacks, starvation, desperate thirst, and exposure. Only 319 were rescued, and

(7) from her participation in the earliest offensive actions in the Pacific in World War II to becoming the last capital ship lost in that conflict, the USS INDIANAPOLIS, and her crew left an indelible imprint on our nation's struggle to eventual victory. And this selfless and outstanding performance of duty reflects great credit upon the ship and her crew, thus upholding the very highest traditions of the United States Naval Service.

(b) Therefore, the Congress of the United States, acting on behalf of the grateful people of the United States, hereby recognizes the invaluable contributions of the USS INDIANAPOLIS to the ending of WW II. And on the occasion of the 50th Anniversary of her tragic sinking, and the dedication of her National Memorial in Indianapolis on July

30th, 1995, the Congress hereby commends this gallant ship and her crew for selfless and heroic service to the United States of America.

SEC. 1036. SENSE OF CONGRESS CONCERNING COMMENDATION OF INDIVIDUALS EXPOSED TO MUSTARD AGENTS DURING WORLD WAR II TESTING ACTIVITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should issue to each individual described in subsection (b) a commendation in honorary recognition of the individual's special service, loyalty, and contribution to the United States.

(b) COVERED INDIVIDUALS.—Individuals referred to in subsection (a) are those individuals who, as members of the Armed Forces or employees of the Department of War during World War II, were exposed (without their knowledge or consent) to mustard agents in connection with testing performed by the Department of War during that war.

(c) NOTIFICATION OF EXPOSURE.—The Secretary of Defense shall notify each surviving individual described in subsection (b) of—

(1) the exposure described in subsection (a);

(2) the possible health effects of the exposure that are known to the Secretary; and

(3) the likely options available to the individual for medical treatment for any adverse health effects resulting from the exposure.

(d) FURNISHING OF INFORMATION TO SECRETARY OF VETERANS AFFAIRS.—The Secretary of Defense shall provide to the Secretary of Veterans Affairs any information of the Department of Defense regarding the exposure described in subsection (a), including the names of the individuals described in subsection (b).

SEC. 1037. SENSE OF CONGRESS CONCERNING ELIGIBILITY FOR ARMED FORCES EXPEDITIONARY MEDAL BASED UPON SERVICE IN EL SALVADOR.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, for the purpose of determining eligibility of members and former members of the Armed Forces for the Armed Forces Expeditionary Medal, the country of El Salvador during the period beginning on January 1, 1981, and ending on February 1, 1992, should be treated as having been designated as an area and a period of time in which members of the Armed Forces participated in operations in significant numbers and otherwise met the general requirements for the award of that medal.

(b) INDIVIDUAL DETERMINATION.—The Secretary of the military department concerned should determine whether individual members or former members of the Armed

Forces who served in El Salvador during the period beginning on January 1, 1981, and ending on February 1, 1992, meet the individual service requirements for award of the Armed Forces Expeditionary Medal as established in applicable regulations. Such determinations should be made as expeditiously as possible after the date of the enactment of this Act.

SEC. 1038. MILITARY-TO-MILITARY CONTACT PROGRAM.

(a) AUTHORIZATION.—Of amounts appropriated pursuant to section 301(5) for Defense-wide activities, $45,800,000 shall be available to continue efforts that were initiated by the commander of a United States unified command and approved by the chairman of the Joint Chiefs of Staff for military-to-military contacts and comparable activities that are designed to assist the military forces of other countries in understanding the appropriate role of military forces in a democratic society.

(b) REPORT TO CONGRESS.—Not more than $10,000,000 of the funds authorized by subsection (a) may be obligated until the Secretary of Defense submits to Congress a report describing in detail how the military-to-military contact program will be executed during fiscal year 1995.

SEC. 1039. LIMITATION ON OBLIGATION OF FUNDS FOR OVERSEAS BASING ACTIVITIES.

(a) LIMITATION.—The total amount authorized to be appropriated to the Department of Defense for operation and maintenance and for military construction (including construction and improvement of military family housing) that is obligated to conduct overseas basing activities during fiscal year 1995 may not exceed $8,181,000,000, except to the extent provided by the Secretary of Defense under subsection (b).

(b) EXCEPTION.—The Secretary of Defense may increase the amount of the limitation under subsection (a) by such amount as the Secretary determines to be necessary in the national interest, except that such increase may not exceed $400,000,000. The Secretary may not make any such increase until the Secretary notifies the Congress of the Secretary's intent to make such an increase and a period of 15 days elapses after the day on which the notification is received by the Congress.

(c) ALLOCATIONS OF SAVINGS.—Any amounts appropriated to the Department of Defense for fiscal year 1995 for the purposes covered by subsection (a) that are not available to be used for those purposes by reason of the limitation in that subsection shall be allocated by the Secretary of Defense for operation and maintenance and for military con-

struction activities of the Department of Defense at military installations and facilities located inside the United States.

(d) DEFINITION.—In this section, the term ''overseas basing activities'' has the meaning given such term in section 1401(d)(2) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1825), except that such term does not include activities of the Department of Defense for which funds are provided through appropriations for Military Personnel.

SEC. 1040. TRANSPORTATION OF CHEMICAL MUNITIONS.

(a) PROHIBITION OF TRANSPORTATION ACROSS STATE LINES.—The Secretary of Defense may not transport any chemical munition that constitutes part of the chemical weapons stockpile out of the State in which that munition is located on the date of the enactment of this Act and, in the case of any such chemical munition not located in a State on the date of the enactment of this Act, may not transport any such munition into a State.

(b) TRANSPORTATION OF CHEMICAL MUNITIONS NOT IN CHEMICAL WEAPONS STOCKPILE.—If it is considered necessary, the Secretary of Defense may transport to the nearest chemical munitions stockpile storage facility that has necessary permits for receiving and storing such items any chemical munitions that are discovered or otherwise come within the control of the Department of Defense and

that do not constitute part of the chemical weapons stockpile, if the transportation of those munitions to that facility can be accomplished while protecting public health and safety.

SEC. 1041. FINDINGS AND SENSE OF CONGRESS CONCERNING THE NORTH ATLANTIC TREATY ORGANIZATION.

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

(1) The North Atlantic Treaty Organization has served as a bulwark of peace, security, and democracy for the United States and the members of the alliance since 1949.

(2) The unswerving resolve of the member states of the North Atlantic Treaty Organization to mutual defense against the threat of communist aggression was central to the demise of the Warsaw Pact.

(3) The North Atlantic Treaty Organization is the most successful international security organization in history, and is well suited to help marshal our cooperative political, diplomatic, economic, and humanitarian efforts, buttressed by credible military capability aimed at deterring conflict, and thus contributing to international peace and security.

(4) The threat of instability in Eastern and Central Europe, as well as in the Southern and Eastern Mediterranean, continues to pose a fundamental challenge to the interests of the member states of the North Atlantic Treaty Organization.

(5) North Atlantic Treaty Organization assets have been deployed in recent years for more than the territorial defense of alliance members; and the Rome Summit of October 1991 adopted a new strategic concept for the North Atlantic Treaty Organization that entertained the possibility of operations beyond the alliance's self-defense area.

(6) In Oslo in July 1992, and in Brussels in December 1992, the alliance embraced the deployment of North Atlantic Treaty Organization forces to peacekeeping operations under the auspices of the United Nations or the Conference on Security and Cooperation in Europe.

(7) The North Atlantic Treaty Organization should attempt to cooperate with and seek a mandate from international organizations such as the United Nations when considering responses to out of area crises.

(8) Not all members of the international community share a commonality of interests that would en-

sure timely action by the United Nations Security Council.

(9) The security interests of the member countries of the North Atlantic Treaty Organization must not be held hostage to indecision at the United Nations or a veto by a permanent member of the Security Council.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) it should be the policy of the United States that the North Atlantic Treaty Organization retains the right of autonomy of action regarding missions in addition to collective defense should the United Nations Security Council or the Conference on Security and Cooperation in Europe fail to act;

(2) while it is desirable to work with other international organizations and arrangements where feasible in dealing with threats to the peace, the North Atlantic Treaty Organization is not an auxiliary to the United Nations or other organization; and

(3) ultimately the member states of the North Atlantic Treaty Organization reserve the right to act in defense of their vital interests independent of decisions by any international organization or arrangement.

SEC. 1042. REPORT ON STATUS OF DEFENSE RANDOM DRUG TESTING PROGRAM.

Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit a report to Congress describing the policy and procedures under which the Armed Forces conduct random drug testing of members of the Armed Forces, the frequency of such testing, and the number of members annually required to submit to such testing. The report shall describe any changes that were made or proposed to be made to such policy or procedures or to the frequency of such testing during the one-year period ending on the date of the enactment of this Act.

SEC. 1043. REDUCTION OF UNITED STATES MILITARY FORCES IN EUROPE.

(a) END STRENGTH REDUCTIONS FOR MILITARY PERSONNEL IN EUROPE.—Notwithstanding section 1002(c)(1) of the National Defense Authorization Act, 1985 (22 U.S.C. 1928 note), but subject to subsection (d), for each of fiscal years 1996, 1997, 1998, and 1999, the Secretary of Defense shall reduce the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization in accordance with subsection (b).

(b) REDUCTION FORMULA.—

(1) APPLICATION OF FORMULA.—For each percentage point that the allied contribution level determined under paragraph (2) is below the goal specified in subsection (c) as of the end of a fiscal year, the Secretary of Defense shall reduce the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO by 1,000 for the next fiscal year. The reduction shall be made from the end strength level in effect, pursuant to section 1002(c)(1) of the National Defense Authorization Act, 1985 (22 U.S.C. 1928 note), and subsection (a) of this section (if applicable), for the fiscal year in which the allied contribution level is below the goal specified in subsection (c).

(2) ALLIED CONTRIBUTION LEVEL.—To determine the allied contribution level with respect to a fiscal year, the Secretary of Defense shall calculate the aggregate amount of nonpersonnel costs for United States military installations in European member nations of NATO that are assumed during that fiscal year by such nations, except that the Secretary may consider only those cash and in-kind contributions by such nations that replace expenditures that would otherwise be made by the Secretary using funds ap-

propriated or otherwise made available in defense appropriations Acts.

(c) ANNUAL GOALS FOR FORCE REDUCTION.—In continuing efforts to enter into revised host-nation agreements as described in section 1301(e) of National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2545) and section 1401(c) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1824), the President is urged to seek to have European member nations of NATO assume an increased share of the nonpersonnel costs of United States military installations in those nations in accordance with the following timetable:

(1) By September 30, 1995, 18.75 percent of such costs should be assumed by those nations.

(2) By September 30, 1996, 37.5 percent of such costs should be assumed by those nations.

(3) By September 30, 1997, 56.25 percent of such costs should be assumed by those nations.

(4) By September 30, 1998, 75 percent of such costs should be assumed by those nations.

(d) EXCEPTIONS.—

(1) MINIMUM END STRENGTH AUTHORITY.—Notwithstanding reductions required pursuant to subsection (a), the Secretary of Defense may maintain

an end strength of at least 25,000 members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO.

(2) WAIVER AUTHORITY.—The President may waive operation of this section if the President declares an emergency and immediately informs the Congress of the waiver and the reasons for the waiver.

(e) ALLOCATION OF FORCE REDUCTIONS.—To the extent that there is a reduction in end strength level for any of the Armed Forces in European member nations of NATO in a fiscal year pursuant to subsection (a)—

(1) half of the reduction shall be used to make a corresponding reduction in the authorized end strength level for active duty personnel for such Armed Force for that fiscal year; and

(2) half of the reduction shall be used to make a corresponding increase in permanent assignments or deployments of forces in the United States or other nations (other than European member nations of NATO) for each such Armed Force for that fiscal year, as determined by the Secretary of Defense.

(f) NONPERSONNEL COSTS DEFINED.—For purposes of this section, the term ''nonpersonnel costs'', with respect to United States military installations in European member

nations of NATO, means costs for those installations other than costs paid from military personnel accounts.

SEC. 1044. REPORT ON MILITARY READINESS IMPLICATIONS OF BOSNIA PEACEKEEPING DEPLOYMENT.

(a) REPORT.—(1) The Secretary of Defense shall submit to the congressional defense committees a report assessing the implications for United States military readiness of the participation of United States ground combat forces in peacekeeping operations within Bosnia-Hercegovina.

(2) The report shall be submitted not later than 90 days after the date of the enactment of this Act or 30 days following the deployment of United States ground forces to Bosnia-Hercegovina, whichever occurs sooner.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(1) An estimate of the total number of forces required to carry out such an operation, including forces required for a rotation base.

(2) An estimate of the expected duration of such an operation.

(3) An estimate of the cost of such an operation, together with an explanation of how the Secretary proposes to provide funds for such an operation and

an assessment of how such proposed funding plan would affect overall military readiness.

(4) An assessment of the effect such an operation would have on the ability of the United States Armed Forces to execute successfully the two nearly-simultaneous major regional conflict strategy articulated in the Bottom-Up Review.

(5) An assessment of how readily forces participating in such an operation could be redeployed to a major regional conflict, including an analysis of the availability of strategic lift, the likely condition of equipment, and the extent of retraining necessary to facilitate such a redeployment.

(6) An assessment of the effect such an operation would have on the general combat readiness and deployability of combat units designated to be part of the contingency force, including the extent to which contingency force combat units would support the initial deployment and subsequent rotations.

(7) An assessment of the effect such an operation would have on the general combat readiness and deployability of combat units not designated to be part of the contingency force, including the extent to which non-contingency force combat units would support the initial deployment and subsequent rotations.

(8) For the initial deployment and subsequent rotations, an assessment of the number and type of combat support and combat service support units required from active forces, including how many of such units are designated to support the deployment of the contingency force.

(9) An assessment of the degree to which such an operation would require the use of reserve component units and personnel and the use and timing of involuntary Selected Reserve call-up authority as provided by section 673b of title 10, United States Code.

(10) An assessment of the anticipated cost of equipment refurbishment resulting from such an operation.

(11) An assessment of how the increased operational tempo associated with such an operation would affect the mission capable readiness rates and overall health of both strategic and theater airlift assets.

(c) DEFINITIONS.—For purposes of this section:

(1) The term ''contingency force'' includes—

(A) the set of four or five Army divisions that is designated as the Army contingency force by the Secretary of the Army, as well as Army active duty and reserve component combat, com-

bat support, and combat service support units designated to respond to a regional conflict within the first 75 days of such conflict; and

(B) Air Force, Navy, and Marine Corps active duty and reserve component combat, combat support, and combat service support units designated to respond to a regional conflict within the first 75 days of such conflict.

(2) The term ''Bottom-Up Review'' means the October 1993 Department of Defense report entitled ''Report on the Bottom-Up Review''.

(d) CLASSIFICATION OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form and, if necessary, in classified form.

SEC. 1045. REPORT ON LESSONS LEARNED FROM UNITED STATES ACTIVITIES IN SOMALIA.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the lessons learned from the United States participation in United Nations activities in Somalia.

(b) MATTERS TO BE INCLUDED.—The report shall—

(1) specifically describe the availability of intelligence on forces of other nations and of indiginous forces operating in Somalia before, during, and after the insertion of United States forces; and

(2) set forth a complete review of any intelligence failures, any equipment failures, and any equipment unavailability in the theater.

(c) SUBMISSION OF REPORT.—The report shall be submitted not later than 180 days after the date of the enactment of this Act.

SEC. 1046. SENSE OF CONGRESS CONCERNING SAFE, SECURE DISMANTLEMENT OF SOVIET NUCLEAR ARSENAL.

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

(1) It is a pressing national security challenge for the United States to expedite the safe, secure dismantlement of the nuclear arsenal of the former Soviet Union.

(2) In particular, it is essential to expedite the return of strategic nuclear warheads from Ukraine, Belarus, and Kazakhstan and to expedite the safe, secure dismantlement of the nuclear delivery vehicles of Ukraine, Belarus, and Kazakhstan.

(3) Leakage of nuclear materials and technology, and the continuing threat of emigration of scientists and technicians from the former Soviet nuclear weapons complex, pose a grave threat to United States national security and to international stability.

(4) Congress has authorized so-called ''Nunn-Lugar'' funds to enable the Department of Defense to carry out cooperative activities with states of the former Soviet Union to address these threats.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Defense and and the Secretary of State should continue to give their serious attention to carrying out a coordinated strategy for addressing this urgent national security issue;

(2) the United States should expedite the availability and effective application of so-called ''Nunn-Lugar'' funds;

(3) when possible, the United States should work with local contractors in Ukraine, Belarus, Kazakhstan, and Russia to expedite effective use of such funds; and

(4) efforts should be made to make the Science and Technology Centers in Moscow and Kiev, designed to slow the emigration of scientists and technicians from the former Soviet weapons complex, fully operational on an expedited basis.

SEC. 1047. COORDINATION OF MILITARY-TO-MILTIARY CONTACT PROGRAMS.

(a) LIMITATION.—None of the amount authorized in this Act for Cooperative Threat Reduction programs may be obligated for a military-to-military contact program until the Secretary of Defense and the Secretary of State submit to Congress a joint report on the coordination of military-to-military contact programs under their respective jurisdictions.

(b) COVERED PROGRAMS.—Programs to be covered in the report under subsection (a) are the following:

(1) Military-to-miltiary contact programs to be carried out using funds authorized in this Act for Cooperative Threat Reduction programs.

(2) Military-to-military contact programs authorized under other provisions of this Act.

(3) Military-to-military contact programs authorized under chapter 5 of part II of the Foreign Assistance Act of 1961.

(c) MATTERS TO BE INCLUDED.—The report shall include discussion of how those programs are carried out to maximize their effect in enhancing United States foreign policy objectives and how they are carried out to maximize their cost-efficiency.

SEC. 1048. EXTENSION OF SEMIANNUAL REPORT ON COOPERATIVE THREAT REDUCTION PROGRAMS.

Section 1207 of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–60; 107 Stat. 1782) is amended—

(1) by striking out ''Not later than April 30, 1994, and not later than October 30, 1994,'' and inserting in lieu thereof ''Not later than April 30 and not later than October 30 of each year,'';

(2) by striking out ''under this title'' and inserting in lieu thereof ''under programs described in section 1203(b)''; and

(3) in paragraph (3), by striking out ''this title'' and inserting in lieu thereof ''the programs described in section 1203(b)''.

SEC. 1049. LIMITATION ON COOPERATIVE THREAT REDUCTION PROGRAM RELATING TO OFFENSIVE BIOLOGICAL WEAPONS PROGRAM OF RUSSIA.

None of the amount authorized to be appropriated by this Act for Cooperative Threat Reduction programs may be obligated until the President certifies to Congress that Russia has terminated its offensive biological weapons program.

SEC. 1050. PROHIBITION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING OPERATIONS.

No funds authorized to be appropriated by this Act may be transferred or obligated for the payment of the assessed share of the United States for costs of United Nations peacekeeping operations or for any arrearages derived therefrom.

SEC. 1051. ASSISTANCE TO FAMILY MEMBERS OF KOREAN CONFLICT POW/MIAS WHO REMAIN UNACCOUNTED FOR.

(a) SINGLE POINT OF CONTACT.—The Secretary of Defense shall designate an official of the Department of Defense to serve as a single point of contact within the department for the immediate family members (or their designees) of any unaccounted-for Korean Conflict POW/MIA.

(b) UNACCOUNTED-FOR KOREAN CONFLICT POW/MIA DEFINED.—For purposes of this section, the term ''unaccounted-for Korean Conflict POW/MIA'' means a member of the Armed Forces or civilian employee of the United States who, as a result of service during the Korean Conflict, was at any time classified as a prisoner of war or missing-in-action or otherwise as unaccounted for and whose person or remains have not been returned to United States control and who remains unaccounted for.

(c) FUNCTIONS.—The official designated under subsection (a) shall serve as a liaison between the family members of unaccounted-for Korean Conflict POW/MIAs and the Department of Defense and other Federal departments and agencies that may hold information that may relate to unaccounted-for Korean Conflict POW/MIAs. The functions of that official shall include assisting family members—

(1) with procedures the family may follow in their search for information about the unaccounted-for Korean Conflict POW/MIA;

(2) in learning where they might locate information about the unaccounted-for Korean Conflict POW/MIA; and

(3) in learning how and where to identify classified records that contain pertinent information and that will be declassified.

(d) ASSISTANCE IN OBTAINING DECLASSIFICATION.—The official designated under subsection (a) shall seek to obtain the rapid declassification of any relevant classified records that are identified.

(e) REPOSITORY.—The official designated under subsection (a) shall provide for a centralized repository for all documents relating to unaccounted-for Korean Conflict POW/MIAs that are located as a result of the official's efforts.

SEC. 1052. REPORT ASSESSING THE REGIONAL SECURITY CONSEQUENCES OF UNITED STATES MILITARY COOPERATION PROGRAMS.

(a) REPORT.—On or before the date of the submission to Congress of the next annual report of the Secretary of Defense submitted after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing the national security consequences of United States military cooperation programs. The report shall be organized into separate sections for each region of the world (as defined by the Secretary) in which there is a significant degree of internal political instability or possibility of changes in the external policies of countries with which the United States has significant military cooperation relationships.

(b) MATTERS TO BE INCLUDED.—Each regional section of the report required under subsection (a) shall include the following:

(1) A description of cooperative military relationships in effect between the United States and the countries of the region.

(2) A description of how these activities are intended to improve regional security.

(3) An assessment of the risks associated with engaging in military cooperation programs with countries in the region should the government of any of

such country change its political orientation in a manner hostile to United States interests.

(4) An analysis of the effect on regional security of possible multilateral actions to reduce the military capability of governments and military forces in the region that could pose a future threat to United States interests.

(c) CLASSIFIED AND UNCLASSIFIED FORM OF REPORT.—The report under subsection (a) shall be submitted in unclassified form and, to the extent necessary, in classified form.

SEC. 1053. STUDY ON USE OF LOW-ENRICHED URANIUM TO FUEL NAVAL REACTORS.

Not later than June 1, 1995, the Secretary of Defense and the Secretary of Energy shall jointly submit to the Congress a report on the costs, advantages, and disadvantages of using low-enriched uranium to fuel naval reactors. The report shall include the following:

(1) An examination of the implications of using low-enriched uranium to fuel naval reactors for current and future United States nuclear-powered naval vessels.

(2) An assessment of the effects of such use on—

(A) the factors of operating performance, ship displacement, and reactor core life, includ-

ing the full range of plausible trade-offs between such factors;

(B) construction and operating costs; and

(C) naval fuel cycle impacts.

(3) An assessment of the effect on United States nuclear nonproliferation policies if such use were established, under the leadership of the United States, as the future global norm.

(4) An assessment of the relative complexity, effectiveness, and risks of safeguards as applied to low-enriched uranium and highly-enriched uranium naval fuel cycles under the President's proposal for a global cutoff in the production of fissile material or outside of safeguards.

(5) An assessment of the potential Federal budget savings that would result from such use.

SEC. 1054. SENSE OF CONGRESS CONCERNING NUCLEAR NONPROLIFERATION TREATY REVIEW CONFERENCE.

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

(1) The Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, D.C., London, and Moscow on July 1, 1968, is the centerpiece of global efforts to prevent the spread of nuclear weapons.

(2) The United States has demonstrated longstanding support for that treaty and related efforts to prevent the spread of nuclear weapons.

(3) President Clinton has declared that preventing the spread of nuclear weapons is one of the highest priorities of his Administration.

(4) In April 1995, the parties to the Treaty on the Non-Proliferation of Nuclear Weapons will convene a Review Conference in New York City to discuss the indefinite extension of the treaty.

(5) The policy of the President is to seek at the Review Conference the indefinite and unconditional extension of that treaty.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President has the full support of Congress in seeking the indefinite and unconditional extension of the Treaty on the Non-Proliferation of Nuclear Weapons;

(2) the President should as soon as possible fill those positions at the United States Arms Control and Disarmament Agency and other departments and agencies with responsibility for nonproliferation and the 1995 Review Conference for the Treaty on the Non-Proliferation of Nuclear Weapons;

(3) the President, when formulating and implementing other elements of nonproliferation policy of the United States (including United States counter proliferation doctrine, the nuclear Posture Review, and nuclear testing policy), should take into account the objectives of the United States at the 1995 Review Conference for the Treaty on the Non-Proliferation of Nuclear Weapons; and

(4) the President and the President's senior national security advisers should dedicate themselves to ensuring the indefinite and unconditional extension of the Treaty on the Non-Proliferation of Nuclear Weapons at the 1995 Review Conference for that treaty.

SEC. 1055. ASSISTANCE FOR PUBLIC PARTICIPATION IN DEFENSE ENVIRONMENTAL RESTORATION ACTIVITIES.

(a) ESTABLISHMENT OF RESTORATION ADVISORY BOARDS.—Section 2705 of title 10, United States Code, is amended by adding after subsection (c) the following new subsection:

"(d) RESTORATION ADVISORY BOARD.—In lieu of establishing a technical review committee under subsection (c), the Secretary may permit the establishment of a restoration advisory board in connection with any installation (or group of nearby installations) where the Secretary is

planning or implementing environmental remediation activities. The Secretary shall prescribe regulations regarding the duties, composition, and establishment of, and the payment of routine administrative expenses of, restoration advisory boards to be established pursuant to this subsection.''.

(b) ASSISTANCE FOR CITIZEN PARTICIPATION ON TECHNICAL REVIEW BOARDS AND RESTORATION ADVISORY BOARDS.—Such section is further amended by adding after subsection (d) (as added by subsection (a)) the following new subsection:

''(e) ASSISTANCE FOR CITIZEN PARTICIPATION.—(1) Using such amounts as may be made available under paragraph (3), and pursuant to regulations prescribed by the Secretary for this purpose, the Secretary shall provide funds to facilitate the participation of private individuals on technical review committees and restoration advisory boards for the purpose of ensuring public input into the planning and implementation of environmental remediation activities at installations where such committees and boards are in operation.

''(2) Funds provided under this subsection may be used only—

''(A) to obtain technical assistance in interpreting scientific and engineering issues with regard to the nature of environmental hazards at an installa-

tion and the remedial activities proposed or conducted at the installation; and

"(B) to assist such members and affected citizens to more effectively participate in the environmental restoration process at the installation.

"(3) To provide funds under this subsection for a fiscal year, there shall be available an amount up to ¼ of one percent of the appropriated funds (but not to exceed $7,500,000 for fiscal year 1995) available to the Secretary for that year for environmental restoration through—

"(A) the Defense Environmental Restoration Account; and

"(B) with respect to defense facilities to be closed or realigned, the Department of Defense Base Closure Account 1990.".

(c) INVOLVEMENT OF COMMITTEES AND BOARDS IN DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.—Such section is further amended by adding after subsection (e) (as added by subsection (b)) the following new subsection:

"(f) INVOLVEMENT IN DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.—Consistent with regulations prescribed by the Secretary, the Secretary shall consult with, and seek the advice of, the technical review committee or

restoration advisory board established for an installation (if any) on the following issues:

"(1) Identifying environmental remediation activities and projects at the installation.

"(2) Tracking progress on these activities and projects.

"(3) Collecting information regarding remediation priorities for the installation.

"(4) Addressing land use, level of remediation, acceptable risk, and waste management and technology development issues related to remediation at the installation.

"(5) Developing remediation strategies.".

(d) REPORT ON EFFECT OF IMPLEMENTATION.—Not later than December 1, 1994, the Secretary of Defense shall submit a report to Congress describing the manner in which the Secretary will implement the amendments made by this section. The report shall include—

(1) an estimate of the total amount of funds to be provided to technical review committees and restoration advisory boards under subsection (e) of section 2705 of title 10, United States Code (as added by subsection (b)), during the five-fiscal year period beginning on October 1, 1994, and the cost to be in-

curred by the Secretary during such period to carry out such amendments;

(2) an analysis of whether the establishment of restoration advisory boards under subsection (d) of such section (as added by subsection (a)) could delay or disrupt defense environmental restoration activities; and

(3) an analysis of whether the funding mechanism provided in subsection (e)(3) of such section (as added by subsection (b)) could result in funding shortfalls for defense environmental restoration activities.

(e) CONDITION ON IMPLEMENTATION.—Until the Secretary of Defense submits the report required by subsection (d), the Secretary may not obligate or expend any of the funds made available under subsection (e)(3) of section 2705 of title 10, United States Code (as added by subsection (b)) to provide funds to technical review committees and restoration advisory boards.

(f) TIME FOR REGULATIONS.—Not later than March 1, 1995, the Secretary of Defense shall prescribe the regulations required by the amendments made by this section.

SEC. 1056. AUTHORIZATION TO EXCHANGE CERTAIN ITEMS FOR TRANSPORTATION SERVICES.

Paragraph (1) of section 2572(b) of title 10, United States Code, is amended by inserting ''transportation,'' after ''salvage,''.

SEC. 1057. AUTHORIZATION FOR INDUSTRIAL FACILITIES OF THE ARMED FORCES TO SELL ARTICLES AND SERVICES TO PERSONS OUTSIDE DEPARTMENT OF DEFENSE.

(a) ARMY SALES AUTHORITY.—(1) Section 4543 of title 10, United States Code, is amended to read as follows:

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

''(a) AUTHORITY TO SELL OUTSIDE DOD.—(1) Subject to paragraph (2), the Secretary of the Army may sell to eligible persons outside the Department of Defense articles and services produced by a working-capital funded Army industrial facility, including a Department of the Army arsenal.

''(2) The Secretary may not exercise the authority provided by this section until after the Secretary certifies to Congress that a cost accounting system has been developed—

"(A) to keep track of the costs associated with making sales of articles and services under this section; and

"(B) to ensure that expenditures made and revenues generated in such sales are not intermingled with funds authorized and appropriated for the military mission of the industrial facilities involved.

"(b) ELIGIBLE PURCHASERS.—Under such regulations as the Secretary may prescribe, the following persons shall be eligible to purchase articles and services under this section:

"(1) State and local governments.

"(2) Citizens of the United States and persons lawfully admitted for permanent residence in the United States.

"(3) Business entities that conduct a significant level of their research, development, engineering, and manufacturing activities in the United States and the majority ownership or control of which is by United States citizens.

"(c) CONDITIONS ON SALES.—The Secretary may make a sale under this section only if—

"(1) the purchaser agrees to hold harmless and indemnify the United States, except in cases of willful conduct or extreme negligence, from any claim for

damages or injury to any person or property arising out of the articles or services purchased;

''(2) the Secretary determines that the requested articles or services can be substantially performed by the Army industrial facility concerned with only incidental subcontracting and that performance is in the public interest;

''(3) the Secretary determines that the sale of the requested articles or services will not interfere with the military mission of the Army industrial facility concerned; and

''(4) the sale of the goods and services is made on the basis that it will not interfere with performance of work by the Army industrial facility concerned for the Department of Defense.

''(d) METHODS OF SALE.—(1) The Secretary shall permit a purchaser of articles or services under this section to use advance incremental funding to pay for the articles or services.

''(2) In the sale of articles and services under this section, the Secretary shall—

''(A) charge the purchaser, at a minimum, the variable costs, capital improvement costs, and equipment depreciation costs that are associated with the articles or services sold;

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

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

"(e) DEPOSIT OF PROCEEDS.—Proceeds from sales of articles and services under this section shall be deposited into the Defense Business Operations Fund.

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

"(g) DEFINITIONS.—In this section:

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

"(A) one or more partial payments before the commencement of work or the incurring of costs in connection with the production of the ar-

ticles or the performance of the services, as the case may be; and

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

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

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

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

(2) Section 2208(i) of such title is amended by striking out ''that manufactures large caliber cannons, gun mounts, recoil mechanisms, ammunition, munitions, or components thereof''.

(b) NAVY SALES AUTHORITY.—(1) Chapter 645 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7525. Navy industrial facilities: sales of manufactured articles or services outside Department of Defense

"(a) AUTHORITY TO SELL OUTSIDE DOD.—(1) Subject to paragraph (2) the Secretary of the Navy may sell to eligible persons outside the Department of Defense articles and services produced by a working-capital funded Navy industrial facility.

"(2) The Secretary may not exercise the authority provided by this section until after the Secretary certifies to Congress that a cost accounting system has been developed—

"(A) to keep track of the costs associated with making sales of articles and services under this section; and

"(B) to ensure that expenditures made and revenues generated in such sales are not intermingled with funds authorized and appropriated for the military mission of the industrial facilities involved.

"(b) ELIGIBLE PURCHASERS.—Under such regulations as the Secretary may prescribed, the following persons shall be eligible to purchase articles and services under this section:

"(1) State and local governments.

"(2) Citizens of the United States and persons lawfully admitted for permanent residence in the United States.

"(3) Business entities that conduct a significant level of their research, development, engineering, and manufacturing activities in the United States and the majority ownership or control of which is by United States citizens.

"(c) CONDITIONS ON SALES.—The Secretary may make a sale under this section only if—

"(1) the purchaser agrees to hold harmless and indemnify the United States, except in cases of willful conduct or extreme negligence, from any claim for damages or injury to any person or property arising out of the articles or services purchased;

"(2) the Secretary determines that the requested articles or services can be substantially performed by the Navy industrial facility concerned with only incidental subcontracting and that performance is in the public interest;

"(3) the Secretary determines that the sale of the requested articles or services will not interfere with the military mission of the Navy industrial facility concerned; and

"(4) the sale of the goods and services is made on the basis that it will not interfere with performance of work by the Navy industrial facility concerned for the Department of Defense.

"(d) METHODS OF SALE.—(1) The Secretary shall permit a purchaser of articles or services under this section to use advance incremental funding to pay for the articles or services.

"(2) In the sale of articles and services under this section, the Secretary shall—

"(A) charge the purchaser, at a minimum, the variable costs, capital improvement costs, and equipment depreciation costs that are associated with the articles or services sold;

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

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

"(e) DEPOSIT OF PROCEEDS.—Proceeds from sales of articles and services under this section shall be deposited into the Defense Business Operations Fund.

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

"(g) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

"7525. Navy industrial facilities: sales of manufactured articles or services outside Department of Defense.".

(c) AIR FORCE SALES AUTHORITY.—(1) Chapter 933 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 9541. Air Force industrial facilities: sales of manufactured articles or services outside Department of Defense

"(a) AUTHORITY TO SELL OUTSIDE DOD.—Subject to paragraph (2), the Secretary of the Air Force may sell to eligible persons outside the Department of Defense articles and services produced by a working-capital funded Air Force industrial facility.

"(2) The Secretary may not exercise the authority provided by this section until after the Secretary certifies to Congress that a cost accounting system has been developed—

"(A) to keep track of the costs associated with making sales of articles and services under this section; and

"(B) to ensure that expenditures made and revenues generated in such sales are not intermingled with funds authorized and appropriated for the military mission of the industrial facilities involved.

"(b) ELIGIBLE PURCHASERS.—Under such regulations as the Secretary may prescribe, the following persons shall be eligible to purchase articles and services under this section:

"(1) State and local governments.

"(2) Citizens of the United States and persons lawfully admitted for permanent residence in the United States.

"(3) Business entities that conduct a significant level of their research, development, engineering, and manufacturing activities in the United States and the majority ownership or control of which is by United States citizens.

"(c) CONDITIONS ON SALES.—The Secretary may make a sale under this section only if—

"(1) the purchaser agrees to hold harmless and indemnify the United States, except in cases of willful conduct or extreme negligence, from any claim for

damages or injury to any person or property arising out of the articles or services purchased;

"(2) the Secretary determines that the requested articles or services can be substantially performed by the Air Force industrial facility concerned with only incidental subcontracting and that performance is in the public interest;

"(3) the Secretary determines that the sale of the requested articles or services will not interfere with the military mission of the Air Force industrial facility concerned; and

"(4) the sale of the goods and services is made on the basis that it will not interfere with performance of work by the Air Force industrial facility concerned for the Department of Defense.

"(d) METHODS OF SALE.—(1) The Secretary shall permit a purchaser of articles or services under this section to use advance incremental funding to pay for the articles or services.

"(2) In the sale of articles and services under this section, the Secretary shall—

"(A) charge the purchaser, at a minimum, the variable costs, capital improvement costs, and equipment depreciation costs that are associated with the articles or services sold;

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

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

"(e) DEPOSIT OF PROCEEDS.—Proceeds from sales of articles and services under this section shall be deposited into the Defense Business Operations Fund.

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

"(g) DEFINITIONS.—In this section:

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

"(A) one or more partial payments before the commencement of work or the incurring of costs in connection with the production of the ar-

ticles or the performance of the services, as the case may be; and

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

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

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

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

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

''9541. Air Force industrial facilities: sales of manufactured articles or services outside Department of Defense.''.

(d) CONTROL EFFECT OF SALES AUTHORITY ON BASE CLOSURE PROCESS.—Section 2903 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subsection (c)(2)—

(A) by inserting after the first sentence the following new sentence: ''The Secretary shall also include a certification that the authorities pro-

vided in sections 4543, 7525, and 9541 of title 10, United States Code, for the sale outside the Department of Defense of articles and services produced by working-capital funded industrial facilities (and any sales, workloads, revenues, or other information resulting from the use or availability of such authorities) were not considered in preparing the list of recommendations referred to in paragraph (1).''; and

(B) by striking out ''preceding sentence'' and inserting in lieu thereof ''preceding sentences''; and

(2) in subsection (d)(3), by inserting after the first sentence the following new sentence: ''The Commission shall also include in its report a certification that the authorities provided in sections 4543, 7525, and 9541 of title 10, United States Code, for the sale outside the Department of Defense of articles and services produced by working-capital funded industrial facilities (and any sales, workloads, revenues, or other information resulting from the use or availability of such authorities) were not considered in making its recommendations for closures and realignments of military installations.''.

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on June 1, 1995.

SEC. 1058. SENSE OF THE CONGRESS CONCERNING THE NORTH KOREAN NUCLEAR WEAPONS DEVELOPMENT PROGRAM.

(a) FINDINGS.—The Congress finds that—

(1) between 1950 and 1953, the United States led a military coalition that successfully repelled an invasion of the Republic of Korea by the Communist regime in North Korea, at a cost of more than 54,000 American lives;

(2) the United States and the Republic of Korea ratified a Mutual Security Treaty in 1954 that commits the United States to helping the Republic of Korea defend itself against external aggression;

(3) approximately 37,000 United States military personnel are presently stationed in the Republic of Korea;

(4) the United States and the Republic of Korea have conducted joint military exercises, code named ''Team Spirit'', regularly since 1976;

(5) the Communist regime in North Korea has built up an armed force nearly twice the size of that in the Republic of Korea and has never renounced the active and ongoing use of force, terrorism, and subver-

sion in its attempts to subdue and subjugate the Republic of Korea;

(6) although the North Korean regime signed the Treaty on the Non-Proliferation of Nuclear Weapons in 1985, it has never permitted the unfettered international inspection of its nuclear facilities that is required of all signatories of that Treaty;

(7) the Secretary of Defense has stated publicly that efforts by the North Korean regime to develop enough plutonium to permit the manufacture of 10 to 12 nuclear weapons per year, and to develop the ballistic missile capacity of delivering these and other weapons over a wide area, represent a grave threat to the security of the Korean peninsula and the entire world;

(8) the North Korean regime continues to resist efforts by the United States to reduce tensions on the Korean peninsula;

(9) efforts in recent years by the United States to reduce tensions on the Korean peninsula have included the withdrawal of all nuclear weapons from the territory of the Republic of Korea and a reduction in the number of United States military personnel stationed there, the postponement of the 1994 ''Team Spirit'' exercises, the establishment of direct diplo-

matic contacts with the North Korean regime, and the offer of expanded diplomatic and economic contacts with North Korea;

(10) weapons-grade plutonium can be extracted from the fuel rods in the type of nuclear facilities North Korea is known to possess;

(11) international inspectors must be permitted to examine all spent fuel rods removed from North Korea's principal nuclear reactor at Yongbyon and to carry out tests necessary to ensure compliance with the 1992 safeguards agreement; and

(12) the diplomatic impasse concerning the North Korean nuclear program has clearly reached a critical juncture, the unsatisfactory resolution of which would place the international nonproliferation regime in jeopardy and threaten the peace and security of the Korean peninsula, the Northeast Asia region, and, by extension, the rest of the world.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the North Korean regime should take an initial step toward cooperation with the international nonproliferation regime by permitting the unfettered international inspection of the removal and eventual disposal of all spent fuel rods from the Yongbyon nu-

clear complex, followed by a comprehensive inspection process as required by the Treaty on the Non-Proliferation of Nuclear Weapons:

(2) an unsatisfactory resolution of the inspection controversy at Yongbyon that allows for anything less than unfettered international inspection of facilities in that complex should prompt the Government of the United States to take such action as would indicate the severity with which it views this provocation against international norms; and

(3) such action should include, but not necessarily be limited to, the seeking of international sanctions against the North Korean regime and the rescheduling of the ''Team Spirit'' exercises for 1994.

SEC. 1059. CONGRESSIONAL ACTION ON NEGOTIATION OF LIMITATIONS ON NUCLEAR WEAPONS TESTING.

(a) FINDINGS.—The Congress finds the following:

(1) On January 25, 1994, the United States joined with 37 other nations to begin negotiations for a comprehensive treaty to ban permanently all nuclear weapons testing.

(2) On March 14, 1994, the President decided to extend the current United States nuclear testing moratorium at least through September 1995.

(3) The United States is seeking to extend indefinitely the Non-Proliferation Treaty at the April 1995 NPT Extension Conference.

(4) Conclusion of a comprehensive test ban treaty could contribute toward successful negotiations to extend the Non-Proliferation Treaty.

(5) Agreements to eliminate nuclear testing and control the spread of nuclear weapons could contribute to the national security of the United States, its allies, and other nations around the world.

(b) CONGRESSIONAL ACTION.—In view of the findings set forth in subsection (a), the Congress—

(1) applauds the President for maintaining the United States nuclear testing moratorium and for taking a leadership role toward negotiation of a comprehensive test ban treaty;

(2) encourages all nuclear powers to refrain from conducting nuclear explosions, prior to conclusion of a comprehensive test ban treaty; and

(3) urges the Conference on Disarmament to make all possible progress toward a comprehensive test ban treaty by the end of 1994.

SEC. 1060. SENSE OF CONGRESS AND REPORT ON READINESS OF MILITARY FORCES OF THE REPUBLIC OF KOREA.

(a) FINDINGS.—The Congress finds the following:

(1) Under existing treaties and security arrangements between the United States and the Republic of Korea, responsibility for the defense of the territory of the Republic of Korea is allocated so that the Republic of Korea has primary responsibility for the ground defense of its territory and the United States has primary responsibility for air and sea defense of the Korean peninsula and for reinforcement.

(2) The Force Improvement Program of the Republic of Korea has not addressed critical shortfalls in its ground force capability which continue to exist even though the Republic of Korea spends approximately $12,000,000,000 annually on defense while the Democratic People's Republic of Korea spends approximately $4,000,000,000 annually on defense. The Republic of Korea has diverted substantial defense resources to procuring submarines, destroyers, advanced aircraft, and other military systems that are marginal to its primary ground defense responsibility.

(3) The defense acquisition decisions of the Republic of Korea have had the effect of not allowing the Republic of Korea to attain self-sufficiency in its

ground defense responsibility. As a result, there exists an undue burden on the United States for the ground defense of the Korean peninsula.

(4) The lack of intelligence capability to forecast the military intentions of the Democratic People's Republic of Korea represents a major deficiency of the combined United States-Republic of Korea military force.

(5) A short-warning attack by the Democratic People's Republic of Korea would cause major losses to the combined United States-Republic of Korea ground force.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President should urge the Republic of Korea to improve its military ground forces with emphasis on counterartillery capabilities, defense against ballistic missiles and weapons of mass destruction, combined United States-Republic of Korea logistics capabilities, combined United States-Republic of Korea medical support, and combined United States-Republic of Korea strategic and tactical intelligence capabilities.

(c) REPORT.—Not later than December 1, 1994, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report, in classified form, on—

(1) the readiness of the military forces of the Republic of Korea to defeat an attack by the military forces of the Democratic People's Republic of Korea; and

(2) the adequacy of the defense acquisition strategy of the Republic of Korea to meet its primary ground defense mission.

TITLE XI—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE

SEC. 1101. SHORT TITLE.

This title may be cited as the ''Defense Conversion, Reinvestment, and Transition Assistance Amendments of 1994''.

SEC. 1102. FUNDING OF DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE PROGRAMS FOR FISCAL YEAR 1995.

(a) FUNDING.—Of the amounts authorized to be appropriated pursuant to this Act for the Department of Defense for fiscal year 1995, the sum of $3,256,400,000 shall be available from the sources specified in subsection (b) for defense conversion, reinvestment, and transition assistance programs.

(b) SOURCES OF FUNDS.—The amount set forth in subsection (a) shall be derived from the following sources in amounts as follows:

(1) $15,000,000 of the amounts authorized to be appropriated pursuant to title I.

(2) $2,375,000,000 of the amounts authorized to be appropriated pursuant to title II.

(3) $866,400,000 of the amounts authorized to be appropriated pursuant to title III.

(c) DEFINITION.—For purposes of this section, the term ''defense conversion, reinvestment, and transition assistance programs'' includes the following programs and activities of the Department of Defense:

(1) The programs and activities authorized by the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 106 Stat. 2658) and the amendments made by that Act.

(2) The programs and activities authorized by the Defense Conversion, Reinvestment, and Transition Assistance Amendments of 1993 (title XIII of Public Law 103–160; 107 Stat. 1783) and the amendments made by that Act.

(3) The programs and activities authorized by this title and the amendments made by this title.

Subtitle A—Defense Technology and Industrial Base, Defense Reinvestment, and Defense Conversion

SEC. 1111. FUNDING OF DEFENSE TECHNOLOGY REINVESTMENT PROGRAMS FOR FISCAL YEAR 1995.

(a) FUNDS AVAILABLE.—Of the amount authorized to be appropriated under section 201 for Defense-wide activities and specified in section 1102(b) as a source of funds for defense conversion, reinvestment, and transition assistance programs, $771,600,000 shall be available for activities described in the defense reinvestment program element of the budget of the Department of Defense for fiscal year 1995.

(b) ALLOCATION OF FUNDS.—The funds made available under subsection (a) shall be allocated as follows:

(1) $295,600,000 shall be available for defense dual-use critical technology partnerships under section 2511 of title 10, United States Code.

(2) $80,000,000 shall be available for commercial-military integration partnerships under section 2512 of such title.

(3) $80,000,000 shall be available for defense regional technology alliances under section 2513 of such title.

(4) $30,000,000 shall be available for defense advanced manufacturing technology partnerships under section 2522 of such title.

(5) $45,000,000 shall be available for support of manufacturing extension programs under section 2523 of such title.

(6) $65,000,000 shall be available for the defense dual-use extension program under section 2524 of such title, of which—

(A) $15,000,000 shall be used for assistance pursuant to subsection (c)(3) of such section; and

(B) $50,000,000 shall be available to cover the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees issued pursuant to subsection (b)(3) of such section.

(7) $24,000,000 shall be available for defense manufacturing engineering education grants under section 2196 of such title.

(8) $30,000,000 shall be available for the advanced materials synthesis and processing partnership program.

(9) $35,000,000 shall be available for the agile manufacturing/enterprise integration program.

(10) $50,000,000 shall be available for the maritime technology program, as provided for in section 1352(c)(2) of the National Shipbuilding and Shipyard Conversion Act of 1993 (subtitle D of title XIII of Public Law 103–160; 10 U.S.C. 2501 note).

(11) $37,000,000 shall be available to the Secretary of Defense to support the activities of the Department of Defense and Department of Justice Dual-Use Technology Research and Development Center.

(c) AVAILABILITY OF FUNDS FOR FISCAL YEAR 1994 TECHNOLOGY REINVESTMENT PROJECTS.—Funds allocated under paragraphs (1) through (7) of subsection (b) to the defense reinvestment programs described in such paragraphs may also be used to make awards to technology reinvestment projects that were solicited under such programs in fiscal year 1994.

SEC. 1112. CLARIFICATION OF ELIGIBLE NON-DEPARTMENT OF DEFENSE PARTICIPANTS IN TECHNOLOGY REINVESTMENT PROJECTS.

(a) DEFINITION OF ELIGIBLE ENTITIES.—Section 2491 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (9) through (15) as paragraphs (10) through (16), respectively; and

(2) by inserting after paragraph (8) the following new paragraph:

''(9) The term 'eligible entity' means an eligible firm or a labor organization (as defined in section 2(5) of the National Labor Relations Act (29 U.S.C. 152(5))).''.

(b) CONFORMING AMENDMENTS.—(1) Section 2511 of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) by striking out ''eligible firms'' both places it appears and inserting in lieu thereof ''eligible entities''; and

(ii) by striking out ''such firms'' and inserting in lieu thereof ''such eligible entities''; and

(B) in subsection (f)(6), by striking out ''eligible firms'' and inserting in lieu thereof ''eligible entities''.

(2) Section 2512 of such title is amended—

(A) in subsection (a)—

(i) by striking out ''eligible firms'' and inserting in lieu thereof ''eligible entities''; and

(ii) by striking out ''such firms'' and inserting in lieu thereof ''such eligible entities''; and

(B) in subsection (e)(6), by striking out ''eligible firms'' and inserting in lieu thereof ''eligible entities''.

(3) Section 2513 of such title is amended—

(A) in subsection (c)(1)(A)(i), by inserting before the semicolon the following: ''or other eligible entities operating in such region'';

(B) in subsection (e), by striking out ''eligible firms'' both places it appears and inserting in lieu thereof ''eligible entities''; and

(C) in subsection (f)—

(i) by striking out ''eligible firms'' and inserting in lieu thereof ''eligible entities''; and

(ii) by striking out ''such firms'' and inserting in lieu thereof ''such eligible entities''.

(4) Section 2522(b) of such title is amended—

(A) by striking out ''eligible firms'' both places it appears and inserting in lieu thereof ''eligible entities''; and

(B) by striking out ''such firms'' and inserting in lieu thereof ''such eligible entities''.

SEC. 1113. ADDITIONAL CRITERIA FOR LOAN GUARANTEES UNDER THE DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.

Section 2524(f) of title 10, United States Code, is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph:

''(10) In the case of loan guarantees under subsection (b)(3), the extent to which the loans to be guaranteed would support the retention of defense workers whose employment would otherwise be permanently or temporarily terminated as a result of reductions in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.''.

SEC. 1114. FINANCIAL COMMITMENT REQUIREMENTS FOR SMALL BUSINESS CONCERNS FOR PARTICIPATION IN TECHNOLOGY REINVESTMENT PROJECTS.

(a) DEFENSE DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS.—Section 2511(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) The Secretary shall consider a partnership proposal submitted by a small business concern without regard to the ability of the small business concern to immediately meet its share of the anticipated partnership costs. Upon

the selection of a partnership proposal submitted by a small business concern, the Secretary shall extend to the small business concern a period of not less than 90 days within which to arrange to meet its financial commitment requirements under the partnership from sources other than a person of a foreign country. If the Secretary determines upon the expiration of that period that the small business concern will be unable to meet its share of the anticipated partnership costs, the Secretary may revoke the selection of the partnership proposal submitted by the small business concern.''.

(b) COMMERCIAL-MILITARY INTEGRATION PARTNERSHIPS.—Section 2512(c)(3) of such title is amended by adding at the end the following new subparagraph:

''(C) The Secretary shall consider a partnership proposal submitted by a small business concern without regard to the ability of the small business concern to immediately meet its share of the anticipated partnership costs. Upon the selection of a partnership proposal submitted by a small business concern, the Secretary shall extend to the small business concern a period of not less than 90 days within which to arrange to meet its financial commitment requirements under the partnership from sources other than a person of a foreign country. If the Secretary determines upon the expiration of that period that the small business concern

will be unable to meet its share of the anticipated partnership costs, the Secretary may revoke the selection of the partnership proposal submitted by the small business concern.''.

(c) REGIONAL TECHNOLOGY ALLIANCES ASSISTANCE PROGRAM.—Section 2513(e) of such title is amended by adding at the end the following new paragraph:

''(4) The Secretary shall consider a proposal for a regional technology alliance that is submitted by a small business concern without regard to the ability of the small business concern to immediately meet its share of the anticipated costs of the alliance. Upon the selection of a proposal submitted by a small business concern, the Secretary shall extend to the small business concern a period of not less than 90 days within which to arrange to meet its financial commitment requirements under the regional technology alliance from sources other than a person of a foreign country. If the Secretary determines upon the expiration of that period that the small business concern will be unable to meet its share of the anticipated costs, the Secretary may revoke the selection of the proposal submitted by the small business concern.''.

(d) MANUFACTURING EXTENSION PROGRAMS.—Section 2523(b)(3) of such title is amended by adding at the end the following new subparagraph:

''(E) The Secretary shall consider a proposal for a manufacturing extension program that is submitted by a small business concern without regard to the ability of the small business concern to immediately meet its share of the anticipated costs of the program. Upon the selection of a proposal submitted by a small business concern, the Secretary shall extend to the small business concern a period of not less than 90 days within which to arrange to meet its financial commitment requirements under the manufacturing extension program from sources other than a person of a foreign country. If the Secretary determines upon the expiration of that period that the small business concern will be unable to meet its share of the anticipated costs, the Secretary may revoke the selection of the partnership proposal submitted by the small business concern.''.

(e) DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.—Section 2524(d) of such title is amended by adding at the end the following new paragraph:

''(3) The Secretary shall consider a program proposal submitted by a small business concern without regard to the ability of the small business concern to immediately meet its share of the anticipated partnership costs. Upon the selection of a proposal submitted by a small business concern, the Secretary shall extend to the small business concern a period of not less than 90 days within which to

arrange to meet its financial commitment requirements under the program from sources other than a person of a foreign country. If the Secretary determines upon the expiration of that period that the small business concern will be unable to meet its share of the anticipated program costs, the Secretary may revoke the selection of the program proposal submitted by the small business concern.''.

(f) DEFINITION OF PERSON OF A FOREIGN COUNTRY.—Section 2491 of such title, as amended by section 1112(a) of this Act, is further amended by adding at the end the following new paragraph:

''(17) The term 'person of a foreign country' has the meaning given such term in section 3502(d) of the Primary Dealers Act of 1988 (22 U.S.C. 5342(d)).''.

SEC. 1115. CONDITIONS ON FUNDING OF DEFENSE TECHNOLOGY REINVESTMENT PROJECTS.

(a) BENEFITS TO UNITED STATES ECONOMY.—In providing for the establishment or financial support of partnerships and other cooperative arrangements under chapter 148 of title 10, United States Code, using funds made available under section 1111(a), the Secretary of Defense shall ensure that the principal economic benefits of, and the job creation resulting from, such arrangements accrue to the economy of the United States.

(b) USE OF COMPETITIVE SELECTION PROCEDURES.—Funds made available under subsection (a) of section 1111 for defense reinvestment programs described in subsection (b) of such section shall only be provided to projects selected using competitive procedures pursuant to a solicitation incorporating cost-sharing requirements for the non-Federal Government participants in the projects.

Subtitle B—Community Adjustment and Assistance Programs

SEC. 1121. FUNDS FOR ADJUSTMENT AND DIVERSIFICATION ASSISTANCE FOR STATES AND LOCAL GOVERNMENTS FROM OFFICE OF ECONOMIC ADJUSTMENT.

Of the amount made available pursuant to section 1102(a), $54,100,000 shall be available to provide community adjustment and economic diversification assistance under section 2391(b) of title 10, United States Code.

SEC. 1122. STUDIES AND PLANS FOR MARKET DIVERSIFICATION.

(a) FORM OF COMMUNITY ADJUSTMENT AND ECONOMIC DIVERSIFICATION.—Section 2391(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) The terms 'community adjustment' and 'economic diversification' include the development of

feasibility studies and business plans for market diversification by businesses and labor organizations located in a community adversely affected by an action described in clause (A), (B), (C), or (E) of subsection (b)(1).''.

(b) FUNDING FOR FISCAL YEAR 1995.—Of the amount made available under section 1121, $10,000,000 shall be available only to provide community adjustment and economic diversification assistance under section 2391(b) of title 10, United States Code, for the purpose of developing feasibility studies and business plans for market diversification by businesses and labor organizations located in communities adversely affected by an action described in clause (A), (B), (C), or (E) of paragraph (1) of such section. The funds provided to a particular State or local government under this subsection in fiscal year 1995 may not exceed $50,000.

SEC. 1123. ADVANCE COMMUNITY ADJUSTMENT AND ECONOMIC DIVERSIFICATION PLANNING.

(a) ASSISTANCE AUTHORIZED.—Section 2391(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

''(5) 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) CONFORMING AMENDMENTS.—Paragraph (8) of such section, as redesignated by subsection (a)(1), is amended by striking out ''paragraph (6)'' both places it appears and inserting in lieu thereof ''paragraph (7)''.

(c) FUNDING FOR FISCAL YEAR 1995.—Of the amount made available under section 1121, $5,000,000 shall be available only to provide advance adjustment planning under paragraph (5) of section 2391(b) of title 10, United States Code, as added by subsection (a)(2). The funds provided to a particular State or local government under such paragraph in fiscal year 1995 may not exceed $1,000,000.

Subtitle C—Personnel Adjustment, Education, and Training Programs

SEC. 1131. CONTINUATION OF TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAMS.

Of the amount made available pursuant to section 1102(a), $65,000,000 shall be available for the teacher and teacher's aide placement programs authorized by sections 1151, 1598, and 2410j of title 10, United States Code.

SEC. 1132. PROGRAMS TO PLACE SEPARATED MEMBERS AND TERMINATED DEFENSE EMPLOYEES IN EMPLOYMENT POSITIONS AS PUBLIC SAFETY OFFICERS.

(a) SEPARATED MEMBERS.—Section 1152 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out ''law enforcement officers'' and inserting in lieu thereof ''public safety officers''; and

(B) by inserting ''or fire departments'' after ''agencies'';

(2) in subsection (b)(1)(B), by inserting ''or fire fighting,'' after ''police)'';

(3) in subsection (d)(1)—

(A) by striking out ''law enforcement officers'' and inserting in lieu thereof ''public safety officers'';

(B) by inserting ''and fire departments'' after ''law enforcement agencies'';

(C) by striking out ''with these agencies''; and

(D) by striking out ''a law enforcement agency'' and inserting in lieu thereof ''the agency or department'';

(4) in subsection (d)(2)—

(A) by striking out ''law enforcement officer'' and inserting in lieu thereof ''public safety officer'';

(B) by inserting ''or fire department'' after ''law enforcement agency'' the first place it appears; and

(C) by striking out ''law enforcement agency'' the second place it appears and inserting in lieu thereof ''agency or department'';

(5) in subsection (d)(4)—

(A) by inserting ''or fire department'' after ''law enforcement agency'' the first place it appears; and

(B) by inserting ''or department'' after ''the agency'';

(6) in subsection (d)(5)—

(A) by inserting ''or fire department'' after ''law enforcement agency'' the first place it appears; and

(B) by striking out ''law enforcement agency'' the second place it appears and inserting in lieu thereof ''agency or department'';

(7) in subsection (e)(1), by inserting ''and fire departments'' after ''law enforcement agencies''; and

(8) in subsection (f)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following new paragraph:

''(2) The term 'public safety officer' means a law enforcement officer or a firefighter.''; and

(C) by adding at the end the following new paragraph:

''(4) The term 'firefighter' includes a public employee member of a rescue squad or ambulance crew.''.

(b) TERMINATED EMPLOYEES.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1598a. Assistance to terminated employees to obtain employment as public safety officers

"(a) PLACEMENT PROGRAM.—The Secretary of Defense may establish a program to assist eligible civilian employees of the Department of Defense after the termination of their employment to obtain employment as public safety officers with State and local law enforcement agencies or fire departments.

"(b) ELIGIBLE EMPLOYEES.—(1) A civilian employee of the Department of Defense shall be eligible for selection by the Secretary of Defense to participate in the placement program authorized by subsection (a) if the employee—

"(A) during the five-year period beginning October 1, 1994, is terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense; or

"(B) has occupational training or experience related to law enforcement or fire fighting or satisfies such other criteria for selection as the Secretary of Defense may prescribe.

"(2) The Secretary of Defense may accept an application from a civilian employee referred to in paragraph (1) who was terminated during the period beginning on October 1, 1990, and ending on October 1, 1994, if the employee

otherwise satisfies the eligibility criteria specified in that paragraph.

"(c) SELECTION OF PARTICIPANTS.—(1) The Secretary of Defense shall select civilian employees to participate in the placement program on the basis of applications submitted to the Secretary not later than one year after the date the employees receive a notice of termination. An application shall be in such form and contain such information as the Secretary may require.

"(2) The Secretary may not select a civilian employee to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under the program with respect to that participant.

"(d) PLACEMENT OF PARTICIPANTS AS PUBLIC SAFETY OFFICERS.—Subsections (d), (e), and (f) of section 1152 of this title shall apply with respect to the placement program authorized by this section.".

(c) CLERICAL AMENDMENTS.—(1) The heading of section 1152 of title 10, United States Code, is amended to read as follows:

"§ 1152. Assistance to separated members to obtain employment as public safety officers".

(2) The table of sections at the beginning of chapter 58 of such title is amended by striking out the item relating to section 1152 and inserting in lieu thereof the following new item:

''1152. Assistance to separated members to obtain employment as public safety officers.''.

(3) The table of sections at the beginning of chapter 81 of such title is amended by adding at the end the following new item:

''1598a. Assistance to terminated employees to obtain employment as public safety officers.''.

(d) FUNDING FOR FISCAL YEAR 1995.—Of the amount made available pursuant to section 1102(a), $25,000,000 shall be available for the public safety officer placement programs authorized by sections 1152 and 1598a of title 10, United States Code.

SEC. 1133. PILOT PROGRAM TO PLACE SEPARATED MEMBERS AND TERMINATED DEFENSE EMPLOYEES IN TEACHING POSITIONS AS BILINGUAL MATH AND SCIENCE TEACHERS.

(a) COOPERATIVE ARRANGEMENTS.—During fiscal year 1995, the Secretary of Defense shall carry out a pilot program to establish cooperative arrangements between the Department of Defense and a consortium of two or more entities described in subsection (b) for the purpose of assist-

ing bilingual members of the Armed Forces after their separation from active duty, and bilingual civilian employees of the Department of Defense after the termination of their employment, to obtain certification and employment as bilingual elementary or secondary school teachers in mathematics or science.

(b) ELIGIBLE ENTITIES.—The entities with which the Secretary of Defense may enter into a cooperative arrangement under the pilot program are as follows:

(1) Local governments of States that contain military installations and a high concentration of residents of Hispanic descent.

(2) A consortium of two or more Hispanic-serving institutions of higher education (as defined in section 316(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(1))) that have a solid background, expertise, and experience in operating bilingual teacher training programs in mathematics and science with an emphasis in English as a second language.

(c) ELIGIBLE MEMBERS AND EMPLOYEES.—(1) A member of the Armed Forces shall be eligible to participate in a cooperative arrangement established under the pilot program if the member—

(A) during the seven-year period beginning on October 1, 1992, is discharged or released from active duty after six or more years of continuous active duty immediately before the discharge or release;

(B) has received a baccalaureate or advanced degree from an accredited institution of higher education;

(C) is bilingual; and

(D) satisfies such other criteria for selection as the Secretary of Defense may prescribe.

(2) A civilian employee of the Department of Defense shall be eligible to participate in a cooperative arrangement established under the pilot program if the employee—

(A) during the five-year period beginning October 1, 1992, is terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense;

(B) has received a baccalaureate or advanced degree from an accredited institution of higher education;

(C) is bilingual; and

(D) satisfies such other criteria for selection as the Secretary of Defense may prescribe.

(d) STIPEND FOR PARTICIPANTS.—A member of the Armed Forces or a civilian employee of the Department of Defense who participates in a cooperative arrangement established under the pilot program shall be eligible to receive an educational stipend in the same amount as provided under paragraph (1) of subsection (g) of section 1151 of title 10, United States Code, subject to the conditions specified in paragraphs (2) and (3) of such subsection and section 1598(e)(2) of such title.

(e) ADMINISTRATIVE COSTS.—The Secretary of Defense shall cover the reasonable management costs of the pilot program incurred by the non-Federal entities participating in the cooperative arrangements established under the pilot program.

(f) DEFINITIONS.—For purposes of this section:

(1) The term ''bilingual'' means the ability to communicate in both the English and Spanish languages.

(2) The term ''State'' includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands.

(g) FUNDING FOR FISCAL YEAR 1995.—Of the amount made available pursuant to section 1102(a), $3,000,000 shall be available to the Secretary of Defense to carry out this section.

SEC. 1134. DEMONSTRATION PROJECT TO ASSIST SEPARATED MEMBERS AND TERMINATED DEFENSE WORKERS TO BECOME BUSINESS OWNERS.

(a) BUSINESS OWNERSHIP DEMONSTRATION PROJECT.—During fiscal year 1995, the Secretary of Defense may carry out a demonstration project in not more than two eligible communities to assist separated members of the Armed Forces and terminated defense workers described in subsection (c) who reside in the community to own their own businesses. The Secretary shall carry out the demonstration project in consultation with the Secretary of Commerce.

(b) ELIGIBLE COMMUNITIES.—To be eligible for selection by the Secretary of Defense as a site for the demonstration project, a community shall be required to meet two of the following conditions:

(1) The local economy is heavily dependent on a defense contractor that is in the process of terminating a major defense contract (or having such contract

terminated by the Department of Defense) or closing a major facility.

(2) The local economy may be adversely affected by changes in the use of a national laboratory previously needed for the testing of nuclear weapons.

(3) The local economy would be adversely affected by the closing of two or more military installations.

(c) MEMBERS AND DEFENSE WORKERS TO BE ASSISTED.—The purpose of the demonstration project is to assist the following persons to own their own businesses:

(1) Members of the Armed Forces who are discharged or released from active duty.

(2) Civilian employees of the Department of Defense who are terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense.

(3) Employees of defense contractors who are terminated or laid off (or receive a notice of termination or layoff) as a result of the completion or termination of a defense contract or program or reductions in defense spending, as determined by the Secretary of Defense.

(d) ACTIVITIES UNDER DEMONSTRATION PROJECT.—Under the demonstration project, the Secretary of Defense shall—

(1) develop a business plan to establish a facility in each community in which the demonstration project is conducted to assist persons described in subsection (c) to own their own businesses;

(2) conduct a market study to identify markets for the facility;

(3) develop innovative approaches to capital formation for the facility and persons described in subsection (c);

(4) conduct a skills assessment study to determine the number and type of employees needed to operate the facility; and

(5) analyze the potential to use persons described in subsection (c) as employees of the facility.

SEC. 1135. DEMONSTRATION PROJECT TO PROMOTE SHIP RECYCLING AS A METHOD TO ASSIST SEPARATED MEMBERS AND TERMINATED DEFENSE WORKERS.

(a) SHIP RECYCLING DEMONSTRATION PROJECT.—The Secretary of Defense may carry out a demonstration project in not more than three eligible locations to assist separated members of the Armed Forces and terminated de-

fense workers described in subsection (c) to obtain employment by participating in the establishment and operation of ship recycling facilities.

(b) ELIGIBLE LOCATIONS.—A location shall be eligible for selection by the Secretary of Defense as a site for the demonstration project if the location contains one or more military installations that have been selected for closure or realignment pursuant to a base closure law and such installations include naval and port facilities. Competitive procedures shall be used in the selection of locations in which to conduct the demonstration project.

(c) MEMBERS AND DEFENSE WORKERS TO BE ASSISTED.—The purpose of the demonstration project is to promote the establishment and operation of ship recycling facilities that will provide employment for the following persons:

(1) Members of the Armed Forces who are discharged or released from active duty.

(2) Civilian employees of the Department of Defense who are terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense.

(3) Employees of defense contractors who are terminated or laid off (or receive a notice of termination

or layoff) as a result of the completion or termination of a defense contract or program or reductions in defense spending, as determined by the Secretary of Defense.

(d) ASSISTANCE AUTHORIZED.—To carry out the demonstration project in an eligible location selected by the Secretary, the Secretary may make grants to, and enter into contracts and cooperative agreements with, State governments, local governments, private entities, nonprofit organizations, and institutions of higher education operating in that location.

(e) ACTIVITIES SUPPORTED.—An entity (or group of such entities) receiving assistance under the demonstration project shall use the assistance to perform, or support the performance of, any of the following:

(1) Develop a business plan to establish a ship recycling facility for military and commercial ships currently in service and projected for future scrapping.

(2) In consultation with the private sector, conduct a market study of—

(A) the existing private sector capacity to perform ship recycling;

(B) the utilization of existing ship recycling capacity;

(C) the regional impact on markets for scrap generated from ship recycling;

(D) the environmental remediation requirements associated with ship recycling;

(E) the ability to incorporate the private sector into the ship recycling facilities established pursuant to the demonstration; and

(F) such other issues related to ship recycling as the Secretary considers appropriate.

(3) Conduct a skills assessment study to determine the number and type of employees needed to operate a ship recycling facility.

(4) Develop plans for the cost effective environmental remediation of ships to be recycled at the facility.

(5) Demonstrate the feasibility of a ship recycling facility to become financially self-sustaining or project a reasonable timetable for the completion of the demonstration project, in which case the entity shall develop training, skills enhancement, and career placement programs to assist employees involved in ship recycling to secure new occupations and careers.

(6) Support regional ship recycling start-up activities.

(7) Analyze the potential to use persons described in subsection (c) as employees at a ship recycling facility.

(f) TRANSFER OF EXCESS NAVAL VESSELS.—The Secretary of Defense may allocate among the ship recycling facilities established under the demonstration project excess naval vessels of the United States for recycling.

(g) FUNDING FOR FISCAL YEAR 1995.—Of the amount made available pursuant to section 1102(a), $15,000,000 shall be available to the Secretary of Defense to carry out the demonstration project.

SEC. 1136. ADMINISTRATION AND FUNDING OF DEFENSE DIVERSIFICATION PROGRAM AND DEFENSE CONVERSION ADJUSTMENT PROGRAM UNDER JOB TRAINING PARTNERSHIP ACT.

(a) DEFENSE DIVERSIFICATION PROGRAM.—Section 325A of the Job Training Partnership Act (29 U.S.C. 1662d–1) is amended—

(1) in subsection (a), by striking out ''From the amount'' and all that follows through ''Labor,'' and inserting in lieu thereof ''From funds made available to carry out this section, the Secretary, in consultation with the Secretary of Defense,'';

(2) in subsections (c), (d), (e), (i), (k)(2), (l), and (m), by striking out ''Secretary of Defense'' each place it appears and inserting in lieu thereof ''Secretary'';

(3) in subsection (d)(1)(A), by striking out ''in consultation with the Secretary of Labor,'';

(4) in the heading of subsection (e), by striking out ''BY SECRETARY OF DEFENSE'';

(5) in subsection (k)(1), by striking out ''Secretary of Defense, in consultation with the Secretary of Labor,'' and inserting in lieu thereof ''Secretary, in consultation with the Secretary of Defense,''; and

(6) in subsection (n), by striking out ''Secretary of Defense, in consultation with the Secretary of Labor,'' and inserting in lieu thereof ''Secretary, in consultation with the Secretary of Defense,''.

(b) DEFENSE CONVERSION ADJUSTMENT PROGRAM.—Section 325(a) of the Job Training Partnership Act (29 U.S.C. 1662d(a)) is amended by striking out ''From the amount appropriated pursuant to section 4203 of the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990,'' and inserting in lieu thereof ''From funds made available to carry out this section,''.

SEC. 1137. EXPANSION OF PERSONNEL ADJUSTMENT, EDUCATION, AND TRAINING PROGRAMS TO INCLUDE COAST GUARD.

(a) PRESEPARATION COUNSELING.—As soon as possible after the date of the enactment of this Act, the Secretary of Transportation shall implement the requirements of section 1142 of title 10, United States Code, for the Coast Guard.

(b) EMPLOYMENT ASSISTANCE, JOB TRAINING ASSISTANCE, AND OTHER TRANSITIONAL ASSISTANCE.—Section 1144 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by inserting ‘‘, the Secretary of Transportation,’’ after ‘‘Secretary of Defense’’; and

(B) by striking out ‘‘of a military department’’ and inserting in lieu thereof ‘‘concerned’’;

(2) in subsection (a)(2), by inserting ‘‘, the Secretary of Transportation,’’ after ‘‘Secretary of Defense’’;

(3) in subsection (b)(4), by striking out ‘‘Department of Defense is’’ and inserting in lieu thereof ‘‘Department of Defense and the Department of Transportation are’’;

(4) in subsection (c), by inserting ‘‘and the Secretary of Transportation’’ after ‘‘Secretary of Defense’’; and

(5) in subsection (d)(2), by inserting ''and the Department of Transportation'' after ''Department of Defense''.

(c) TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAM.—Section 1151 of such title is amended—

(1) in subsection (a), by inserting '', and the Secretary of Transportation with respect to the Coast Guard,'' after ''Secretary of Defense'';

(2) in subsection (b), by inserting ''and the Secretary of Transportation'' after ''Secretary of Defense'' in the matter preceding the paragraphs;

(3) in subsection (c)(1)—

(A) by striking out ''by the Secretary of Defense'' in the matter preceding the subparagraphs; and

(B) in subparagraph (C), by inserting ''of Defense, or the Secretary of Transportation with respect to the Coast Guard,'' after ''Secretary'';

(4) in subsection (c)(4), by striking out ''Secretary'' and inserting in lieu thereof ''Secretaries'';

(5) in subsection (d), by inserting ''and the Secretary of Transportation'' after ''Secretary of Defense'';

(6) in subsection (e)(1)—

(A) by inserting ''\, and the Secretary of Transportation with respect to the Coast Guard,'' after ''Secretary of Defense'';

(B) by striking out ''subsection (c)(3), the Secretary'' and inserting in lieu thereof ''subsection (c)(4), the Secretaries''; and

(C) by striking out ''Secretary may'' and inserting in lieu thereof ''Secretaries may'';

(7) in subsection (e)(2), by striking out ''Secretary'' the first two places it appears and inserting in lieu thereof ''Secretaries'';

(8) in subsection (e)(3)—

(A) by inserting ''of Defense, and the Secretary of Transportation with respect to the Coast Guard,'' after ''The Secretary''; and

(B) by inserting ''involved'' after ''unless the Secretary'';

(9) in subsection (e)(4), by striking out ''Secretary'' both places it appears and inserting in lieu thereof ''Secretaries'';

(10) in subsection (f)—

(A) by inserting ''\, or the Secretary of Transportation with respect to the Coast Guard,'' after ''Secretary of Defense'' in the matter preceding the paragraphs; and

(B) in paragraph (1), by inserting ''involved'' after ''the Secretary'';

(11) in subsection (g)(1), by inserting '', and the Secretary of Transportation with respect to the Coast Guard,'' after ''Secretary of Defense'' in the matter preceding the subparagraphs;

(12) in subsection (h)—

(A) in paragraph (1), by inserting ''and the Secretary of Transportation'' after ''Secretary of Defense''; and

(B) by inserting ''involved'' after ''Secretary'' each place it appears in paragraphs (2) through (6);

(13) in subsection (h)(7)—

(A) in subparagraph (A)—

(i) by inserting ''of Defense, and the Secretary of Transportation with respect to the Coast Guard,'' after ''the Secretary'' in the first sentence; and

(ii) by inserting ''involved'' after ''The Secretary'' in the second sentence; and

(B) in subparagraph (C), by inserting ''involved'' after ''The Secretary'';

(14) in subsection (i)—

(A) in paragraph (1), by inserting ''\, or the Secretary of Transportation with respect to the Coast Guard,'' after ''Secretary of Defense''; and

(B) in paragraph (2), by striking out ''Secretary'' both places it appears and inserting in lieu thereof ''Secretaries''; and

(15) in subsection (j)—

(A) in paragraph (1)(F), by inserting ''\, or the Secretary of Transportation with respect to the Coast Guard'' after ''Secretary of Defense''; and

(B) in paragraph (2), by inserting ''involved'' after ''Secretary'' both places it appears.

(d) PUBLIC SAFETY OFFICER PLACEMENT PROGRAM.—Section 1152 of such title, as amended by section 1132(a), is further amended—

(1) in subsection (a), by inserting ''\, and the Secretary of Transportation with respect to the Coast Guard,'' after ''Secretary of Defense'';

(2) in subsection (b)(1)(B), by inserting ''\, or the Secretary of Transportation with respect to the Coast Guard,'' after ''Secretary of Defense'';

(3) in subsection (c)(1)—

(A) by inserting ''\, and the Secretary of Transportation with respect to the Coast Guard,'' after ''Secretary of Defense'';

(B) by striking out ''to the Secretary'' and inserting in lieu thereof ''to the Secretaries''; and

(C) by striking out ''Secretary may'' and inserting in lieu thereof ''Secretaries may'';

(4) in subsection (c)(2)—

(A) by inserting ''of Defense, and the Secretary of Transportation with respect to the Coast Guard,'' after ''The Secretary''; and

(B) by inserting ''involved'' after ''unless the Secretary'';

(5) in subsection (d)—

(A) in paragraph (1) by inserting ''and the Secretary of Transportation'' after ''Secretary of Defense''; and

(B) by inserting ''involved'' after ''Secretary'' each place it appears in paragraphs (2) through (5); and

(6) in subsection (e)—

(A) in paragraph (1), by inserting ''\, and the Secretary of Transportation with respect to the Coast Guard,'' after ''the Secretary of Defense''; and

(B) in paragraph (2), by inserting ''involved'' after ''The Secretary''.

(e) HEALTH CARE PLACEMENT PROGRAM.—Section 1153 of such title is amended—

(1) in subsection (a), by inserting '', and the Secretary of Transportation with respect to the Coast Guard,'' after ''Secretary of Defense'';

(2) in subsection (b)(1)—

(A) by striking out ''by the Secretary of Defense'' in the matter preceding the subparagraphs; and

(B) in subparagraph (C), by inserting ''of Defense, or the Secretary of Transportation with respect to the Coast Guard,'' after ''Secretary'';

(3) in subsection (c)(1)—

(A) by inserting '', and the Secretary of Transportation with respect to the Coast Guard,'' after ''Secretary of Defense'';

(B) by striking out ''to the Secretary'' and inserting in lieu thereof ''to the Secretaries''; and

(C) by striking out ''Secretary may'' and inserting in lieu thereof ''Secretaries may'';

(4) in subsection (c)(2)—

(A) by inserting ''of Defense, and the Secretary of Transportation with respect to the Coast Guard,'' after ''The Secretary''; and

(B) by inserting ''involved'' after ''unless the Secretary'';

(5) in subsection (c)(3), by striking out ''Secretary'' both places it appears and inserting in lieu thereof ''Secretaries'';

(6) in subsection (d)—

(A) in paragraph (1) by inserting ''and the Secretary of Transportation'' after ''Secretary of Defense''; and

(B) by inserting ''involved'' after ''Secretary'' each place it appears in paragraphs (2) through (5); and

(7) in subsection (e)—

(A) in paragraph (1), by inserting '', and the Secretary of Transportation with respect to the Coast Guard,'' after ''the Secretary of Defense''; and

(B) in paragraph (2), by inserting ''involved'' after ''The Secretary''.

(f) UPWARD BOUND.—Section 4466 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1143

note) is amended by adding at the end the following new subsection:

''(h) APPLICATION TO COAST GUARD.—The Secretary of Transportation may implement the provisions of this section for the Coast Guard in the same manner and to the same extent as such section applies to the Department of Defense.''.

(g) SERVICE MEMBERS OCCUPATIONAL CONVERSION AND TRAINING.—(1) Section 4483(1) of the Service Members Occupational Conversion and Training Act of 1992 (subtitle G of title XLIV of Public Law 102–484; 10 U.S.C. 1143 note) is amended by inserting before the period the following: ''and the Secretary of Transportation with respect to the Coast Guard''.

(2) As soon as possible after the date of the enactment of this Act, the Secretary of Transportation shall implement the requirements of the Service Members Occupational Conversion and Training Act of 1992 (subtitle G of title XLIV of Public Law 102–484; 10 U.S.C. 1143 note) for the Coast Guard.

(h) LIMITATIONS ON FUNDING.—Funds appropriated or otherwise made available to the Department of Defense, the Department of Education, the Department of Labor, or the Department of Veterans Affairs may not be used to

carry out subsection (a) or the amendments made by this section.

SEC. 1138. ASSISTANCE FOR CERTAIN WORKERS DISLOCATED DUE TO REDUCTIONS BY THE UNITED STATES IN THE EXPORT OF DEFENSE ARTICLES AND SERVICES.

(a) ASSISTANCE UNDER THE DEFENSE CONVERSION ADJUSTMENT PROGRAM.—Section 325 of the Job Training Partnership Act (29 U.S.C. 1662d) is amended—

(1) in subsection (a), by striking out ''or by closures of United States military facilities'' each place it appears and inserting in lieu thereof '', by closures of United States military facilities, or by reductions in the export of defense articles and defense services as a result of United States policy, including reductions in the amount of defense articles and defense services under agreements to provide such articles or services or through termination or completion of any such agreements'';

(2) in subsection (d), by striking out ''or by the closure of United States military installations'' and inserting in lieu thereof '', by closures of United States military facilities, or by reductions in the export of defense articles and defense services as a result of United States policy, including reductions in the

amount of defense articles and defense services under agreements to provide such articles or services or through termination or completion of any such agreements''; and

(3) by adding at the end the following new subsection:

''(f) DEFINITION.—For purposes of this section, the term 'defense articles and defense services' means defense articles, defense services, or design and construction services under the Arms Export Control Act, including defense articles and defense services licensed or approved for export under section 38 of that Act.''.

(b) ASSISTANCE UNDER THE DEFENSE DIVERSIFICATION PROGRAM.—Section 325A of the Job Training Partnership Act (29 U.S.C. 1662d–1) is amended—

(1) in subsection (b)(3)(A), by striking out ''or the closure or realignment of a military installation'' and inserting in lieu thereof '', the closure or realignment of a military installation, or reductions in the export of defense articles and defense services as a result of United States policy, including reductions in the amount of defense articles and defense services under agreements to provide such articles or services or through termination or completion of any such agreements'';

(2) in subsection (k)(1), by striking out ''or by the closure of United States military installations'' and inserting in lieu thereof '', the closure of United States military installations, or reductions in the export of defense articles and defense services as a result of United States policy, including reductions in the amount of defense articles and defense services under agreements to provide such articles or services or through termination or completion of any such agreements''; and

(3) in subsection (o), by adding at the end the following new paragraph:

''(3) DEFENSE ARTICLES AND DEFENSE SERVICES.—The term 'defense articles and defense services' means defense articles, defense services, or design and construction services under the Arms Export Control Act, including defense articles and defense services licensed or approved for export under section 38 of that Act.''.

Subtitle D—ARMS Initiative

SEC. 1141. EXTENSION OF ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.

Section 193(a) of the Armament Retooling and Manufacturing Support Act of 1992 (subtitle H of title I of Public Law 102–484; 10 U.S.C. 2501 note) is amended by striking

out ''fiscal years 1993 and 1994'' and inserting in lieu thereof ''fiscal years 1993 through 1995''.

SEC. 1142. LOAN GUARANTEES UNDER ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.

Section 193 of the Armament Retooling and Manufacturing Support Act of 1992 (subtitle H of title I of Public Law 102–484; 10 U.S.C. 2501 note) is amended by adding at the end the following new subsection:

''(d) LOAN GUARANTEES TO SUPPORT ARMS INITIATIVE.—(1) Subject to the availability of appropriations for this purpose, the Secretary of the Army may support the purposes of the ARMS Initiative by conducting a program to issue guarantees during fiscal year 1995 against the risk of nonpayment arising out of loans provided to businesses establishing commercial activities on inactive and active ammunition manufacturing facilities of the Department of the Army. During fiscal year 1995, the subsidy cost of loan guarantees issued under the loan guarantee program may not exceed $43,000,000.

''(2) Applications for guarantees under the loan guarantee program shall be submitted to the Secretary of the Army. The maximum amount of loan principal that the Secretary may guarantee under loan guarantee program with respect to any loan may not exceed $20,000,000. Any

such loan shall provide for repayment over a period not to exceed 10 years.

''(3) The Secretary of the Army may enter into a cooperative agreement with an appropriate Federal agency, under which such agency will process applications submitted under paragraph (2) and otherwise operate the loan guarantee program on behalf of the Secretary of the Army. From funds made available for the loan guarantee program, the Secretary of the Army may transfer to such agency pursuant to the agreement such sums as may be necessary for such agency to carry out its activities under the loan guarantee program.''.

Subtitle E—Other Matters

SEC. 1151. CHANGES IN NOTICE REQUIREMENTS UPON PENDING OR ACTUAL TERMINATION OF DEFENSE PROGRAMS.

(a) TIME FOR NOTICE REQUIREMENT AFTER SUBMISSION OF BUDGET.—Subsection (a) of section 4471 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 106 Stat. 2753; 10 U.S.C. 2501 note) is amended—

(1) by striking out ''As soon as reasonably practicable'' and inserting in lieu thereof ''Not later than 30 days''; and

(2) by striking out ''and not more than 180 days after such date,''.

(b) TIME FOR NOTICE REQUIREMENT AFTER ENACTMENT OF APPROPRIATIONS ACT.—Subsection (b) of such section is amended—

(1) by striking out ''as soon as reasonably practicable'' and inserting in lieu thereof ''not later than 30 days''; and

(2) by striking out ''and not more than 180 days after such date,''.

(c) TIME FOR NOTICE REQUIREMENT ON WITHDRAWAL OF NOTIFICATION.—Subsection (f) of such section is amended—

(1) by striking out ''as soon as reasonably practicable'' and inserting in lieu thereof ''not later than 30 days''; and

(2) by striking out ''and not more than 45 days after such date,''.

SEC. 1152. PLAN FOR DEPLOYMENT OF DEFENSE ENVIRONMENTAL TECHNOLOGIES FOR DREDGING OF DUAL-USE PORTS.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a plan for the Department of Defense to encourage the further development and deployment of existing defense

environmental technologies in support of the dredging requirements of dual-use ports, including—

(1) the environmentally secure containment and management of contaminated dredged materials; and

(2) the decontamination of dredged materials.

(b) MATTERS TO BE INCLUDED.—The plan to be established pursuant to subsection (a) shall include the following:

(1) A description of defense reinvestment and defense conversion programs under chapter 148 of title 10, United States Code, that are available to facilitate the deployment of defense environmental technologies in support of the dredging requirements of dual-use ports.

(2) A description of existing defense environmental technologies and processes that are available to support the objectives of the plan to be established pursuant to subsection (a).

(3) Recommendations for strategies to deploy such technologies and processes to ports of various sizes, including—

(A) ports with projects requiring more than 5,000,000 cubic yards of sediment to be dredged annually;

(B) ports with projects requiring more than 1,000,000 cubic yards of sediment to be dredged annually;

(C) ports that have been affected by, or are likely to be affected by, the closure of one or more major military installations and that, as a result thereof, require substantial environmental remediation; and

(D) military port installations that have experienced significant delays in advancing dredging projects because of environmental compliance or dredged material disposal problems.

(4) After consultation with the heads of other appropriate Federal agencies, an assessment of other available technologies and processes that may be used in support of the plan to be established pursuant to subsection (a).

(5) An assessment of the potential benefits and methods of transfer of technologies and processes for use in connection with dredging processes in commercial ports and waterways.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall transmit to Congress a report containing the plan to be established pursuant to subsection (a).

SEC. 1153. PILOT PROGRAM TO DEVELOP AND DEMONSTRATE ENVIRONMENTAL REMEDIATION TECHNOLOGIES.

(a) COOPERATIVE AGREEMENT FOR PILOT PROGRAM.—(1) The Secretary of Defense may enter into a cooperative agreement with an institution of higher education for the purpose of facilitating the development and demonstration of new methods and technologies for more effective and expedient environmental remediation at military installations by engaging in a pilot demonstration project as provided in subsection (b).

(2) If the Secretary enters into a cooperative agreement under paragraph (1), the agreement shall authorize the institution of higher education to enter into partnerships or other relationships with private and public entities for purposes of conducting activities under the cooperative agreement.

(b) PILOT PROJECT AT DEFENSE LANDFILL.—(1) If the Secretary enters into a cooperative agreement under subsection (a)(1), the agreement shall authorize the institution of higher education to participate in a cooperative pilot demonstration project at a Government landfill described in paragraph (2) if such demonstration project can be carried out in a manner that is consistent with all other actions at such landfill that the Secretary is legally required to undertake. The institution of higher education may en-

gage in such project on a long-term basis to address the broader issues of environmental remediation and conversion of facilities of the Department of Defense.

(2) The Government landfill referred to in paragraph (1) is a Government landfill that—

(A) is listed on the National Priorities List pursuant to section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)); and

(B) is located on a military installation to be closed pursuant to a base closure law.

(c) FUNDING.—(1) There is authorized to be appropriated to the Secretary of Defense for fiscal year 1995 $4,000,000 for the establishment of the cooperative agreement and the activities necessary to conduct the pilot project.

(2) The amount authorized in section 201 for the joint Department of Defense and Department of Energy munitions technology development program for fiscal year 1995 is hereby reduced by $4,000,000.

TITLE XII—COOPERATIVE THREAT REDUCTION, COUNTERPROLIFERATION, AND RELATED MATTERS

Subtitle A—Cooperative Threat Reduction

SEC. 1201. REPORT ON ACCOUNTING FOR UNITED STATES ASSISTANCE.

(a) REQUIRED REPORT.—Of the amount authorized to be appropriated in section 301 for Cooperative Threat Reduction programs, not more than 10 percent may be obligated until the Secretary of Defense submits to Congress a report on the efforts made by the United States Government (including the use of audits, examinations, and on-site inspections) to ensure that United States assistance provided under the Cooperative Threat Reduction program in fiscal year 1994 and prior years is fully accounted for and is being used for its intended purposes.

(b) INFORMATION TO BE INCLUDED.—The report—

(1) shall include—

(A) a listing of United States Cooperative Threat Reduction assistance provided as of the time the report is submitted;

(B) a description of the whereabouts and conditions of the aid; and

(C) a determination of whether the aid in question has been used for its intended purpose; and

(2) shall describe the activities planned in fiscal year 1995 to ensure that United States assistance provided that fiscal year is fully accounted for and is used for its intended purpose.

(c) COMPTROLLER GENERAL ASSESSMENT.—Not later than 30 days after the date on which the report described in subsection (a) is submitted to Congress, the Comptroller General of the United States shall submit to Congress a report giving the Comptroller General's assessing the Secretary's report and making any recommendations the Comptroller General considers appropriate.

SEC. 1202. REPORT ON CONTROL AND ACCOUNTABILITY OF MATERIAL RELATING TO WEAPONS OF MASS DESTRUCTION.

The Secretary of Defense shall submit to Congress a report on progress being made in each state of the former Soviet Union that is a recipient of assistance under Cooperative Threat Reduction programs toward the development of an effective system of control and accountability for material related to weapons of mass destruction in that country. Under such a system, officials of the United States and of the recipient country should have an accurate accounting

of the weapons of mass destruction in that country and the fissile and chemical materials from those weapons. The report shall be submitted not later than three months after the date of the enactment of this Act.

SEC. 1203. COOPERATIVE THREAT REDUCTION.

(a) FUNDING REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress a report as described in subsection (b) on funding for programs of cooperative threat reduction with states of the former Soviet Union. The report shall be submitted at the time of the transmission to Congress of the budget justification materials for the funding request in the fiscal year 1996 budget for such cooperative threat reduction programs.

(b) MATTERS TO BE INCLUDED IN ANNUAL REPORT.—The Secretary of Defense shall include in the report under subsection (a) the following:

(1) An estimate of the total amount that will be required to be expended by the United States in order to achieve the objectives of cooperative threat reduction programs.

(2) A multiyear plan for the use of amounts and other resources provided by the United States for cooperative threat reduction programs and to provide guidance for preparation of annual budget submissions.

(c) SUBSEQUENT REVISIONS TO REPORT.—The Secretary of Defense shall submit an updated version of the report under subsection (a) for any fiscal year after fiscal year 1996 for which the budget of the President proposes that funds be appropriated to the Department of Defense for cooperative threat reduction programs.

(d) FISCAL YEAR 1995 LIMITATION.—Of the amount authorized in this Act for cooperative threat reduction programs, the sum of $50,000,000 may not be obligated until the President certifies to Congress that the United States is making a concerted effort to ensure that allies of the United States are increasing their levels of support for activities that will aid in accomplishing the objectives of the cooperative threat reduction programs.

(e) COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of this section, cooperative threat reduction programs are those programs described in section 1203(b) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1778).

SEC. 1204. LIMITATIONS ON COOPERATIVE THREAT REDUCTION PROGRAM.

Of the amount authorized to be appropriated in section 301(21) for Former Soviet Union Threat Reduction programs—

(1) none of such amounts may be obligated for environmental restoration or for housing of former or retired military personnel of the Soviet Union;

(2) not more than $60,000,000 may be obligated for the demilitarization of defense industries and the conversion of military technologies and capabilities into civilian activities;

(3) not more than $200,000,000 may be obligated for Weapons Dismantlement, Destruction, and Denuclearization;

(4) not more than $60,000,000 may be obligated for Safety and Security, Transportation, and Storage;

(5) not more than $40,000,000 may be obligated for Nonproliferation;

(6) not more than $20,000,000 may be obligated for Defense and Military-to-Military Contacts; and

(7) not more than $20,000,000 may be obligated for Research, Support, and Overhead.

Subtitle B—Counterproliferation Activities

SEC. 1211. EXTENSION AND REVISION OF COUNTER-PROLIFERATION AUTHORITIES.

(a) EXTENSION OF INTERNATIONAL NONPROLIFERATION AUTHORITIES.—Section 1505 of the National Defense

Authorization Act for Fiscal Year 1993 (22 U.S.C. 5859a) is amended—

(1) in subsection (a), by striking out ''during fiscal year 1994''; and

(2) in subsection (e), by striking out ''of fiscal year 1994'' and inserting in lieu thereof ''of a fiscal year''.

(b) ADDITIONAL NONPROLIFERATION AUTHORITIES.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by striking out ''the International Atomic Energy Agency (IAEA)'' and inserting in lieu thereof ''international organizations'';

(B) by striking out ''nuclear'';

(C) by striking out ''aggressive'' and inserting in lieu thereof ''effective''; and

(D) by striking out ''the Treaty on'' and all that follows in such paragraph and inserting in lieu thereof ''international agreements on nonproliferation.'';

(2) in paragraph (2), by striking out ''the On-Site Inspection Agency'' and inserting in lieu thereof ''the Department of Defense'';

(3) in paragraph (4), by striking out ''nuclear proliferation'' and all that follows in such paragraph

and inserting in lieu thereof ''proliferation of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons.''; and

(4) by adding at the end the following new paragraph:

''(5) Activities supporting the dismantlement and destruction of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons.''.

(c) REPEAL OF FUNDING LIMITATIONS.—Subsection (d) of such section is amended—

(1) by striking out paragraphs (1) and (3); and

(2) by striking out ''(2)''.

(d) CROSS REFERENCE AMENDMENT.—Subsection (e)(2) of such section is amended by striking out ''and under subsection (d)(4)''.

SEC. 1212. STUDIES RELATING TO UNITED STATES COUNTERPROLIFERATION POLICY.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1603 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 5859a; 107 Stat. 1843) is amended by striking out ''During fiscal year 1994, the Secretary'' and inserting in lieu thereof ''The Secretary'';

(b) REPEAL OF REPORTING REQUIREMENT.—Such section is further amended—

(1) by striking out subsections (d) and (e); and

(2) by redesignating subsection (f) as subsection (d).

SEC. 1213. FISCAL YEAR 1995 AMOUNT.

(a) FISCAL YEAR 1995 AMOUNT.—Of the total amount authorized to be appropriated in section 301 for Defense-wide activities, $30,159,000 is available for the purposes of conducting counterproliferation activities.

(b) RESTRICTION.—None of the amount specified in subsection (a) may be obligated until 15 days after the date on which the Secretary of Defense submits to the congressional committees named in section 1607(1) of Public Law 103–160 a report setting forth—

(1) a description of all of the activities within the Department of Defense that are being carried out or are to be carried out for the purposes stated in section 1603 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 5859a; 107 Stat. 1843);

(2) the plan for coordinating and integrating those activities within the Department of Defense;

(3) the plan for coordinating and integrating those activities with those of other Federal agencies; and

(4) the sources of the funds to be used for such purposes.

SEC. 1214. LIMITATION ON FUNDS FOR STUDIES PENDING RECEIPT OF PREVIOUSLY REQUIRED REPORT.

(a) LIMITATION.—Of the total amount specified in section 1213(a) for counterproliferation activities for fiscal year 1995, $2,000,000 shall be withheld from obligation until the report described in subsection (b) has been submitted to Congress.

(b) REPORT.—The report referred to in subsection (a) is the report required to be submitted to Congress not later than May 30, 1994, pursuant to section 1422 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1829).

TITLE XIII—RESERVE OFFICER PERSONNEL MANAGEMENT ACT (ROPMA)

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Reserve Officer Personnel Management Act''.

SEC. 1302. REFERENCES TO TITLE 10, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision,

the reference shall be considered to be made to a section or other provision of title 10, United States Code.

Subtitle A—Reserve Officer Personnel Management

PART I—REVISED AND STANDARDIZED RESERVE OFFICER PERSONNEL SYSTEM

SEC. 1311. PROMOTION AND RETENTION OF RESERVE OFFICERS.

Title 10, United States Code, is amended by adding at the end the following new subtitle:

"Subtitle E—Reserve Components

"PART I—ORGANIZATION AND ADMINISTRATION

"Chap.		Sec.
"1001.	Definitions	10001
"1003.	Reserve Components Generally	10101
"1005.	Elements of Reserve Components	10141
"1007.	Administration of Reserve Components	10201
"1009.	Reserve Forces Policy Boards and Committees	10301
"1011.	National Guard Bureau	10501
"1013.	Budget Information and Annual Reports to Congress	10541

"PART II—PERSONNEL GENERALLY

"1201.	Authorized Strengths and Distribution in Grade	12001
"1203.	Enlisted Members	12101
"1205.	Appointment of Reserve Officers	12201
"1207.	Warrant Officers	12241
"1209.	Active Duty	12301
"1211.	National Guard Members in Federal Service	12401
"1213.	Special Appointments, Assignments, Details, and Duties	12501
"1215.	Miscellaneous Prohibitions and Penalties	[No present sections]
"1217.	Miscellaneous Rights and Benefits	12601
"1219.	Standards and Procedures for Retention and Promotion	12641
"1221.	Separation	12681
"1223.	Retired Pay for Non-Regular Service	12731
"1225.	Retired Grade	12771

"PART III—PROMOTION AND RETENTION OF OFFICERS ON THE RESERVE ACTIVE-STATUS LIST

"1401.	Applicability and Reserve Active-Status Lists	14001
"1403.	Selection Boards	14101

''1405. Promotions 14301
''1407. Failure of Selection for Promotion and Involuntary Separation 14501
''1409. Continuation of Officers on the Reserve-Active Status List and Selective Early Removal 14701
''1411. Additional Provisions Relating to Involuntary Separation 14901

''PART IV—TRAINING FOR RESERVE COMPONENTS AND EDUCATIONAL ASSISTANCE PROGRAMS

''1601. Training Generally ..... [No present sections]
''1606. Educational Assistance for Members of the Selected Reserve 16131
''1608. Health Professions Stipend Program 16201
''1609. Education Loan Repayments 16301

''PART V—SERVICE, SUPPLY, AND PROCUREMENT

''1801. Issue of Serviceable Material to Reserve Components .... [No present sections]
''1803. Facilities for Reserve Components 18231
''1805. Miscellaneous Provisions 18501

''PART III—PROMOTION AND RETENTION OF OFFICERS ON THE RESERVE ACTIVE-STATUS LIST

''Chap. Sec.
''1401. Applicability and Reserve Active-Status Lists 14001
''1403. Selection Boards 14101
''1405. Promotions 14301
''1407. Failure of Selection for Promotion and Involuntary Separation 14501
''1409. Continuation of Officers on the Reserve Active-Status List and Selective Early Removal 14701
''1411. Additional Provisions Relating to Involuntary Separation 14901

''CHAPTER 1401—APPLICABILITY AND RESERVE ACTIVE-STATUS LISTS

''Sec.
''14001. Applicability of this part.
''14002. Reserve active-status lists: requirement for each armed force.
''14003. Reserve active-status lists: position of officers on the list.
''14004. Reserve active-status lists: eligibility for Reserve promotion.
''14005. Competitive categories.
''14006. Determination of years in grade.

''§ 14001. Applicability of this part

''This chapter and chapters 1403 through 1411 of this title apply, as appropriate, to all reserve officers of the

Army, Navy, Air Force, and Marine Corps except warrant officers.

"§ 14002. Reserve active-status lists: requirement for each armed force

"(a) The Secretary of each military department shall maintain a single list, to be known as the reserve active-status list, for each armed force under the Secretary's jurisdiction. That list shall include the names of all reserve officers of that armed force who are in an active status other than those on an active-duty list described in section 620 of this title or warrant officers (including commissioned warrant officers).

"(b) The reserve active-status list for the Army shall include officers in the Army Reserve and the Army National Guard of the United States. The reserve active-status list for the Air Force shall include officers in the Air Force Reserve and the Air National Guard of the United States. The Secretary of the Navy shall maintain separate lists for the Naval Reserve and the Marine Corps Reserve.

"§ 14003. Reserve active-status: position of officers on the list

"(a) POSITION ON LIST.—Officers shall be carried on the reserve active-status list of the armed force of which they are members in the order of seniority of the grade in which they are serving in an active status. Officers serving in the

same grade shall be carried in the order of their rank in that grade.

''(b) EFFECT ON POSITION HELD BY REASON OF TEMPORARY APPOINTMENT OR ASSIGNMENT.—An officer whose position on the reserve active-status list results from service under a temporary appointment or in a grade held by reason of assignment to a position has, when that appointment or assignment ends, the grade and position on that list that the officer would have held if the officer had not received that appointment or assignment.

''§ 14004. Reserve active-status lists: eligibility for Reserve promotion

''Except as otherwise provided by law, an officer must be on a reserve active-status list to be eligible under chapter 1405 of this title for consideration for selection for promotion or for promotion.

''§ 14005. Competitive categories

''Each officer whose name appears on a reserve active-status list shall be placed in a competitive category. The competitive categories for each armed force shall be specified by the Secretary of the military department concerned under regulations prescribed by the Secretary of Defense. Officers in the same competitive category shall compete among themselves for promotion.

"§ 14006. Determination of years in grade

''For the purpose of chapters 1403 through 1411 of this title, an officer's years of service in a grade are computed from the officer's date of rank in grade as determined under section 741(d) of this title.

"CHAPTER 1403—SELECTION BOARDS

''Sec.
''14101. Convening of selection boards.
''14102. Selection boards: appointment and composition.
''14103. Oath of members.
''14104. Confidentiality of board proceedings.
''14105. Notice of convening of selection board.
''14106. Communication with board by officers under consideration.
''14107. Information furnished by the Secretary concerned to promotion boards.
''14108. Recommendations by promotion boards.
''14109. Reports of promotion boards: in general.
''14110. Reports of promotion boards: review by Secretary.
''14111. Reports of selection boards: transmittal to President.
''14112. Dissemination of names of officers selected.

"§ 14101. Convening of selection boards

''(a) PROMOTION BOARDS.—(1) Whenever the needs of the Army, Navy, Air Force, or Marine Corps require, the Secretary concerned shall convene a selection board to recommend for promotion to the next higher grade, under chapter 1405 of this title, officers on the reserve active-status list of that armed force in a permanent grade from first lieutenant through brigadier general or, in the case of the Naval Reserve, lieutenant (junior grade) through rear admiral (lower half). A selection board convened under this subsection shall be known as a 'promotion board'.

''(2) A promotion board convened to recommend reserve officers of the Army or reserve officers of the Air Force

for promotion (A) to fill a position vacancy under section 14315 of this title, or (B) to the grade of brigadier general or major general, shall (except in the case of a board convened to consider officers as provided in section 14301(e) of this title) be known as a 'vacancy promotion board'. Any other promotion board convened under this subsection shall be known as a 'mandatory promotion board'.

''(b) CONTINUATION BOARDS.—Whenever the needs of the Army, Navy, Air Force, or Marine Corps require, the Secretary concerned may convene a selection board to recommend officers of that armed force—

''(1) for continuation on the reserve active-status list under section 14701 of this title;

''(2) for selective early removal from the reserve active-status list under section 14704 of this title; or

''(3) for selective early retirement under section 14705 of this title.

A selection board convened under this subsection shall be known as a 'continuation board'.

''§ 14102. Selection boards: appointment and composition

''(a) APPOINTMENT.—Members of selection boards convened under section 14101 of this title shall be appointed by the Secretary of the military department concerned in accordance with this section. Promotion boards and special

selection boards shall consist of five or more officers. Continuation boards shall consist of three or more officers. All of the officers of any such selection board shall be of the same armed force as the officers under consideration by the board.

"(b) COMPOSITION.—At least one-half of the members of such a selection board shall be reserve officers, to include at least one reserve officer from each reserve component from which officers are to be considered by the board. Each member of a selection board must hold a permanent grade higher than the grade of the officers under consideration by the board, and no member of a board may hold a grade below major or lieutenant commander.

"(c) REPRESENTATION OF COMPETITIVE CATEGORIES.—(1) Except as provided in paragraph (2), a selection board shall include at least one officer from each competitive category of officers to be considered by the board.

"(2) A selection board need not include an officer from a competitive category to be considered by the board if there is no officer of that competitive category on the reserve active-status list or the active-duty list in a permanent grade higher than the grade of the officers to be considered by the board and otherwise eligible to serve on the board. However, in such a case, the Secretary of the military department

concerned, in his discretion, may appoint as a member of the board a retired officer of that competitive category who is in the same armed force as the officers under consideration by the board who holds a higher grade than the grade of the officers under consideration.

''(d) PROHIBITION OF SERVICE ON CONSECUTIVE PROMOTION BOARDS.—No officer may be a member of two successive promotion boards convened under section 14101(a) of this title for the consideration of officers of the same competitive category and grade if the second of the two boards is to consider any officer who was considered and not recommended for promotion to the next higher grade by the first of the two boards.

''§ 14103. Oath of members

''Each member of a selection board convened under section 14101 of this title shall take an oath to perform the duties of a member of the board without prejudice or partiality, having in view both the special fitness of officers and the efficiency of the member's armed force.

''§ 14104. Confidentiality of board proceedings

''Except as otherwise authorized or required by law, the proceedings of a selection board convened under section 14101 of this title may not be disclosed to any person not a member of the board.

"§ 14105. Notice of convening of promotion board

"(a) REQUIRED NOTICE.—At least 30 days before a promotion board is convened under section 14101(a) of this title to consider officers in a grade and competitive category for promotion to the next higher grade, the Secretary concerned shall either (1) notify in writing the officers eligible for consideration by the board for promotion regarding the convening of the board, or (2) issue a general written notice to the armed force concerned regarding the convening of the board.

"(b) CONTENT OF NOTICE.—A notice under subsection (a) shall include the date on which the board is to convene and (except in the case of a vacancy promotion board) the name and date of rank of the junior officer, and of the senior officer, in the promotion zone as of the date of the notice.

"§ 14106. Communication with board by officers under consideration

"Subject to regulations prescribed by the Secretary of the military department concerned, an officer eligible for consideration by a promotion board convened under section 14101(a) of this title who is in the promotion zone or above the promotion zone, or who is to be considered by a vacancy promotion board, may send a written communication to the board calling attention to any matter concerning the officer which the officer considers important to the officer's case. Any such communication shall be sent so as to arrive not

later than the date on which the board convenes. The board shall give consideration to any timely communication under this section.

"§ 14107. Information furnished by the Secretary concerned to promotion boards

"(a) INTEGRITY OF THE PROMOTION SELECTION BOARD PROCESS.—(1) The Secretary of Defense shall prescribe regulations governing information furnished to selection boards convened under section 14101(a) of this title. Those regulations shall apply uniformly among the military departments. Any regulations prescribed by the Secretary of a military department to supplement those regulations may not take effect without the approval of the Secretary of Defense in writing.

"(2) No information concerning a particular eligible officer may be furnished to a selection board except for the following:

"(A) Information that is in the officer's official military personnel file and that is provided to the selection board in accordance with the regulations prescribed by the Secretary of Defense pursuant to paragraph (1).

"(B) Other information that is determined by the Secretary of the military department concerned, after review by that Secretary in accordance with

standards and procedures set out in the regulations prescribed by the Secretary of Defense pursuant to paragraph (1), to be substantiated, relevant information that could reasonably and materially affect the deliberations of the promotion board.

"(C) Subject to such limitations as may be prescribed in those regulations, information communicated to the board by the officer in accordance with this section, section 14106 of this title (including any comment on information referred to in subparagraph (A) regarding that officer), or other applicable law.

"(D) A factual summary of the information described in subparagraphs (A), (B), and (C) that, in accordance with the regulations prescribed pursuant to paragraph (1) is prepared by administrative personnel for the purpose of facilitating the work of the selection board.

"(3) Information provided to a promotion board in accordance with paragraph (2) shall be made available to all members of the board and shall be made a part of the record of the board. Communication of such information shall be in a written form or in the form of an audio or video recording. If a communication is in the form of an audio or video recording, a written transcription of the recording

shall also be made a part of the record of the promotion board.

"(4) Paragraphs (2) and (3) do not apply to the furnishing of appropriate administrative processing information to the promotion board by an administrative staff designated to assist the board, but only to the extent that oral communications are necessary to facilitate the work of the board.

"(5) Information furnished to a promotion board that is described in subparagraph (B), (C), or (D) of paragraph (2) may not be furnished to a later promotion board unless—

"(A) the information has been properly placed in the official military personnel file of the officer concerned; or

"(B) the information is provided to the later selection board in accordance with paragraph (2).

"(6)(A) Before information described in paragraph (2)(B) regarding an eligible officer is furnished to a selection board, the Secretary of the military department concerned shall ensure—

"(i) that such information is made available to such officer; and

"(ii) that the officer is afforded a reasonable opportunity to submit comments on that information to the promotion board.

"(B) If an officer cannot be given access to the information referred to in subparagraph (A) because of its classification status, the officer shall, to the maximum extent practicable, be furnished an appropriate summary of the information.

"(b) INFORMATION TO BE FURNISHED.—The Secretary of the military department concerned shall furnish to a promotion board convened under section 14101(a) of this title the following:

"(1) In the case of a mandatory promotion board, the maximum number (as determined in accordance with section 14307 of this title) of officers in each competitive category under consideration that the board is authorized to recommend for promotion to the next higher grade.

"(2) The name of each officer in each competitive category under consideration who is to be considered by the board for promotion.

"(3) The pertinent records (as determined by the Secretary) of each officer whose name is furnished to the board.

"(4) Information or guidelines relating to the needs of the armed force concerned for officers having particular skills, including (except in the case of a vacancy promotion board) guidelines or information relating to either a minimum number or a maximum number of officers with particular skills within a competitive category.

"(5) Such other information or guidelines as the Secretary concerned may determine to be necessary to enable the board to perform its functions.

"(c) LIMITATION ON MODIFYING FURNISHED INFORMATION.—Information or guidelines furnished to a selection board under subsection (a) may not be modified, withdrawn, or supplemented after the board submits its report to the Secretary of the military department concerned pursuant to section 14109(a) of this title. However, in the case of a report returned to a board pursuant to section 14110(a) of this title for further proceedings because of a determination by the Secretary of the military department concerned that the board acted contrary to law, regulation, or guidelines, the Secretary may modify, withdraw, or supplement such information or guidelines as part of a written explanation to the board as provided in that section.

"(d) OFFICERS IN HEALTH-PROFESSIONS COMPETITIVE CATEGORIES.—The Secretary of each military depart-

ment, under uniform regulations prescribed by the Secretary of Defense, shall include in guidelines furnished to a promotion board convened under section 14101(a) of this title that is considering officers in a health-professions competitive category for promotion to a grade below colonel or, in the case of officers of the Naval Reserve, captain, a direction that the board give consideration to an officer's clinical proficiency and skill as a health professional to at least as great an extent as the board gives to the officer's administrative and management skills.

"§ 14108. Recommendations by promotion boards

"(a) RECOMMENDATION OF BEST QUALIFIED OFFICERS.—A promotion board convened under section 14101(a) of this title shall recommend for promotion to the next higher grade those officers considered by the board whom the board considers best qualified for promotion within each competitive category considered by the board or, in the case of a vacancy promotion board, among those officers considered to fill a vacancy. In determining those officers who are best qualified for promotion, the board shall give due consideration to the needs of the armed force concerned for officers with particular skills (as noted in the guidelines or information furnished the board under sections 14107 of this title).

"(b) MAJORITY REQUIRED.—A promotion board convened under section 14101(a) of this title may not recommend an officer for promotion unless—

"(1) the officer receives the recommendation of a majority of the members of the board; and

"(2) a majority of the members of the board finds that the officer is fully qualified for promotion.

"(c) BOARD RECOMMENDATION REQUIRED FOR PROMOTION.—Except as otherwise provided by law, an officer on the reserve active-status list may not be promoted to a higher grade under chapter 1405 of this title unless the officer is considered and recommended for promotion to that grade by a promotion board convened under section 14101(a) of this title (or by a special selection board convened under section 14502 of this title).

"(d) DISCLOSURE OF BOARD RECOMMENDATIONS.—The recommendations of a promotion board may be disclosed only in accordance with regulations prescribed by the Secretary of Defense. Those recommendations may not be disclosed to a person not a member of the board (or a member of the administrative staff designated by the Secretary concerned to assist the board) until the written report of the recommendations of the board, required by section 14109 of this title, is signed by each member of the board.

"(e) PROHIBITION OF COERCION AND UNAUTHORIZED INFLUENCE OF ACTIONS OF BOARD MEMBERS.—The Secretary convening a promotion board under section 14101(a) of this title, and an officer or other official exercising authority over any member of a selection board, may not—

"(1) censure, reprimand, or admonish the selection board or any member of the board with respect to the recommendations of the board or the exercise of any lawful function within the authorized discretion of the board; or

"(2) attempt to coerce or, by any unauthorized means, influence any action of a promotion board or any member of a promotion board in the formulation of the board's recommendations.

"§ 14109. Reports of promotion boards: in general

"(a) REPORT OF OFFICERS RECOMMENDED FOR PROMOTION.—Each promotion board convened under section 14101(a) of this title shall submit to the Secretary of the military department concerned a report in writing containing a list of the names of the officers recommended by the board for promotion. The report shall be signed by each member of the board.

"(b) CERTIFICATION.—Each report under subsection (a) shall include a certification—

"(1) that the board has carefully considered the record of each officer whose name was furnished to the board; and

"(2) that, in the case of a promotion board convened under section 14101(a) of this title, in the opinion of a majority of the members of the board, the officers recommended for promotion by the board are best qualified for promotion to meet the needs of the armed force concerned (as noted in the guidelines or information furnished the board under section 14107 of this title) among those officers whose names were furnished to the selection board.

"(c) SHOW-CAUSE RECOMMENDATIONS.—(1) A promotion board convened under section 14101(a) of this title shall include in its report to the Secretary concerned the name of any reserve officer before it for consideration for promotion whose record, in the opinion of a majority of the members of the board, indicates that the officer should be required to show cause for retention in an active status.

"(2) If such a report names an officer as having a record which indicates that the officer should be required to show cause for retention, the Secretary concerned may provide for the review of the record of that officer as provided under regulations prescribed under section 14902 of this title.

"§ 14110. Reports of promotion boards: review by Secretary

"(a) REVIEW OF REPORT.—Upon receipt of the report of a promotion board submitted under section 14109(a) of this title, the Secretary of the military department concerned shall review the report to determine whether the board has acted contrary to law or regulation or to guidelines furnished the board under section 14107(a) of this title. Following that review, unless the Secretary concerned makes a determination as described in subsection (b), the Secretary shall submit the report as required by section 14111 of this title.

"(b) RETURN OF REPORT FOR FURTHER PROCEEDINGS.—If, on the basis of a review of the report under subsection (a), the Secretary of the military department concerned determines that the board acted contrary to law or regulation or to guidelines furnished the board under section 14107(a) of this title, the Secretary shall return the report, together with a written explanation of the basis for such determination, to the board for further proceedings. Upon receipt of a report returned by the Secretary concerned under this subsection, the selection board (or a subsequent selection board convened under section 14101(a) of this title for the same grade and competitive category) shall conduct such proceedings as may be necessary in order to revise the report to be consistent with law, regulation, and

such guidelines and shall resubmit the report, as revised, to the Secretary in accordance with section 14109 of this title.

"§ 14111. Reports of selection boards: transmittal to President

"(a) TRANSMITTAL TO PRESIDENT.—The Secretary concerned, after final review of the report of a selection board under section 14110 of this title, shall submit the report with the Secretary's recommendations, to the Secretary of Defense for transmittal by the Secretary to the President for approval or disapproval. If the authority of the President to approve or disapprove the report of a promotion board is delegated to the Secretary of Defense, that authority may not be redelegated except to an official in the Office of the Secretary of Defense.

"(b) REMOVAL OF NAME FROM BOARD REPORT.—The name of an officer recommended for promotion by a selection board may be removed from the report of the selection board only by the President.

"(c) RECOMMENDATIONS FOR REMOVAL OF SELECTED OFFICERS FROM REPORT.—If the Secretary of a military department or the Secretary of Defense makes a recommendation under this section that the name of an officer be removed from the report of a promotion board and the recommendation is accompanied by information that was

not presented to that promotion board, that information shall be made available to that officer. The officer shall then be afforded a reasonable opportunity to submit comments on that information to the officials making the recommendation and the officials reviewing the recommendation. If an eligible officer cannot be given access to such information because of its classification status, the officer shall, to the maximum extent practicable, be provided with an appropriate summary of the information.

"§ 14112. Dissemination of names of officers selected

''Upon approval by the President of the report of a promotion board, the names of the officers recommended for promotion by the promotion board (other than any name removed by the President) may be disseminated to the armed force concerned. If those names have not been sooner disseminated, those names (other than the name of any officer whose promotion the Senate failed to confirm) shall be promptly disseminated to the armed force concerned upon confirmation by the Senate.

"CHAPTER 1405—PROMOTIONS

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''§ 14301. Eligibility for consideration for promotion: general rules

''(a) ONE-YEAR RULE.—An officer is eligible under this chapter for consideration for promotion by a promotion board convened under section 14101(a) of this title only if—

''(1) the officer is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps; and

''(2) during the one-year period ending on the date of the convening of the promotion board the officer has continuously performed service on either the reserve active-status list or the active-duty list (or on a combination of both lists).

''(b) REQUIREMENT FOR CONSIDERATION OF ALL OFFICERS IN AND ABOVE THE ZONE.—Whenever a promotion board (other than a vacancy promotion board) is convened under section 14101(a) of this title for consideration of officers in a competitive category who are eligible under this chapter for consideration for promotion to the next higher

grade, each officer in the promotion zone, and each officer above the promotion zone, for that grade and competitive category shall be considered for promotion.

"(c) PREVIOUSLY SELECTED OFFICERS NOT ELIGIBLE TO BE CONSIDERED.—A promotion board convened under section 14101(a) of this title may not consider for promotion to the next higher grade—

"(1) an officer whose name is on a promotion list for that grade as a result of recommendation for promotion to that grade by an earlier selection board convened under that section or section 14502 of this title or under chapter 36 of this title;

"(2) an officer who has been approved for Federal recognition by a board convened under section 307 of title 32 and nominated by the President for promotion to the next higher grade as a reserve of the Army or of the Air Force as the case may be; or

"(3) an officer who has been nominated by the President for promotion to the next higher grade under any other provision of law.

"(d) OFFICERS BELOW THE ZONE.—The Secretary of the military department concerned may, by regulation, prescribe procedures to limit the officers to be considered by a selection board from below the promotion zone to those officers who are determined to be exceptionally well quali-

fied for promotion. The regulations shall include criteria for determining which officers below the promotion zone are exceptionally well qualified for promotion.

"(e) RESERVE OFFICERS OF THE ARMY; CONSIDERATION FOR BRIGADIER GENERAL AND MAJOR GENERAL.—In the case of officers of the Army, if the Secretary of the Army determines that vacancies are authorized or anticipated in the reserve grades of major general or brigadier general for officers who are on the reserve active-status list and who are not assigned to units organized to serve as a unit and the Secretary convenes a mandatory promotion board under section 14101(a) of this title to consider officers for promotion to fill such vacancies, the Secretary may limit the officers to be considered by that board to those determined to be exceptionally well qualified for promotion under such criteria and procedures as the Secretary may by regulation prescribe.

"(f) CERTAIN RESERVE OFFICERS OF THE AIR FORCE.—A reserve officer of the Air Force who (1) is in the Air National Guard of the United States and holds the grade of lieutenant colonel, colonel, or brigadier general, or (2) is in the Air Force Reserve and holds the grade of colonel or brigadier general, is not eligible for consideration for promotion by a mandatory promotion board convened under section 14101(a) of this title.

"(g) NONCONSIDERATION OF OFFICERS SCHEDULED FOR REMOVAL FROM RESERVE ACTIVE-STATUS LIST.—The Secretary of the military department concerned may, by regulation, provide for the exclusion from consideration for promotion by a promotion board of any officer otherwise eligible to be considered by the board who has an established date for removal from the reserve active-status list that is not more than 90 days after the date on which the selection board for which the officer would otherwise be eligible is to be convened.

"§ 14302. Promotion zones

"(a) PROMOTION ZONES GENERALLY.—For purposes of this chapter, a promotion zone is an eligibility category for the consideration of officers by a mandatory promotion board. A promotion zone consists of those officers on the reserve active-status list who are in the same grade and competitive category and who meet the requirements of both paragraphs (1) and (2) or the requirements of paragraph (3), as follows:

"(1)(A) In the case of officers in grades below colonel, for reserve officers of the Army, Air Force, and Marine Corps, or captain, for officers of the Naval Reserve, those who have neither (i) failed of selection for promotion to the next higher grade, nor

(ii) been removed from a list of officers recommended for promotion to that grade.

"(B) In the case of officers in the grade of colonel or brigadier general, for reserve officers of the Army and Marine Corps, or in the grade of captain or rear admiral (lower half), for reserve officers of the Navy, those who have neither (i) been recommended for promotion to the next higher grade when considered in the promotion zone, nor (ii) been removed from a list of officers recommended for promotion to that grade.

"(2) Those officers who are senior to the officer designated by the Secretary of the military department concerned to be the junior officer in the promotion zone eligible for consideration for promotion to the next higher grade and the officer so designated.

"(3) Those officers who—

"(A) have been selected from below the zone for promotion to the next higher grade or by a vacancy promotion board, but whose names were removed from the list of officers recommended for promotion to that next higher grade resulting from that selection;

"(B) have not failed of selection for promotion to that next higher grade; and

"(C) are senior to the officer designated by the Secretary of the military department concerned to be the junior officer in the promotion zone eligible for consideration for promotion to that next higher grade and the officer so designated.

"(b) OFFICERS ABOVE THE ZONE.—Officers on the reserve active-status list are considered to be above the promotion zone for a grade and competitive category if they—

"(1) are eligible for consideration for promotion to the next higher grade;

"(2) are in the same grade as those officers in the promotion zone for that competitive category; and

"(3) are senior to the senior officer in the promotion zone for that competitive category.

"(c) OFFICERS BELOW THE ZONE.—Officers on the reserve active-status list are considered to be below the promotion zone for a grade and competitive category if they—

"(1) are eligible for consideration for promotion to the next higher grade;

"(2) are in the same grade as those officers in the promotion zone for that competitive category; and

"(3) are junior to the junior officer in the promotion zone for that competitive category.

"§ 14303. Eligibility for consideration for promotion: minimum years of service in grade

"(a) OFFICERS IN PAY GRADES O–1 AND O–2.—An officer who is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps and holds a permanent appointment in the grade of second lieutenant or first lieutenant as a reserve officer of the Army, Air Force, or Marine Corps, or in the grade of ensign or lieutenant (junior grade) as a reserve officer of the Navy, may not be promoted to the next higher grade, or granted Federal recognition in that grade, until the officer has completed the following years of service in grade:

"(1) Eighteen months, in the case of an officer holding a permanent appointment in the grade of second lieutenant or ensign.

"(2) Two years, in the case of an officer holding a permanent appointment in the grade of first lieutenant or lieutenant (junior grade).

"(b) OFFICERS IN PAY GRADES O–3 AND ABOVE.—Subject to subsection (d), an officer who is on the reserve active-status list of the Army, Air Force, or Marine Corps and holds a permanent appointment in a grade above first lieutenant, or who is on the reserve active-status list of the Navy in a grade above lieutenant (junior grade), may not be considered for selection for promotion to the next higher grade, or examined for Federal recognition in the next high-

er grade, until the officer has completed the following years of service in grade:

"(1) Three years, in the case of an officer of the Army, Air Force, or Marine Corps holding a permanent appointment in the grade of captain, major, or lieutenant colonel or in the case of a reserve officer of the Navy holding a permanent appointment in the grade of lieutenant, lieutenant commander, or commander.

"(2) One year, in the case of an officer of the Army, Air Force, or Marine Corps holding a permanent appointment in the grade of colonel or brigadier general or in the case of a reserve officer of the Navy holding a permanent appointment in the grade of captain or rear admiral (lower half).

This subsection does not apply to an adjutant general or assistant adjutant general of a State or to an appointment in a higher grade which is based upon a specific provision of law.

"(c) AUTHORITY TO LENGTHEN MINIMUM PERIOD IN GRADE.—The Secretary concerned may prescribe a period of service in grade for eligibility for promotion, in the case of officers to whom subsection (a) applies, or for eligibility for consideration for promotion, in the case of officers to

whom subsection (b) applies, that is longer than the applicable period specified in that subsection.

"(d) WAIVERS TO ENSURE TWO BELOW-THE-ZONE CONSIDERATIONS.—Subject to section 14307(b) of this title, the Secretary of the military department concerned may waive subsection (b) to the extent necessary to ensure that officers described in paragraph (1) of that subsection have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.

"§ 14304. Eligibility for consideration for promotion: maximum years of service in grade

"(a) CONSIDERATION FOR PROMOTION WITHIN SPECIFIED TIMES.—(1) Officers described in paragraph (3) shall be placed in the promotion zone for that officer's grade and competitive category, and shall be considered for promotion to the next higher grade by a promotion board convened under section 14101(a) of this title, far enough in advance of completing the years of service in grade specified in the following table so that, if the officer is recommended for promotion, the promotion may be effective on or before the date on which the officer will complete those years of service.

"Current Grade	*Maximum years of service in grade*
"First lieutenant or Lieutenant (junior grade)	*5 years*
"Captain or Navy Lieutenant	*7 years*
"Major or Lieutenant commander	*7 years*

"(2) Paragraph (1) is subject to subsections (a), (b), and (c) of section 14301 of this title and applies without regard to vacancies.

"(3) Paragraph (1) applies to an officer who is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps and who holds a permanent appointment in the grade of first lieutenant, captain, or major as a reserve of the Army, Air Force, or Marine Corps, or to an officer on the reserve active-status list of the Navy in the grade of lieutenant (junior grade), lieutenant, or lieutenant commander as a reserve of the Navy, and who, while holding that appointment, has not been considered by a selection board convened under section 14101(a) or 14502 of this title for promotion to the next higher grade.

"(b) PROMOTION DATE.—An officer holding a permanent grade specified in the table in subsection (a) who is recommended for promotion to the next higher grade by a selection board the first time the officer is considered for promotion while in or above the promotion zone and who is placed on an approved promotion list established under section 14308(a) of this title shall (if not promoted sooner or removed from that list by the President or by reason of declination) be promoted, without regard to the existence of a vacancy, on the date on which the officer completes the maximum years of service in grade specified in sub-

section (a). The preceding sentence is subject to the limitations of section 12011 of this title.

"(c) WAIVER AUTHORITY FOR NAVY AND MARINE CORPS RUNNING MATE SYSTEM.—If the Secretary of the Navy establishes promotion zones for officers on the reserve active-status list of the Navy or the Marine Corps Reserve in accordance with a running mate system under section 14306 of this title, the Secretary may waive the requirements of subsection (a) to the extent the Secretary considers necessary in any case in which the years of service for promotion, or for consideration for promotion, within those zones will exceed the maximum years of service in grade specified in subsection (a).

"§ 14305. Establishment of promotion zones: mandatory consideration for promotion

"(a) ESTABLISHMENT OF ZONE.—Before convening a mandatory promotion board under section 14101(a) of this title, the Secretary of the military department concerned shall establish a promotion zone for officers serving in each grade and competitive category to be considered by the board.

"(b) NUMBER IN THE ZONE.—The Secretary concerned shall determine the number of officers in the promotion zone for officers serving in any grade and competitive category from among officers who are eligible for promotion in that

grade and competitive category under the provisions of sections 14303 and 14304 of this title and who are otherwise eligible for promotion.

"(c) FACTORS IN DETERMINING NUMBER IN THE ZONE.—The Secretary's determination under subsection (b) shall be made on the basis of an estimate of the following:

"(1) The number of officers needed in that competitive category in the next higher grade in each of the next five years.

"(2) In the case of a promotion zone for officers to be promoted to a grade to which the maximum years of in grade criteria established in section 14304 of this title apply, the number of officers in that competitive category who are required to be considered for selection for promotion to the next higher grade under that section.

"(3) The number of officers that should be placed in the promotion zone in each of the next five years to provide to officers in those years relatively similar opportunities for promotion.

"§ 14306. Establishment of promotion zones: Naval Reserve and Marine Corps Reserve running mate system

"(a) AUTHORITY OF SECRETARY OF THE NAVY.—The Secretary of the Navy may by regulation implement section

14305 of this title by requiring that the promotion zone for consideration of officers on the reserve active-status list of the Navy or the Marine Corps for promotion to the next higher grade be determined in accordance with a running mate system as provided in subsection (b).

"(b) ASSIGNMENT OF RUNNING MATES.—An officer to whom a running mate system applies shall be assigned as a running mate an officer of the same grade on the active-duty list of the same armed force. The officer on the reserve active-status list is in the promotion zone and is eligible for consideration for promotion to the next higher grade by a selection board convened under section 14101(a) of this title when that officer's running mate is in or above the promotion zone established for that officer's grade under chapter 36 of this title.

"(c) CONSIDERATION OF OFFICERS BELOW THE ZONE UNDER A RUNNING MATE SYSTEM.—If the Secretary of the Navy authorizes the selection of officers for promotion from below the promotion zone in accordance with section 14307 of this title, the number of officers to be considered from below the zone may be established through the application of the running mate system or otherwise as the Secretary determines to be appropriate to meet the needs of the Navy or Marine Corps.

"§ 14307. Number of officers to be recommended for promotion

"(a) DETERMINATION OF MAXIMUM NUMBER.—Before convening a promotion board under section 14101(a) of this title for a grade and competitive category (other than a vacancy promotion board), the Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense, shall determine the maximum number of officers in that grade and competitive category that the board may recommend for promotion. The Secretary shall make the determination under the preceding sentence of the maximum number that may be recommended with a view to having on the reserve active-status list a sufficient number of officers in each grade and competitive category to meet the needs of the armed force concerned for officers on that list. In order to make that determination, the Secretary shall determine (1) the number of positions needed to accomplish mission objectives which require officers of such competitive category in the grade to which the board will recommend officers for promotion, (2) the estimated number of officers needed to fill vacancies in such positions during the period in which it is anticipated that officers selected for promotion will be promoted, (3) the number of officers authorized by the Secretary of the military department concerned to serve on the reserve active-status list in the grade and competitive category under consideration, and (4) any

statutory limitation on the number of officers in any grade or category (or combination thereof) authorized to be on the reserve active-status list.

"(b) BELOW-THE-ZONE SELECTIONS.—(1) The Secretary of the military department concerned may, when the needs of the armed force concerned require, authorize the consideration of officers in the grade of captain, major, or lieutenant colonel on the reserve active-status list of the Army or Air Force, in a grade above first lieutenant on the reserve active-status list of the Marine Corps, or in a grade above lieutenant (junior grade) on the reserve active-status list of the Navy, for promotion to the next higher grade from below the promotion zone.

"(2) When selection from below the promotion zone is authorized, the Secretary shall establish the number of officers that may be recommended for promotion from below the promotion zone in each competitive category to be considered. That number may not exceed the number equal to 10 percent of the maximum number of officers that the board is authorized to recommend for promotion in such competitive category, except that the Secretary of Defense may authorize a greater number, not to exceed 15 percent of the total number of officers that the board is authorized to recommend for promotion, if the Secretary of Defense determines that the needs of the armed force concerned so re-

quire. If the maximum number determined under this paragraph is less than one, the board may recommend one officer for promotion from below the promotion zone.

"(3) The number of officers recommended for promotion from below the promotion zone does not increase the maximum number of officers that the board is authorized to recommend for promotion under subsection (a).

"§ 14308. Promotions: how made

"(a) PROMOTION LIST.—When the report of a selection board convened under section 14101(a) or 14502 of this title is approved by the President, the Secretary of the military department concerned shall place the names of all officers selected for promotion within a competitive category on a single list for that competitive category, to be known as a promotion list, in the order of seniority of those officers on the reserve active-status list.

"(b) PROMOTION; HOW MADE; ORDER.—(1) Officers on a promotion list for a competitive category shall be promoted in the manner specified in section 12203 of this title.

"(2) Officers on a promotion list for a competitive category shall be promoted to the next higher grade in accordance with regulations prescribed by the Secretary of the military department concerned. Except as provided in section 14311, 14312, or 14502(e) of this title or in subsection (d) or (e), promotions shall be made in the order in which

the names of officers appear on the promotion list and after officers previously selected for promotion in that competitive category have been promoted.

"(3) Officers to be promoted to the grade of first lieutenant or lieutenant (junior grade) shall be promoted in accordance with regulations prescribed by the Secretary of the military department concerned.

"(c) DATE OF RANK.—(1) The date of rank of an officer appointed to a higher grade under this section is determined under section 741(d)(2) of this title.

"(2) Except as specifically authorized by law, a reserve officer is not entitled to additional pay or allowances if the effective date of the officer's promotion is adjusted to reflect a date earlier than the actual date of the officer's promotion.

"(d) OFFICERS WITH RUNNING MATES.—An officer to whom a running mate system applies under section 14306 of this title and who is selected for promotion is eligible for promotion to the grade for which selected when the officer who is that officer's running mate becomes eligible for promotion under chapter 36 of this title. The effective date of the promotion of that officer shall be the same as that of the officer's running mate in the grade to which the running mate is promoted.

"(e) ARMY RESERVE AND AIR FORCE RESERVE PROMOTIONS TO FILL VACANCIES.—Subject to this section and

to section 14311(e) of this title, and under regulations prescribed by the Secretary of the military department concerned—

"(1) an officer in the Army Reserve or the Air Force Reserve who is on a promotion list as a result of selection for promotion by a mandatory promotion board convened under section 14101(a) of this title or a board convened under section 14502 or chapter 36 of this title may be promoted at any time to fill a vacancy in a position to which the officer is assigned; and

"(2) an officer in the Army Reserve or the Air Force Reserve who is on a promotion list as a result of selection for promotion by a vacancy promotion board convened under section 14101(a) of this title may be promoted at any time to fill the vacancy for which the officer was selected.

"(f) EFFECTIVE DATE OF PROMOTION AFTER FEDERAL RECOGNITION.—The effective date of a promotion of a reserve commissioned officer of the Army or the Air Force who is extended Federal recognition in the next higher grade in the Army National Guard or the Air National Guard under section 307 or 310 of title 32 shall be the date on which such Federal recognition in that grade is so extended.

"(g) ARMY AND AIR FORCE GENERAL OFFICER PROMOTIONS.—A reserve officer of the Army who is on a promotion list for promotion to the grade of brigadier general or major general as a result of selection by a vacancy promotion board may be promoted to that grade only to fill a vacancy in that grade in a unit of the Army Reserve that is organized to serve as a unit and that has attained the strength prescribed by the Secretary of the Army. A reserve officer of the Air Force who is on a promotion list for promotion to the grade of brigadier general or major general as a result of selection by a vacancy promotion board may be promoted to that grade only to fill a vacancy in the Air Force Reserve in that grade.

"§ 14309. Acceptance of promotion; oath of office

"(a) ACCEPTANCE.—An officer who is appointed to a higher grade under this chapter shall be considered to have accepted the appointment on the date on which the appointment is made unless the officer expressly declines the appointment or is granted a delay of promotion under section 14312 of this title.

"(b) OATH.—An officer who has served continuously since taking the oath of office prescribed in section 3331 of title 5 is not required to take a new oath upon appointment to a higher grade under this chapter.

"§ 14310. Removal of officers from a list of officers recommended for promotion

"(a) REMOVAL BY PRESIDENT.—The President may remove the name of any officer from a promotion list at any time before the date on which the officer is promoted.

"(b) REMOVAL FOR WITHHOLDING OF SENATE ADVICE AND CONSENT.—If the Senate does not give its advice and consent to the appointment to the next higher grade of an officer whose name is on a list of officers approved by the President for promotion (except in the case of promotions to a reserve grade to which appointments may be made by the President alone), the name of that officer shall be removed from the list.

"(c) CONTINUED ELIGIBILITY FOR PROMOTION.—An officer whose name is removed from a list under subsection (a) or (b) continues to be eligible for consideration for promotion. If that officer is recommended for promotion by the next selection board convened for that officer's grade and competitive category and the officer is promoted, the Secretary of the military department concerned may, upon the promotion, grant the officer the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the reserve active-status list, as the officer would have had if the officer's name had not been removed from the list.

"§ 14311. Delay of promotion: involuntary

"(a) DELAY DURING INVESTIGATIONS AND PROCEEDINGS.—(1) Under regulations prescribed by the Secretary of the military department concerned, the appointment of an officer to a higher grade may be delayed if any of the following applies before the date on which the appointment would otherwise be made:

"(A) Sworn charges against the officer have been received by an officer exercising general court-martial jurisdiction over the officer and the charges have not been disposed of.

"(B) An investigation is being conducted to determine whether disciplinary action of any kind should be brought against the officer.

"(C) A board of officers has been convened under section 14903 of this title to review the record of the officer.

"(D) A criminal proceeding in a Federal or State court of competent jurisdiction is pending against the officer.

"(2) If disciplinary action is not taken against the officer, if the charges against the officer are withdrawn or dismissed, if the officer is not separated by the Secretary of the military department concerned as the result of having been required to show cause for retention, or if the officer is acquitted of the charges, as the case may be, then (unless

action to delay the officer's appointment to the higher grade has been taken under subsection (b)) the officer shall be retained on the promotion list, list of officers found qualified for Federal recognition, or list of officers nominated by the President to the Senate for appointment in a higher reserve grade and shall, upon promotion to the next higher grade, have the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the reserve active-status list as the officer would have had if no delay had intervened, unless the Secretary concerned determines that the officer was unqualified for promotion for any part of the delay. If the Secretary makes such a determination, the Secretary may adjust such date of rank, effective date of pay and allowances, and position on the reserve active-status list as the Secretary considers appropriate under the circumstances.

"(b) DELAY FOR LACK OF QUALIFICATIONS.—Under regulations prescribed by the Secretary of the military department concerned, the appointment of an officer to a higher grade may also be delayed if there is cause to believe that the officer is mentally, physically, morally, or professionally unqualified to perform the duties of the grade to which selected. If the Secretary concerned later determines that the officer is qualified for promotion to the higher grade, the officer shall be retained on the promotion list,

the list of officers found qualified for Federal recognition, or list of officers nominated by the President to the Senate for appointment in a higher reserve grade, and shall, upon promotion to that grade, have the same date of rank, the same effective date for pay and allowances of that grade, and the same position on the reserve active-status list as the officer would have had if no delay had intervened, unless the Secretary concerned determines that the officer was unqualified for promotion for any part of the delay. If the Secretary makes such a determination, the Secretary may adjust such date of rank, effective date of pay and allowances, and position on the reserve active-status list as the Secretary considers appropriate under the circumstances.

"(c) NOTICE TO OFFICER.—(1) The appointment of an officer to a higher grade may not be delayed under subsection (a) or (b) unless the officer is given written notice of the grounds for the delay. The preceding sentence does not apply if it is impracticable to give the officer written notice before the date on which the appointment to the higher grade would otherwise take effect, but in such a case the written notice shall be given as soon as practicable.

"(2) An officer whose promotion is delayed under subsection (a) or (b) shall be given an opportunity to make a written statement to the Secretary of the military depart-

ment concerned in response to the action taken. The Secretary shall give consideration to any such statement.

"(d) MAXIMUM LENGTH OF DELAY IN PROMOTION.—The appointment of an officer to a higher grade may not be delayed under subsection (a) or (b) for more than six months after the date on which the officer would otherwise have been promoted unless the Secretary concerned specifies a further period of delay. An officer's appointment may not be delayed more than 90 days after final action has been taken in any criminal case against the officer in a Federal or State court of competent jurisdiction or more than 90 days after final action has been taken in any court-martial case against the officer. Except for court action, a promotion may not be delayed more than 18 months after the date on which the officer would otherwise have been promoted.

"(e) DELAY BECAUSE OF LIMITATIONS ON OFFICER STRENGTH IN GRADE OR DUTIES TO WHICH ASSIGNED.—(1) Under regulations prescribed by the Secretary of Defense, the promotion of a reserve officer on the reserve active-status list who is serving on active duty, or who is on full-time National Guard duty for administration of the reserves or the National Guard, to a grade to which the strength limitations of section 12011 of this title apply shall be delayed if necessary to ensure compliance with those

strength limitations. The delay shall expire when the Secretary determines that the delay is no longer required to ensure such compliance.

''(2) The promotion of an officer described in paragraph (1) shall also be delayed while the officer is on duty described in that paragraph unless the Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense, determines that the duty assignment of the officer requires a higher grade than the grade currently held by the officer.

''(3) The date of rank and position on the reserve active-status list of a reserve officer whose promotion to or Federal recognition in the next higher grade was delayed under paragraph (1) or (2) solely as the result of the limitations imposed under the regulations prescribed by the Secretary of Defense or contained in section 12011 of this title shall be the date on which the officer would have been promoted to or recognized in the higher grade had such limitations not existed.

''(4) If an officer whose promotion is delayed under paragraph (1) or (2) completes the period of active duty or full-time National Guard duty that the officer is required by law or regulation to perform as a member of a reserve component, the officer may request release from active duty or full-time National Guard duty. If the request is granted,

the officer's promotion shall be effective upon the officer's release from such duty. The date of rank and position on the reserve active-status list of the officer shall be the date the officer would have been promoted to or recognized in the higher grade had the limitations imposed under regulations prescribed by the Secretary of Defense contained in section 12011 of this title not existed. If an officer whose promotion is delayed under paragraph (1) or (2) has not completed the period of active duty or full-time National Guard duty that the officer is required by law or regulation to perform as a member of a reserve component, the officer may be retained on active duty or on full-time National Guard duty in the grade in which the officer was serving before the officer's being found qualified for Federal recognition or the officer's selection for the promotion until the officer completes that required period of duty.

"§ 14312. Delay of promotion: voluntary

"(a) AUTHORITY FOR VOLUNTARY DELAYS.—(1) The Secretary of the military department concerned may, by regulation, permit delays of a promotion of an officer who is recommended for promotion by a mandatory selection board convened under section 14101(a) or a special selection board convened under section 14502 of this title at the request of the officer concerned. Such delays, in the case of any promotion, may extend for any period not to exceed

three years from the date on which the officer would otherwise be promoted.

"(2) Regulations under this section shall provide that—

"(A) a request for such a delay of promotion must be submitted by the officer concerned before the delay may be approved; and

"(B) denial of such a request shall not be considered to be a failure of selection for promotion unless the officer declines to accept a promotion under circumstances set forth in subsection (c).

"(b) EFFECT OF APPROVAL OF REQUEST.—If a request for delay of a promotion under subsection (a) is approved, the officer's name shall remain on the promotion list during the authorized period of delay (unless removed under any other provision of law). Upon the end of the period of the authorized delay, or at any time during such period, the officer may accept the promotion, which shall be effective on the date of acceptance. Such an acceptance of a promotion shall be made in accordance with regulations prescribed under this section.

"(c) EFFECT OF DECLINING A PROMOTION.—An officer's name shall be removed from the promotion list and, if the officer is serving in a grade below colonel or, in the case of the Navy, captain, the officer shall be considered to

have failed of selection for promotion if any of the following applies:

"(1) The Secretary concerned has not authorized voluntary delays of promotion under subsection (a) to the grade concerned and the officer declines to accept an appointment to a higher grade.

"(2) The Secretary concerned has authorized voluntary delays of promotion under subsection (a), but has denied the request of the officer for a delay of promotion and the officer then declines to accept an appointment to a higher grade.

"(3) The Secretary concerned has approved the request of an officer for a delay of promotion and, upon the end of the period of delay authorized in accordance with regulations prescribed under subsection (a), the officer then declines to accept an appointment to a higher grade.

"§ 14313. Authority to vacate promotions to grade of brigadier general or rear admiral (lower half)

"(a) AUTHORITY.—The President may vacate the appointment of a reserve officer to the grade of brigadier general or rear admiral (lower half) if the period of time during which the officer has served in that grade after promotion to that grade is less than 18 months.

"(b) EFFECT OF PROMOTION BEING VACATED.—Except as provided in subsection (c), an officer whose promotion to the grade of brigadier general is vacated under this section holds the grade of colonel as a reserve of the armed force of which the officer is a member. An officer whose promotion to the grade of rear admiral (lower half) is vacated under this section holds the grade of captain in the Naval Reserve. Upon assuming the lower grade, the officer shall have the same position on the reserve active-status list as the officer would have had if the officer had not served in the higher grade.

"(c) SPECIAL RULE FOR OFFICERS SERVING AS ADJUTANT GENERAL.—In the case of an officer serving as an adjutant general or assistant adjutant general whose promotion to the grade of brigadier general is vacated under this section, the officer then holds the reserve grade held by that officer immediately before the officer's appointment as adjutant general or assistant adjutant general.

"§ 14314. Army and Air Force commissioned officers: generals ceasing to occupy positions commensurate with grade; State adjutants general

"(a) GENERAL OFFICERS.—Within 30 days after a reserve officer of the Army or the Air Force on the reserve active-status list in a general officer grade ceases to occupy

a position commensurate with that grade (or commensurate with a higher grade), the Secretary concerned shall transfer or discharge the officer in accordance with whichever of the following the officer elects:

"(1) Transfer the officer in grade to the Retired Reserve, if the officer is qualified and applies for the transfer.

"(2) Transfer the officer in grade to the inactive status list of the Standby Reserve, if the officer is qualified.

"(3) Discharge the officer from the officer's reserve appointment and, if the officer is qualified and applies therefor, appoint the officer in the reserve grade held by the officer as a reserve officer before the officer's appointment in a general officer grade.

"(4) Discharge the officer from the officer's reserve appointment.

"(b) ADJUTANTS GENERAL.—If a reserve officer who is federally recognized in the Army National Guard or the Air National Guard solely because of the officer's appointment as adjutant general or assistant adjutant general of a State ceases to occupy that position, the Secretary concerned, not later than 30 days after the date on which the officer ceases to occupy that position, shall—

"(1) withdraw that officer's Federal recognition; and

"(2) require that the officer—

"(A) be transferred in grade to the Retired Reserve, if the officer is qualified and applies for the transfer;

"(B) be discharged from the officer's reserve appointment and appointed in the reserve grade held by the officer as a reserve officer of the Air Force immediately before the appointment of that officer as adjutant general or assistant adjutant general, if the officer is qualified and applies for that appointment; or

"(C) be discharged from the officer's reserve appointment.

"(c) CREDIT FOR SERVICE IN GRADE.—An officer who is appointed under subsection (a)(3) or (b)(2)(B) shall be credited with an amount of service in the grade in which appointed that is equal to the amount of prior service in an active status in that grade and in any higher grade.

"§ 14315. Position vacancy promotions: Army and Air Force officers

"(a) OFFICERS ELIGIBLE FOR CONSIDERATION FOR VACANCY PROMOTIONS BELOW BRIGADIER GENERAL.—

A reserve officer of the Army who is in the Army Reserve, or a Reserve officer of the Air Force who is in the Air Force Reserve, who is on the reserve active-status list in the grade of first lieutenant, captain, major, or lieutenant colonel is eligible for consideration for promotion to the next higher grade under this section if each of the following applies:

"(1) The officer is occupying or, as determined by the Secretary concerned, is available to occupy a position in the same competitive category as the officer and for which a grade higher than the one held by that officer is authorized.

"(2) The officer is fully qualified to meet all requirements for the position as established by the Secretary of the military department concerned.

"(3) The officer has held the officer's present grade for the minimum period of service prescribed in section 14303 of this title for eligibility for consideration for promotion to the higher grade.

"(b) CONSIDERATION FOR VACANCY PROMOTION TO BRIGADIER GENERAL OR MAJOR GENERAL.—(1) A reserve officer of the Army who is in the Army Reserve and on the reserve active-status list in the grade of colonel or brigadier general may be considered for promotion to the next higher grade under this section if the officer (A) is assigned to the duties of a general officer of the next higher reserve

grade in a unit of the Army Reserve organized to serve as a unit, (B) has held the officer's present grade for the minimum period of service prescribed in section 14303 of this title for eligibility for consideration for promotion to the higher grade, and (C) meets the standards for consideration prescribed by the Secretary of the Army.

''(2) A reserve officer of the Air Force who is in the Air Force Reserve and on the reserve active-status list in the grade of colonel or brigadier general may be considered for promotion to the next higher grade under this section if the officer (A) is assigned to the duties of a general officer of the next higher reserve grade, and (B) meets the standards for consideration prescribed by the Secretary of the Air Force.

''(c) VACANCY PROMOTION BOARDS.—Consideration for promotion under this section shall be by a vacancy promotion board convened under section 14101(a) of this title.

''(d) EFFECT OF NONSELECTION.—An officer who is considered for promotion under this section and is not selected shall not be considered to have failed of selection for promotion.

''(e) SPECIAL RULE FOR OFFICERS FAILED OF SELECTION.—A reserve officer of the Army or the Air Force who is considered as failed of selection for promotion under section 14501 of this title to a grade may be considered for

promotion under this section or, if selected, promoted to that grade only if the Secretary of the military department concerned finds that the officer is the only qualified officer available to fill the vacancy. The Secretary concerned may not delegate the authority under the preceding sentence.

"§ 14316. Army National Guard and Air National Guard: appointment to and Federal recognition in a higher reserve grade after selection for promotion

"(a) OPPORTUNITY FOR PROMOTION TO FILL A VACANCY IN THE GUARD.—If an officer of the Army National Guard of the United States or the Air National Guard of the United States is recommended by a mandatory selection board convened under section 14101(a) or a special selection board convened under section 14502 of this title for promotion to the next higher grade, an opportunity shall be given to the appropriate authority of the State to promote that officer to fill a vacancy in the Army National Guard or the Air National Guard of that jurisdiction.

"(b) AUTOMATIC FEDERAL RECOGNITION.—An officer of the Army National Guard of the United States or the Air National Guard of the United States who is on a promotion list for promotion to the next higher grade as a result of selection for promotion as described in subsection (a) and who before the date of promotion is appointed in

that higher grade to fill a vacancy in the Army National Guard or Air National Guard shall—

"(1) be extended Federal recognition in that grade, without the examination prescribed in section 307 of title 32; and

"(2) subject to section 14311(e) of this title, be promoted to that reserve grade effective on the date of the officer's appointment in that grade in the Army National Guard or Air National Guard.

"(c) NATIONAL GUARD OFFICERS FAILED OF SELECTION.—An officer who is considered as failed of selection for promotion under section 14501 of this title to a grade may be extended Federal recognition in that grade only if the Secretary of the military department concerned finds that the officer is the only qualified officer available to fill a vacancy. The Secretary concerned may not delegate the authority under the preceding sentence.

"(d) TRANSFER TO ARMY RESERVE OR AIR FORCE RESERVE.—If, on the date on which an officer of the Army National Guard of the United States or of the Air National Guard of the United States who is on a promotion list as described in subsection (a) is to be promoted, the officer has not been promoted to fill a vacancy in the higher grade in the Army National Guard or the Air National Guard, the officer's Federal recognition in the officer's reserve grade

shall be withdrawn and the officer shall be promoted and transferred to the Army Reserve or the Air Force Reserve as appropriate.

"§ 14317. Officers in transition to and from the active-status list or active-duty list

"(a) EFFECT OF TRANSFER TO INACTIVE STATUS OR RETIRED STATUS.—If a reserve officer on the reserve active-status list is transferred to an inactive status or to a retired status after having been recommended for promotion to a higher grade under this chapter or chapter 36 of this title, or after having been found qualified for Federal recognition in the higher grade under title 32, but before being promoted, the officer—

"(1) shall be treated as if the officer had not been considered and recommended for promotion by the selection board or examined and been found qualified for Federal recognition; and

"(2) may not be placed on a promotion list or promoted to the higher grade after returning to an active status,

unless the officer is again recommended for promotion by a selection board convened under chapter 36 of this title or section 14101(a) or 14502 of this title or examined for Federal recognition under title 32.

"(b) EFFECT OF PLACEMENT ON ACTIVE-DUTY LIST.—A reserve officer who is on a promotion list as a result of selection for promotion by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502 of this title and who before being promoted is placed on the active-duty list of the same armed force and placed in the same competitive category shall, under regulations prescribed by the Secretary of Defense, be placed on an appropriate promotion list for officers on the active-duty list established under chapter 36 of this title.

"(c) OFFICERS ON A PROMOTION LIST REMOVED FROM ACTIVE-DUTY LIST.—An officer who is on the active-duty list and is on a promotion list as the result of selection for promotion by a selection board convened under chapter 36 of this title and who before being promoted is removed from the active-duty list and placed on the reserve active-status list of the same armed force and in the same competitive category (including a regular officer who on removal from the active-duty list is appointed as a reserve officer and placed on the reserve active-status list) shall, under regulations prescribed by the Secretary of Defense, be placed on an appropriate promotion list established under this chapter.

"(d) OFFICERS SELECTED FOR POSITION VACANCIES.—If a reserve officer is ordered to active duty (other than active duty for training) or full-time National Guard duty (other than full-time National Guard duty for training only) after being recommended for promotion under section 14314 of this title to fill a position vacancy or examined for Federal recognition under title 32, and before being promoted to fill that vacancy, the officer shall not be promoted while serving such active duty or full-time National Guard duty unless the officer is ordered to active duty as a member of the unit in which the vacancy exists when that unit is ordered to active duty. If, under this subsection, the name of an officer is removed from a list of officers recommended for promotion, the officer shall be treated as if the officer had not been considered for promotion or examined for Federal recognition.

"(e) Under regulations prescribed by the Secretary of the military department concerned, a reserve officer who is not on the active-duty list and who is ordered to active duty in time of war or national emergency may, if eligible, be considered for promotion by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502 of this title for not more than two years from the date the officer is ordered to active duty

unless the President suspends the operation of this section under the provisions of section 10213 or 644 of this title.

"CHAPTER 1407—FAILURE OF SELECTION FOR PROMOTION AND INVOLUNTARY SEPARATION

"Sec.
"14501. Failure of selection for promotion.
"14502. Special selection boards: correction of errors.
"14503. Discharge of officers with less than five years of commissioned service or found not qualified for promotion to first lieutenant or lieutenant (junior grade).
"14504. Effect of failure of selection for promotion: reserve first lieutenants of the Army, Air Force, and Marine Corps and reserve lieutenants (junior grade) of the Navy.
"14505. Effect of failure of selection for promotion: reserve captains of the Army, Air Force, and Marine Corps and reserve lieutenants of the Navy.
"14506. Effect of failure of selection for promotion: reserve majors of the Army, Air Force, and Marine Corps and lieutenant commanders of the Navy.
"14507. Removal from the 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.
"14508. Removal from the reserve active-status list for years of service: reserve general and flag officers.
"14509. Separation at age 60: reserve officers below brigadier general or rear admiral (lower half).
"14510. Separation at age 60: reserve brigadier generals and rear admirals (lower half).
"14511. Separation at age 62: major generals and rear admirals.
"14512. Separation at age 64: officers holding certain offices.
"14513. Separation for failure of selection of promotion.
"14514. Discharge or retirement for years of service or after selection for early removal.
"14515. Discharge or retirement for age.
"14516. Separation to be considered involuntary.
"14517. Entitlement of officers discharged under this chapter to separation pay.

"§ 14501. Failure of selection for promotion

"(a) An officer on the reserve active-status list in a grade below the grade of colonel or, in the case of an officer in the Naval Reserve, captain who is in or above the promotion zone established for that officer's grade and competitive category and who (1) is considered but not rec-

ommended for promotion (other than by a vacancy promotion board), or (2) declines to accept a promotion for which selected (other than by a vacancy promotion board), shall be considered to have failed of selection for promotion.

''(b) OFFICERS TWICE FAILED OF SELECTION.—An officer shall be considered for all purposes to have twice failed of selection for promotion if any of the following applies:

''(1) The officer is considered but not recommended for promotion a second time by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502(a) of this title.

''(2) The officer declines to accept a promotion for which recommended by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502(a) or 14502(b) of this title after previously failing of selection or after the officer's name was removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this title after recommendation for promotion by an earlier selection board described in subsection (a).

''(3) The officer's name has been removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this

title after recommendation by a mandatory promotion board convened under section 14101(a) or by a special selection board convened under section 14502(a) or 14502(b) of this title and—

"(A) the officer is not recommended for promotion by the next mandatory promotion board convened under section 14101(a) or special selection board convened under section 14502(a) of this title for that officer's grade and competitive category; or

"(B) the officer's name is again removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this title.

"§ 14502. Special selection boards: correction of errors

"(a) OFFICERS NOT CONSIDERED BECAUSE OF ADMINISTRATIVE ERROR.—(1) In the case of an officer or former officer who the Secretary of the military department concerned determines was not considered for selection for promotion from in or above the promotion zone by a mandatory promotion board convened under section 14101(a) of this title because of administrative error, the Secretary concerned shall convene a special selection board under this subsection to determine whether such officer or former officer should be recommended for promotion. Any such board

shall be convened under regulations prescribed by the Secretary of Defense and shall be appointed and composed in accordance with section 14102 of this title and shall include the representation of competitive categories required by that section. The members of a board convened under this subsection shall be required to take an oath in the same manner as prescribed in section 14103 of this title.

"(2) A special selection board convened under this subsection shall consider the record of the officer or former officer as that record would have appeared to the promotion board that should have considered the officer or former officer. That record shall be compared with a sampling of the records of those officers of the same grade and competitive category who were recommended for promotion and those officers of the same grade and competitive category who were not recommended for promotion by that board.

"(3) If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer in a grade below the grade of colonel or, in the case of an officer or former officer of the Navy, captain, whose name was referred to it for consideration, the officer or former officer shall be considered to have failed of selection for promotion.

"(b) OFFICERS CONSIDERED BUT NOT SELECTED; MATERIAL ERROR.—(1) In the case of an officer or former offi-

cer who was eligible for promotion and was considered for selection for promotion from in or above the promotion zone under this chapter by a selection board but was not selected, the Secretary of the military department concerned may, under regulations prescribed by the Secretary of Defense, convene a special selection board under this subsection to determine whether the officer or former officer should be recommended for promotion, if the Secretary determines that—

''(A) the action of the selection board that considered the officer or former officer was contrary to law or involved material error of fact or material administrative error; or

''(B) the selection board did not have before it for its consideration material information.

''(2) A special selection board convened under paragraph (1) shall be appointed and composed in accordance with section 14102 of this title (including the representation of competitive categories required by that section), and the members of such a board shall take an oath in the same manner as prescribed in section 14103 of this title.

''(3) Such board shall consider the record of the officer or former officer as that record, if corrected, would have appeared to the selection board that considered the officer or former officer. That record shall be compared with a sam-

pling of the records of those officers of the same grade and competitive category who were recommended for promotion and those officers of the same grade and competitive category who were not recommended for promotion by that board.

"(4) If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer in the grade of lieutenant colonel or commander or below whose name was referred to it for consideration, the officer or former officer shall be considered to have failed of selection for promotion by the board which did consider the officer but incurs no additional failure of selection for promotion from the action of the special selection board.

"(c) REPORT.—Each special selection board convened under this section shall submit to the Secretary of the military department concerned a written report, signed by each member of the board, containing the name of each officer it recommends for promotion and certifying that the board has considered carefully the record of each officer whose name was referred to it.

"(d) APPLICABLE PROVISIONS.—The provisions of sections 14104, 14109, 14110, and 14111 of this title apply to the report and proceedings of a special selection board convened under this section in the same manner as they

apply to the report and proceedings of a promotion board convened under section 14101(a) of this title.

"(e) APPOINTMENT OF OFFICERS RECOMMENDED FOR PROMOTION.—(1) An officer whose name is placed on a promotion list as a result of recommendation for promotion by a special selection board convened under this section, shall, as soon as practicable, be appointed to the next higher grade in accordance with the law and policies which would have been applicable had he been recommended for promotion by the board which should have considered or which did consider him.

"(2) An officer who is promoted to the next higher grade as the result of the recommendation of a special selection board convened under this section shall, upon such promotion, have the same date of rank, the same effective date for the pay and allowances of that grade, and the same position on the reserve active-status list as the officer would have had if the officer had been recommended for promotion to that grade by the selection board which should have considered, or which did consider, the officer.

"(3) If the report of a special selection board convened under this section, as approved by the President, recommends for promotion to the next higher grade an officer not currently eligible for promotion or a former officer whose name was referred to it for consideration, the Sec-

retary concerned may act under section 1552 of this title to correct the military record of the officer or former officer to correct an error or remove an injustice resulting from not being selected for promotion by the board which should have considered, or which did consider, the officer.

"(f) TIME LIMITS FOR CONSIDERATION.—The Secretary of Defense may prescribe by regulation the circumstances under which consideration by a special selection board is contingent upon application for consideration by an officer or former officer and time limits within which an officer or former officer must make such application in order to be considered by a special selection board under this section.

"(g) LIMITATION OF OTHER JURISDICTION.—No official or court of the United States shall have power or jurisdiction—

"(1) over any claim based in any way on the failure of an officer or former officer of the armed forces to be selected for promotion by a selection board convened under chapter 1403 of this title until—

"(A) the claim has been referred to a special selection board by the Secretary concerned and acted upon by that board; or

"(B) the claim has been rejected by the Secretary without consideration by a special selection board; or

"(2) to grant any relief on such a claim unless the officer or former officer has been selected for promotion by a special selection board convened under this section to consider the officer's claim.

"(h) JUDICIAL REVIEW.—(1) A court of the United States may review a determination by the Secretary concerned under subsection (a)(1), (b)(1), or (e)(3) not to convene a special selection board. If a court finds the determination to be arbitrary or capricious, not based on substantial evidence, or otherwise contrary to law, it shall remand the case to the Secretary concerned, who shall provide for consideration of the officer or former officer by a special selection board under this section.

"(2) If a court finds that the action of a special selection board which considers an officer or former officer was contrary to law or involved material error of fact or material administrative error, it shall remand the case to the Secretary concerned, who shall provide the officer or former officer reconsideration by a new special selection board.

"(i) DESIGNATION OF BOARDS.—The Secretary of the military department concerned may designate a promotion board convened under section 14101(a) of this title as a spe-

cial selection board convened under this section. A board so designated may function in both capacities.

"§ 14503. Discharge of officers with less than five years of commissioned service or found not qualified for promotion to first lieutenant or lieutenant (junior grade)

"(a) AUTHORIZED DISCHARGES.—The Secretary of the military department concerned may discharge any reserve officer who—

"(1) has less than five years of service in an active status as a commissioned officer; or

"(2) is serving in the grade of second lieutenant or ensign and has been found not qualified for promotion to the grade of first lieutenant or lieutenant (junior grade).

"(b) TIME FOR DISCHARGE.—(1) An officer described in subsection (a)(2)—

"(A) may be discharged at any time after being found not qualified for promotion; and

"(B) if not sooner discharged, shall be discharged at the end of the 18-month period beginning on the date on which the officer is first found not qualified for promotion.

"(2) Paragraph (1) shall not apply if the officer is sooner promoted.

"(c) REGULATIONS.—Discharges under this section shall be made under regulations prescribed by the Secretary of Defense and may be made without regard to section 12645 of this title.

"§ 14504. Effect of failure of selection for promotion: reserve first lieutenants of the Army, Air Force, and Marine Corps and reserve lieutenants (junior grade) of the Navy

"(a) GENERAL RULE.—A first lieutenant on the reserve active-status list of the Army, Air Force, or Marine Corps or a lieutenant (junior grade) on the reserve active-status list of the Navy who has failed of selection for promotion to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade shall be separated in accordance with section 14513 of this title not later than the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time.

"(b) EXCEPTIONS.—Subsection (a) does not apply (1) in the case of an officer retained as provided by regulation of the Secretary of the military department concerned in order to meet planned mobilization needs for a period not in excess of 24 months beginning with the date on which the President approves the report of the selection board

which resulted in the second failure, or (2) as provided in section 12646 or 12686 of this title.

"§ 14505. Effect of failure of selection for promotion: reserve captains of the Army, Air Force, and Marine Corps and reserve lieutenants of the Navy

''Unless retained as provided in section 12646 or 12686 of this title, a captain on the reserve active-status list of the Army, Air Force, or Marine Corps or a lieutenant on the reserve active-status list of the Navy who has failed of selection for promotion to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade and who has not been selected for continuation on the reserve active-status list under section 14701 of this title, shall be separated in accordance with section 14513 of this title not later than the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time.

"§ 14506. Effect of failure of selection for promotion: reserve majors of the Army, Air Force and Marine Corps and reserve lieutenant commanders of the Navy

''Unless retained as provided in section 12646, 12686, 14701, or 14702 of this title, each reserve officer of the

Army, Navy, Air Force, or Marine Corps who holds the grade of major or lieutenant commander who has failed of selection to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade shall, if not earlier removed from the reserve active-status list, be removed from that list in accordance with section 14513 of this title on the first day of the month after the month in which the officer completes 20 years of commissioned service.

"§ 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) LIEUTENANT COLONELS AND COMMANDERS.—Unless continued on the reserve active-status list under section 14701 or 14702 of this title or retained as provided in section 12646 or 12686 of this title, each reserve officer of the Army, Navy, Air Force, or Marine Corps who holds the grade of lieutenant colonel or commander and who is not on a list of officers recommended for promotion to the next higher grade shall (if not earlier removed from the reserve active-status list) be removed from that list under section 14514 of this title on the first day of the month after

the month in which the officer completes 28 years of commissioned service.

"(b) COLONELS AND NAVY CAPTAINS.—Unless continued on the reserve active-status list under section 14701 or 14702 of this title or retained as provided in section 12646 or 12686 of this title, each reserve officer of the Army, Air Force, or Marine Corps who holds the grade of colonel, and each reserve officer of the Navy who holds the grade of captain, and who is not on a list of officers recommended for promotion to the next higher grade shall (if not earlier removed from the reserve active-status list) be removed from that list under section 14514 of this title on the first day of the month after the month in which the officer completes 30 years of commissioned service. This subsection does not apply to the adjutant general or assistant adjutants general of a State.

"§ 14508. Removal from the reserve active-status list for years of service: reserve general and flag officers

"(a) THIRTY YEARS SERVICE OR FIVE YEARS IN GRADE.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of brigadier general who has not been recommended for promotion to the grade of major general, and each reserve officer of the

Navy in the grade of rear admiral (lower half) who has not been recommended for promotion to rear admiral shall, 30 days after completion of 30 years of commissioned service or on the fifth anniversary of the date of the officer's appointment in the grade of brigadier general or rear admiral (lower half), whichever is later, be separated in accordance with section 14514 of this title.

"(b) THIRTY-FIVE YEARS SERVICE OR FIVE YEARS IN GRADE.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of major general, and each reserve officer of the Navy in the grade of rear admiral, shall, 30 days after completion of 35 years of commissioned service or on the fifth anniversary of the date of the officer's appointment in the grade of major general or rear admiral, whichever is later, be separated in accordance with section 14514 of this title.

"(c) RETENTION OF BRIGADIER GENERALS.—A reserve officer of the Army or Air Force in the grade of brigadier general who would otherwise be removed from an active status under this subsection (a) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retained in an active status, but not later than the date on which the officer becomes 60 years of age. Not more than 10 officers of the Army and not more

than 10 officers of the Air Force may be retained under this subsection at any one time.

"(d) RETENTION OF MAJOR GENERALS.—A reserve officer of the Army or Air Force in the grade of major general who would otherwise be removed from an active status under this subsection (b) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retained in an active status, but not later than the date on which the officer becomes 62 years of age. Not more than 10 officers of the Army and not more than 10 officers of the Air Force may be retained under this subsection at any one time.

"(e) EXCEPTION FOR STATE ADJUTANTS GENERAL AND ASSISTANT ADJUTANTS GENERAL.—This section does not apply to an officer who is the adjutant general or assistant adjutant general of a State.

"§ 14509. Separation at age 60: reserve officers in grades below brigadier general or rear admiral (lower half)

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps in a grade below brigadier general or rear admiral (lower half) who has not been recommended for promotion to the grade of brigadier general or rear admiral (lower half) and is not a member of the Retired Reserve shall, on the last day of the month in which that officer

becomes 60 years of age, be separated in accordance with section 14515 of this title.

"§ 14510. Separation at age 60: reserve brigadier generals and rear admirals (lower half)

''Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of brigadier general who has not been recommended for promotion to the grade of major general, and each reserve rear admiral (lower half) of the Navy who has not been recommended for promotion to the grade of rear admiral, except an officer covered by section 14512 of this title, shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 60 years of age.

"§ 14511. Separation at age 62: major generals and rear admirals

''Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of major general and each reserve officer of the Navy in the grade of rear admiral, except an officer covered by section 14512 of this title, shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 62 years of age.

"§ 14512. Separation at age 64: officers holding certain offices

"(a) ARMY AND AIR FORCE.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, a reserve officer of the Army or Air Force who is Chief of the National Guard Bureau, an adjutant general, or if a reserve officer of the Army, commanding general of the troops of a State, shall on the last day of the month in which the officer becomes 64 years of age, be separated in accordance with section 14515 of this title.

"(b) NAVY AND MARINE CORPS.—The Secretary of the Navy may defer the retirement under section 14510 or 14511 of a reserve officer of the Navy in a grade above captain or a reserve officer of the Marine Corps in a grade above colonel and retain the officer in an active status until the officer becomes 64 years of age. Not more than 10 officers may be so deferred at any one time, distributed between the Naval Reserve and the Marine Corps Reserve as the Secretary determines.

"§ 14513. Separation for failure of selection of promotion

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and whose removal from an active status or from a reserve active-status list is required by section 14504, 14505, or 14506 of this title shall (unless the officer's separation is deferred or the

officer is continued in an active status under another provision of law) not later than the date specified in those sections—

"(1) be transferred to an inactive status if the Secretary concerned determines that the officer has skills which may be required to meet the mobilization needs of the officer's armed force;

"(2) be transferred to the Retired Reserve, if the officer is qualified and applies for such transfer; or

"(3) if the officer is not transferred to an inactive status or to the Retired Reserve, be discharged from the officer's reserve appointment.

"§ 14514. Discharge or retirement for years of service or after selection for early removal

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and who is required to be removed from an active status or from a reserve active-status list, as the case may be, under section 14507, 14508, 14704, or 14705 of this title (unless the officer is sooner separated or the officer's separation is deferred or the officer is continued in an active status under another provision of law), in accordance with those sections, shall—

"(1) be transferred to the Retired Reserve, if the officer is qualified and applies for such transfer; or

"(2) if the officer is not qualified or does not apply for such transfer, be discharged from the officer's reserve appointment.

"§ 14515. Discharge or retirement for age

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status or on an inactive status list and who reaches the maximum age specified in section 14509, 14510, 14511, or 14512 of this title for the officer's grade or position shall (unless the officer is sooner separated or the officer's separation is deferred or the officer is continued in an active status under another provision of law) not later than the last day of the month in which the officer reaches that maximum age—

"(1) be transferred to the Retired Reserve, if the officer is qualified and applies for such transfer; or

"(2) if the officer is not qualified or does not apply for transfer to the Retired Reserve, be discharged from the officer's reserve appointment.

"§ 14516. Separation to be considered involuntary

"The separation of an officer pursuant to section 14513, 14514, or 14515 of this title shall be considered to be an involuntary separation for purposes of any other provision of law.

"§ 14517. Entitlement of officers discharged under this chapter to separation pay

''An officer who is discharged under section 14513, 14514, or 14515 of this title is entitled to separation pay under section 1174 of this title if otherwise eligible under that section.

"CHAPTER 1409—CONTINUATION OF OFFICERS ON THE RESERVE ACTIVE-STATUS LIST AND SELECTIVE EARLY REMOVAL

''Sec.
''14701. Selection of officers for continuation on the reserve active-status list.
''14702. Retention on reserve active-status list of certain officers until age 60.
''14703. Authority to retain chaplains and officers in medical specialties until specified age.
''14704. Selective early removal from the reserve active-status list.
''14705. Selective early retirement: reserve general and flag officers of the Navy and Marine Corps.
''14706. Computation of total years of service.

"§ 14701. Selection of officers for continuation on the reserve active-status list

''(a) CONSIDERATION FOR CONTINUATION.—(1) Upon application, a reserve officer of the Army, Navy, Air Force, or Marine Corps who is required to be removed from the reserve active-status list under section 14505, 14506, or 14507 of this title may, subject to the needs of the service and to section 14509 of this title, be considered for continuation on the reserve active-status list by a selection board convened under section 14101(b) of this title.

''(2) A reserve officer who holds the grade of captain in the Army, Air Force, or Marine Corps or the grade of

lieutenant in the Navy and who is subject to separation under section 14513 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 20 years of commissioned service.

''(3) A reserve officer who holds the grade of major or lieutenant commander and who is subject to separation under section 14513 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 24 years of commissioned service.

''(4) A reserve officer who holds the grade of lieutenant colonel or commander and who is subject to separation under section 14514 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 33 years of commissioned service.

''(5) A reserve officer who holds the grade of colonel in the Army, Air Force, or Marine Corps or the grade of captain in the Navy and who is subject to separation under section 14514 of this title may not be continued on the reserve active-status list under this subsection for a period

which extends beyond the last day of the month in which the officer completes 35 years of commissioned service.

''(6) An officer who is selected for continuation on the reserve active-status list as a result of the convening of a selection board under section 14101(b) of this title but who declines to continue on that list shall be separated in accordance with section 14513 or 14514 of this title, as the case may be.

''(7) Each officer who is continued on the reserve active-status list under this section, who is not subsequently promoted or continued on the active-status list, and whose name is not on a list of officers recommended for promotion to the next higher grade shall (unless sooner separated under another provision of law) be separated in accordance with section 14513 or 14514 of this title, as appropriate, upon the expiration of the period for which the officer was continued on the reserve active-status list.

''(b) APPROVAL OF SECRETARY CONCERNED.—Continuation of an officer on the reserve active-status list under this section pursuant to action of a continuation board convened under section 14101(b) of this title is subject to the approval of the Secretary of the military department concerned.

''(c) INSTRUCTIONS TO CONTINUATION BOARDS.—A continuation board convened under section 14101(b) of this

title to consider officers for continuation on the reserve active-status list under this section shall act in accordance with the instructions and directions provided to the board by the Secretary of the military department concerned.

"(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section.

"§ 14702. Retention on reserve active-status list of certain officers until age 60

"(a) RETENTION.—Notwithstanding the provisions of section 14506 or 14507 of this title, the Secretary of the military department concerned may, with the officer's consent, retain on the reserve active-status list an officer in the grade of major, lieutenant colonel, or colonel who is—

"(1) an officer of the Army National Guard of the United States and assigned to a headquarters or headquarters detachment of a State; or

"(2) a reserve officer of the Army or Air Force who, as a condition of continued employment as a National Guard or Reserve technician is required by the Secretary concerned to maintain membership in a Selected Reserve unit or organization.

"(b) SEPARATION AT AGE 60.—An officer may be retained under this section only so long as the officer continues to meet the conditions of subsection (a)(1) or (a)(2). An officer may not be retained under this section after the

last day of the month in which the officer becomes 60 years of age.

"§ 14703. Authority to retain chaplains and officers in medical specialties until specified age

"(a) RETENTION.—Notwithstanding any provision of chapter 1407 of this title and except for officers referred to in sections 14503, 14504, 14505, and 14506 of this title and under regulations prescribed by the Secretary of Defense—

"(1) the Secretary of the Army may, with the officer's consent, retain in an active status any reserve officer assigned to the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Services Corps (if the officer has been designated as allied health officer or biomedical sciences officer in that Corps), the Optometry Section of the Medical Services Corps, the Chaplains, the Army Nurse Corps, or the Army Medical Specialists Corps;

"(2) the Secretary of the Navy may, with the officer's consent, retain in an active status any reserve officer appointed in the Medical Corps, Dental Corps, Nurse Corps, or Chaplain Corps or appointed in the Medical Services Corps and designated to perform as a veterinarian, optometrist, podiatrist, allied health officer, or biomedical sciences officer; and

"(3) the Secretary of the Air Force may, with the officer's consent, retain in an active status any reserve officer who is designated as a medical officer, dental officer, veterinary officer, Air Force nurse, or chaplain or who is designated as a biomedical sciences officer and is qualified for service as a veterinarian, optometrist, or podiatrist.

"(b) SEPARATION AT SPECIFIED AGE.—An officer may not be retained in active status under this section later than the date on which the officer becomes 67 years of age (or, in the case of a reserve officer of the Army in the Chaplains or a reserve officer of the Air Force designated as a chaplain, 60 years of age).

"§ 14704. Selective early removal from the reserve active-status list

"(a) BOARDS TO RECOMMEND OFFICERS FOR REMOVAL FROM RESERVE ACTIVE-STATUS LIST.—Whenever the Secretary of the military department concerned determines that there are in any reserve component under the jurisdiction of the Secretary too many officers in any grade and competitive category who have at least 30 years of service computed under section 14706 of this title or at least 20 years of service computed under section 12732 of this title, the Secretary may convene a selection board under section 14101(b) of this title to consider all officers on that

list who are in that grade and competitive category, and who have that amount of service, for the purpose of recommending officers by name for removal from the reserve active-status list, in the number specified by the Secretary by each grade and competitive category.

"(b) SEPARATION OF OFFICERS SELECTED.—In the case of an officer recommended for separation in the report of a board under subsection (a), the Secretary may separate the officer in accordance with section 14514 of this title.

"(c) REGULATIONS.—The Secretary of the military department concerned shall prescribe regulations for the administration of this section.

"§ 14705. Selective early retirement: reserve general and flag officers of the Navy and Marine Corps

"(a) AUTHORITY TO CONSIDER.—An officer in the Naval Reserve in an active status serving in the grade of rear admiral (lower half) or rear admiral and an officer in the Marine Corps Reserve in an active status serving in the grade of brigadier general or major general may be considered for early retirement whenever the Secretary of the Navy determines that such action is necessary.

"(b) BOARDS.—If the Secretary of the Navy determines that consideration for early retirement under this section is necessary, the Secretary shall convene a board under sec-

tion 14101(b) of this title to recommend an appropriate number of officers for early retirement.

''(c) SEPARATION UNDER SECTION 14514.—An officer selected for early retirement under this section shall be separated in accordance with section 14514 of this title.

''§ 14706. Computation of total years of service

''For the purpose of this chapter and chapter 1407 of this title, a reserve officer's years of service include all service, other than constructive service, of the officer as a commissioned officer of any uniformed service (other than service as a warrant officer).

''CHAPTER 1411—ADDITIONAL PROVISIONS RELATING TO INVOLUNTARY SEPARATION

''Sec.
''14901. Separation of chaplains for loss of professional qualifications.
''14902. Separation for substandard performance and for certain other reasons.
''14903. Boards of inquiry.
''14904. Rights and procedures.
''14905. Officer considered for removal: retirement or discharge.
''14906. Officers eligible to serve on boards.
''14907. Army National Guard of the United States and Air National Guard of the United States: discharge and withdrawal of Federal recognition of officers absent without leave.

''§ 14901. Separation of chaplains for loss of professional qualifications

''(a) SEPARATION.—Under regulations prescribed by the Secretary of Defense, an officer on the reserve active-status list who is appointed or designated as a chaplain may, if the officer fails to maintain the qualifications needed to perform the professional function of a chaplain, be

discharged. The authority under the preceding sentence applies without regard to the provisions of section 12645 of this title.

"(b) EFFECT OF SEPARATION.—If an officer separated under this section is eligible for retirement, the officer may be retired. If the officer has completed the years of service required for eligibility for retired pay under chapter 1223 of this title, the officer may be transferred to the Retired Reserve.

"§ 14902. Separation for substandard performance and for certain other reasons

"(a) SUBSTANDARD PERFORMANCE OF DUTY.—The Secretary of the military department concerned shall prescribe, by regulation, procedures for the review at any time of the record of any reserve officer to determine whether that officer should be required, because that officer's performance has fallen below standards prescribed by the Secretary concerned, to show cause for retention in an active status.

"(b) MISCONDUCT, ETC.—The Secretary of the military department concerned shall prescribe, by regulation, procedures for the review at any time of the record of any reserve officer to determine whether that officer should be required, because of misconduct, because of moral or professional dereliction, or because the officer's retention is not

clearly consistent with the interests of national security, to show cause for retention in an active status.

"(c) REGULATIONS.—The authority of the Secretary of a military department under this section shall be carried out subject to such limitations as the Secretary of Defense may prescribe by regulation.

"§ 14903. Boards of inquiry

"(a) CONVENING OF BOARDS.—The Secretary of the military department concerned shall convene a board of inquiry at such time and place as the Secretary may prescribe to receive evidence and review the case of any officer who has been required to show cause for retention in an active status under section 14902 of this title. Each board of inquiry shall be composed of not less than three officers who have the qualifications prescribed in section 14906 of this title.

"(b) RIGHT TO FAIR HEARING.—A board of inquiry shall give a fair and impartial hearing to each officer required under section 14902 of this chapter to show cause for retention in an active status.

"(c) RECOMMENDATIONS TO SECRETARY.—If a board of inquiry determines that the officer has failed to establish that the officer should be retained in an active status, the board shall recommend to the Secretary concerned that the officer not be retained in an active status.

"(d) ACTION BY SECRETARY.—After review of the recommendation of the board of inquiry, the Secretary may—

"(1) remove the officer from an active status; or

"(2) determine that the case be closed.

"(e) ACTION IN CASES WHERE CAUSE FOR RETENTION IS ESTABLISHED.—(1) If a board of inquiry determines that an officer has established that the officer should be retained in an active status or if the Secretary determines that the case be closed, the officer's case is closed.

"(2) An officer who is required to show cause for retention under section 14902(a) of this title and whose case is closed under paragraph (1) may not again be required to show cause for retention under such subsection during the one-year period beginning on the date of that determination.

"(3)(A) Subject to subparagraph (B), an officer who is required to show cause for retention under section 14902(b) of this title and whose case is closed under paragraph (1) may again be required to show cause for retention at any time.

"(B) An officer who has been required to show cause for retention under section 14902(b) of this title and who is thereafter retained in an active status may not again be required to show cause for retention under such section solely because of conduct which was the subject of the pre-

vious proceeding, unless the recommendations of the board of inquiry that considered the officer's case are determined to have been obtained by fraud or collusion.

"§ 14904. Rights and procedures

"(a) PROCEDURAL RIGHTS.—Under regulations prescribed by the Secretary of Defense, an officer required under section 14902 of this title to show cause for retention in an active status—

"(1) shall be notified in writing, at least 30 days before the hearing of the officer's case by a board of inquiry, of the reasons for which the officer is being required to show cause for retention in an active status;

"(2) shall be allowed a reasonable time, as determined by the board of inquiry, to prepare for showing of cause for retention in an active status;

"(3) shall be allowed to appear in person and to be represented by counsel at proceedings before the board of inquiry; and

"(4) shall be allowed full access to, and shall be furnished copies of, records relevant to the case, except that the board of inquiry shall withhold any record that the Secretary concerned determines should be withheld in the interest of national security.

"(b) SUMMARY OF RECORDS WITHHELD.—When a record is withheld under subsection (a)(4), the officer whose case is under consideration shall, to the extent that the interest of national security permits, be furnished a summary of the record so withheld.

"§ 14905. Officer considered for removal: retirement or discharge

"(a) VOLUNTARY RETIREMENT OR DISCHARGE.—At any time during proceedings under this chapter with respect to the removal of an officer from an active status, the Secretary of the military department concerned may grant a request by the officer—

"(1) for voluntary retirement, if the officer is qualified for retirement;

"(2) for transfer to the Retired Reserve if the officer has completed the years of service required for eligibility for retired pay under chapter 1223 of this title and is otherwise eligible for transfer to the Retired Reserve; or

"(3) for discharge in accordance with subsection (b)(3).

"(b) REQUIRED RETIREMENT OR DISCHARGE.—An officer removed from an active status under section 14903 of this title shall—

"(1) if eligible for voluntary retirement under any provision of law on the date of such removal, be retired in the grade and with the retired pay for which he would be eligible if retired under that provision;

"(2) if eligible for transfer to the Retired Reserve and has completed the years of service required for retired pay under chapter 1223 of this title, be transferred to the Retired Reserve; and

"(3) if ineligible for retirement or transfer to the Retired Reserve under paragraph (1) or (2) on the date of such removal—

"(A) be honorably discharged in the grade then held, in the case of an officer whose case was brought under subsection (a) of section 14902 of this title; or

"(B) be discharged in the grade then held, in the case of an officer whose case was brought under subsection (b) of section 14902 of this title.

"(c) SEPARATION PAY.—An officer who is discharged under subsection (b)(3) is entitled, if eligible therefor, to separation pay under section 1174(c) of this title.

"§ 14906. Officers eligible to serve on boards

"(a) COMPOSITION OF BOARDS.—(1) Each officer who serves on a board convened under this chapter shall be an

officer of the same armed force as the officer being required to show cause for retention in an active status.

"(2) An officer may not serve on a board under this chapter unless the officer holds a grade above lieutenant colonel or commander and is senior in grade and rank to any officer considered by the board.

"(b) LIMITATION.—A person may not be a member of more than one board convened under this chapter to consider the same officer.

"§ 14907. Army National Guard of the United States and Air National Guard of the United States: discharge and withdrawal of Federal recognition of officers absent without leave

"(a) AUTHORITY TO WITHDRAW FEDERAL RECOGNITION.—If an officer of the Army National Guard of the United States or the Air National Guard of the United States has been absent without leave for three months, the Secretary of the Army or the Secretary of the Air Force, as appropriate, may—

"(1) terminate the reserve appointment of the officer; and

"(2) withdraw the officer's Federal recognition as an officer of the National Guard.

"(b) DISCHARGE FROM RESERVE APPOINTMENT.—An officer of the Army National Guard of the United States or the Air National Guard of the United States whose Federal recognition as an officer of the National Guard is withdrawn under section 323(b) of title 32 shall be discharged from the officer's appointment as a reserve officer of the Army or the Air Force, as the case may be.".

PART II—CONFORMING AMENDMENTS

SEC. 1321. DEFINITION OF RESERVE ACTIVE-STATUS LIST.

Section 101(c) is amended by adding at the end the following new paragraph:

"(7) The term 'reserve active-status list' means a single list for the Army, Navy, Air Force, or Marine Corps (required to be maintained under section 14002 of this title) that contains the names of all officers of that armed force except warrant officers (including commissioned warrant officers) who are in an active status in a reserve component of the Army, Navy, Air Force, or Marine Corps and are not on an active-duty list.".

SEC. 1322. AUTHORITY TO SUSPEND OFFICER PERSONNEL LAWS DURING WAR OR NATIONAL EMERGENCY.

(a) AUTHORITY.—Section 123 is amended to read as follows:

"§ 123. Authority to suspend officer personnel laws during war or national emergency

"(a) In time of war, or of national emergency declared by Congress or the President after November 30, 1980, the President may suspend the operation of any provision of law relating to the promotion, involuntary retirement, or separation of commissioned officers of the Army, Navy, Air Force, Marine Corps, or Coast Guard Reserve. So long as such war or national emergency continues, any such suspension may be extended by the President.

"(b) Any such suspension shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621–1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of the termination of the emergency.

"(c) If a provision of law pertaining to the promotion of reserve officers is suspended under this section and if the Secretary of Defense submits to Congress proposed legislation to adjust the grades and dates of rank of reserve com-

missioned officers other than commissioned warrant officers, such proposed legislation shall, so far as practicable, be the same as that recommended for adjusting the grades and dates of rank of officers of the regular component of the armed force concerned.''.

(b) CONFORMING REPEAL.—Section 644 is repealed.

SEC. 1323. ACTIVE-DUTY LIST PROMOTION BOARDS TO HAVE AUTHORITY TO RECOMMEND THAT RESERVE OFFICERS CONSIDERED FOR PROMOTION BE REQUIRED TO SHOW CAUSE FOR RETENTION ON ACTIVE DUTY.

Section 617(b) is amended—

(1) by inserting ''or reserve'' after ''any regular''; and

(2) by inserting ''or 1411'' after ''chapter 60''.

SEC. 1324. APPLICABILITY OF CHAPTER 36 TO RESERVE OFFICERS DURING WAR OR NATIONAL EMERGENCY.

Section 641 is amended—

(1) by inserting ''(a)'' before ''Officers in the following''; and

(2) by adding at the end the following:

''(b) Under regulations prescribed by the Secretary of the military department concerned, a reserve officer who is ordered to active duty (whether voluntarily or involuntar-

ily) during a war or national emergency and who would otherwise be placed on the active-duty list may be excluded from that list as determined by the Secretary concerned. Exclusion of an officer from the active-duty list as the result of action by the Secretary concerned under the preceding sentence shall expire not later than 24 months after the date on which the officer enters active duty under an order to active duty covered by that sentence.''.

SEC. 1325. GRADE IN WHICH RESERVE OFFICERS ARE ORDERED TO ACTIVE DUTY.

Section 689 is amended—

(1) by inserting ''or full-time National Guard duty'' after ''active duty'' the first two places it appears; and

(2) by inserting ''and placed on the active-duty list'' after ''active duty'' the third place it appears.

SEC. 1326. DATE OF RANK.

Section 741(d)(3) is amended—

(1) by inserting ''or who is transferred from an inactive status to an active status and placed on the active-duty list or the reserve active-status list'' after ''warrant officer (W–5)'';

(2) by inserting ''or reserve active-status list'' after ''active-duty list'' the second place it appears; and

(3) by adding at the end: ''The authority to change the date of rank of a reserve officer who is placed on the active-duty list to a later date does not apply in the case of an officer who (A) has served continuously in the Selected Reserve of the Ready Reserve since the officer's last promotion, or (B) is placed on the active-duty list while on a promotion list as described in section 14317(b) of this title.''.

SEC. 1327. DISCHARGE BEFORE COMPLETION OF REQUIRED SERVICE IN CASE OF OFFICERS HAVING TWICE FAILED OF SELECTION FOR CAPTAIN OR NAVY LIEUTENANT.

Section 1005(b) is amended—

(1) by striking out ''or'' at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

''(3) an officer on the active-duty list or reserve active-status list who has failed of selection for promotion for the second time to the grade of captain, in the case of an officer of the Army, Air Force, or Marine Corps, or to the grade of lieutenant, in the case of an officer of the Navy; or

''(4) an officer whose discharge or transfer from an active status is required by law.''.

SEC. 1328. CONFORMING AMENDMENTS RELATING TO NAVY AND MARINE CORPS OFFICERS.

Section 6389 is amended—

(1) in subsection (a)—

(A) by inserting ''while on the active-duty list'' after ''to the next higher grade''; and

(B) by striking out the period at the end and inserting in lieu thereof ''or released from active duty and placed on the reserve active-status list.'';

(2) in subsection (b), by striking out ''or (f)'';

(3) in subsection (c)—

(A) by inserting ''(1)'' after ''(c)'';

(B) by striking out ''lieutenant commander or above'' both places it appears and inserting in lieu thereof ''lieutenant commander or commander'';

(C) by striking out ''major or above'' both places it appears and inserting in lieu thereof ''major or lieutenant colonel'';

(D) by inserting ''while on the active-duty list'' after ''to the next higher grade'' in the first sentence; and

(E) in the table—

(i) by striking out the line relating to the grades of captain in the Navy and colonel in the Marine Corps; and

(ii) by striking out ''26 years'' and inserting in lieu thereof ''28 years'';

(F) by designating the sentence after the table as paragraph (2) and in that sentence striking out ''the first sentence of this subsection'' and inserting in lieu thereof ''the first sentence of paragraph (1)'';

(G) by designating the next sentence as paragraph (3) and in that sentence striking out ''the first two sentences of this subsection'' and inserting in lieu thereof ''paragraph (1)''; and

(H) by designating the last sentence as paragraph (4) and in that sentence—

(i) striking out ''the first two sentences of this subsection'' and inserting in lieu thereof ''paragraph (1)''; and

(ii) striking out ''captain or''; and

(4) by striking out subsections (e), (f), and (g).

SEC. 1329. REPEAL OF RESERVE OFFICER PERSONNEL POLICY LAWS.

(a) ARMY PROVISIONS.—

(1) Chapter 337, relating to appointments as reserve officers (other than sections 3351 and 3352), is repealed.

(2) Chapter 361, relating to separation for various reasons, is repealed.

(3) Chapter 363, relating to separation or transfer to the Retired Reserve, is repealed.

(b) NAVY AND MARINE CORPS PROVISIONS.—

(1) Chapter 541, relating to running mates as reserve officers, is repealed.

(2) Chapter 549, relating to reserve promotions, is repealed.

(3) Sections 6391, 6392, 6397, 6403, and 6410 are repealed.

(c) AIR FORCE PROVISIONS.—

(1) Chapter 837, relating to appointments as reserve officers (other than sections 8351 and 8352), is repealed.

(2) Sections 8819 and 8820 are repealed.

(3) Chapter 863, relating to separation or transfer to the Retired Reserve, is repealed.

SEC. 1330. AMENDMENTS TO TITLE 32, UNITED STATES CODE.

Title 32, United States Code, is amended as follows:

(1) Sections 309 and 310 are amended to read as follows:

"§ 309. Federal recognition of National Guard officers: officers promoted to fill vacancies

''Each officer of the National Guard who is promoted to fill a vacancy in a federally recognized unit of the National Guard, and who has been on the reserve active-status list or the active-duty list of the Army or the Air Force for at least one year and has completed the minimum years of service in grade specified in section 14303 of title 10, shall be examined for Federal recognition in the grade to which the officer is promoted.

"§ 310. Federal recognition of National Guard officers: automatic recognition

''(a) Notwithstanding sections 307 and 309 of this title, if a second lieutenant of the National Guard is promoted to the grade of first lieutenant to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade of first lieutenant, effective as of the date on which that officer has completed the service in the grade specified in section 14303(a)(1) of title 10 and has met such other requirements as prescribed by the Secretary concerned under section 14308(b) of that title, if the officer has re-

mained in an active status since the officer was so recommended.

''(b) Notwithstanding sections 307 and 309 of this title, if an officer of the Army Reserve or the Air Force Reserve in a reserve grade above second lieutenant is appointed in the next higher grade in the National Guard to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade in which the officer is so appointed in the National Guard if the officer has been recommended for promotion under chapter 1405 of title 10 and has remained in an active status since the officer was so recommended. The extension of Federal recognition under this subsection is effective as of the date when the officer is appointed in the National Guard.''.

(2) Section 323 is amended by striking out subsections (d) and (e) and inserting in lieu thereof the following:

''(d) The Federal recognition of a reserve commissioned officer of the Army or the Air Force who is—

''(1) federally recognized as an officer of the National Guard; and

''(2) subject to involuntary transfer to the Retired Reserve, transfer to an inactive status list, or

discharge under chapter 1407, 1409, or 1411 of title 10;

shall, if not sooner withdrawn, be withdrawn on the date of such involuntary transfer or discharge.''.

Subtitle B—Other Personnel Policy Amendments

PART I—APPOINTMENTS

SEC. 1331. REPEAL OF SEPARATE AUTHORITY FOR ACCESSION OF WOMEN IN RESERVE COMPONENTS.

(a) ENLISTMENTS.—Section 510 is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) APPOINTMENT OF OFFICERS.—Section 591 is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 1332. APPOINTMENT AUTHORITY FOR RESERVE GRADES OF LIEUTENANT COLONEL AND COMMANDER.

Section 593(a) is amended—

(1) in the first sentence, by striking out ''Reserves in commissioned grades below lieutenant colonel and commander'' and inserting in lieu thereof

''reserve officers in commissioned grades of lieutenant colonel and commander or below''; and

(2) in the second sentence, by striking out ''Reserves in commissioned grades above major and lieutenant commander'' and inserting in lieu thereof ''reserve officers in commissioned grades above lieutenant colonel and commander''.

SEC. 1333. APPOINTMENT OF FORMER COMMISSIONED OFFICERS IN RESERVE COMPONENTS.

Chapter 34 is amended by inserting after section 596 the following new section:

''§ 596a. Commissioned officers: appointment of former commissioned officers

''Under regulations prescribed by the Secretary of Defense, a person who is a former commissioned officer may, if otherwise qualified, be appointed as a reserve officer of the Army, Navy, Air Force, or Marine Corps. A person so appointed—

''(1) may be placed on the reserve active-status list of that armed force in the grade equivalent to the permanent regular or reserve grade, and in the same competitive category, in which the person previously served satisfactorily on active duty or in an active status; and

''(2) may be credited for the purpose of determining date of rank under section 741(d) of this title with service in grade equal to that held by that person when discharged or separated.''.

SEC. 1334. CONSTRUCTIVE CREDIT FOR APPOINTMENT OF OFFICERS IN RESERVE COMPONENTS WITH QUALIFYING EDUCATION OR EXPERIENCE.

Chapter 34 is further amended by inserting after section 596a (as added by section 1333) the following new section:

''§ 596b. Commissioned officers: service credit upon original appointment

''(a)(1) For the purpose of determining the grade and the rank within grade of a person receiving an original appointment as a reserve commissioned officer (other than a commissioned warrant officer) in the Army, Navy, Air Force, or Marine Corps, the person shall be credited at the time of the appointment with any commissioned service (other than service as a commissioned warrant officer) performed before such appointment as a regular officer, or as a reserve officer in an active status, in any armed force, the National Oceanic and Atmospheric Administration, or the Public Health Service.

''(2) The Secretary of Defense shall prescribe regulations, which shall apply uniformly among the Army, Navy,

Air Force, and Marine Corps, to authorize the Secretary of the military department concerned to limit the amount of prior commissioned service with which a person receiving an original appointment may be credited under paragraph (1), or to deny any such credit, in the case of a person who at the time of such appointment is credited with constructive service under subsection (b).

"(b)(1) Under regulations prescribed by the Secretary of Defense, a person who is receiving an original appointment as a reserve commissioned officer (other than a commissioned warrant officer) of the Army, Navy, Air Force, or Marine Corps, or a designation in, or an assignment to, an officer category in which advanced education or training is required and who has advanced education or training, shall be credited with constructive service for such education, training, or experience, as follows:

"(A) One year for each year of advanced education beyond the baccalaureate degree level, for persons appointed or designated in, or assigned to, officer categories requiring such advanced education or an advanced degree as a prerequisite for such appointment, designation, or assignment. In determining the number of years of constructive service to be credited under this subparagraph to officers in any professional field, the Secretary concerned shall credit

an officer with, but with not more than, the number of years of advanced education required by a majority of institutions that award degrees in that professional field for completion of the advanced education or award of the advanced degree.

"(B)(i) Credit for any period of advanced education in a health profession (other than medicine and dentistry) beyond the baccalaureate degree level which exceeds the basic education criteria for such appointment, designation, or assignment, if such advanced education will be directly used by the armed force concerned.

"(ii) Credit for experience in a health profession (other than medicine or dentistry), if such experience will be directly used by the armed force concerned.

"(C) Additional credit of (i) not more than one year for internship or equivalent graduate medical, dental, or other formal health professional training required by the armed forces, and (ii) not more than one year for each additional year of such graduate-level training or experience creditable toward certification in a speciality required by the armed force concerned.

"(D) Additional credit, in unusual cases, based on special experience in a particular field.

"(E) Additional credit for experience as a physician or dentist, if appointed, assigned, or designated as a medical or dental officer.

"(2) If the Secretary of Defense determines that the number of medical or dental officers serving in an active status in a reserve component of the Army, Navy, or Air Force in grades below major or lieutenant commander is critically below the number needed by such reserve component in such grades, the Secretary of Defense may authorize the Secretary of the military department concerned to credit any person who is receiving an original appointment for service as a medical or dental officer with a period of constructive credit in such amount (in addition to any amount credited such person under subsection (b)) as will result in the grade of such person being that of captain or, in the case of the Naval Reserve, lieutenant.

"(3) Except as authorized by the Secretary concerned in individual cases and under regulations prescribed by the Secretary of Defense in the case of a medical or dental officer, the amount of constructive service credited an officer under this subsection may not exceed the amount required in order for the officer to be eligible for an original appointment as a reserve officer of the Army, Air Force, or Marine Corps in the grade of major or as a reserve officer of the Navy in the grade of lieutenant commander.

"(4) Constructive service credited an officer under this subsection is in addition to any service credited that officer under subsection (a) and shall be credited at the time of the original appointment of the officer or assignment to or designation in an officer category in which advanced education or training or special experience is required.

"(c) Constructive service may not be credited under subsection (b) for education, training, or experience obtained while serving as a commissioned officer (other than a warrant officer) on active duty or in an active status. However, in the case of an officer who completes advanced education or receives an advanced degree while on active duty or in an active status and in less than the number of years normally required to complete such advanced education or receive such advanced degree, constructive service may, subject to regulations prescribed under subsection (a)(2), be credited to the officer under subsection (b)(1)(A) to the extent that the number of years normally required to complete such advanced education or receive such advanced degree exceeds the actual number of years in which such advanced education or degree is obtained by the officer.

"(d) If the Secretary of Defense determines that the number of qualified judge advocates serving on the active-duty list of the Army, Navy, Air Force, or Marine Corps in grades below lieutenant commander or major is critically

below the number needed by that armed force in those grades, the Secretary of Defense may authorize the Secretary of the military department concerned to credit any person who is receiving an original appointment with a view to assignment to the Judge Advocate General's Corps of the Army or appointment to the Judge Advocate General's Corps of the Navy, or who is receiving an original appointment in the Air Force or Marine Corps with a view to designation as a judge advocate, with a period of constructive service in such an amount (in addition to any amount credited such person under subsection (b)) as will result in the grade of such person being that of captain or, in the case of the Navy, lieutenant, and the date of rank of such person being junior to that of all other officers of the same grade serving on the active-duty list.

''(e) Constructive service credited an officer under subsection (b) or (d) shall be used only for determining the officer's—

''(1) initial grade as a reserve officer;

''(2) rank in grade; and

''(3) service in grade for promotion eligibility.

''(f) The grade and position on the reserve active-status list of a person receiving an appointment as a reserve officer who at the time of appointment is credited with service under this section shall be determined under regulations

prescribed by the Secretary of Defense based upon the amount of service credited.''.

SEC. 1335. COMPUTATION OF YEARS OF SERVICE FOR TRANSFER OF ARMY OFFICERS TO RETIRED RESERVE.

(a) INTERIM REPEAL OF OBSOLETE PROVISION.—Effective for the period beginning on the date of the enactment of this Act and ending on the effective date specified in section 1291, section 3853 is amended by striking out ''the greater of—'' and all that follows and inserting in lieu thereof ''the sum of the following:

''(1) The officer's years of service as a commissioned officer of any component of the armed forces or of the Army without specification of component.

''(2) The officer's years of service in a federally recognized commissioned status in the National Guard if his service in the National Guard was continuous from the date of his Federal recognition as an officer in the National Guard to the date of his appointment in the National Guard of the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to transfers to the Retired Reserve and to discharges on or after the date of the enactment of this Act.

SEC. 1336. REPEAL OF MISCELLANEOUS OBSOLETE APPOINTMENT AUTHORITIES.

(a) ARMY RESERVE OFFICERS APPOINTED IN TEMPORARY GRADES.—Section 3352(a) is amended by striking out the second sentence.

(b) AIR FORCE AVIATION CADETS.—Section 8356 is repealed.

(c) REDUNDANT STATEMENT OF AUTHORITY.—Section 8379 is repealed.

PART II—SEPARATION AND RETIREMENT

SEC. 1341. COMPUTATION OF HIGHEST GRADE IN WHICH SATISFACTORILY SERVED FOR RESERVE COMMISSIONED OFFICERS AND FORMER OFFICERS.

Section 1370 is amended by adding at the end the following new subsection:

"(d)(1) Unless entitled to a higher grade, or to credit for satisfactory service in a higher grade, under some other provision of law, a person who is entitled to retired pay under chapter 1225 of this title shall, upon application under section 12731 of this title, be credited with satisfactory service in the highest grade in which that person served satisfactorily at any time in the armed forces, as determined by the Secretary concerned in accordance with this subsection.

"(2)(A) In order to be credited with satisfactory service in an officer grade (other than a warrant officer grade) below the grade of lieutenant colonel or commander, a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than six months.

"(B) In order to be credited with satisfactory service in an officer grade above major or lieutenant commander and below lieutenant general or vice admiral, a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than three years. A person covered by the preceding sentence who has completed at least six months of satisfactory service in grade and is transferred from an active status or discharged as a reserve commissioned officer solely due to the requirements of a nondiscretionary provision of law requiring that transfer or discharge due to the person's age or years of service may be credited with satisfactory service in the grade in which serving at the time of such transfer or discharge, notwithstanding failure of the person to complete three years of service in that grade.

''(3) A person whose length of service in the highest grade held does not meet the service in grade requirements specified in this subsection shall be credited with satisfactory service in the next lower grade in which that person served satisfactorily (as determined by the Secretary of the military department concerned) for not less than six months.''.

PART III—OTHER AMENDMENTS

SEC. 1351. TENURE IN OFFICE OF CHIEF OF NATIONAL GUARD BUREAU.

Section 3040(c) is amended by adding at the end the following new sentence: ''While holding that office, the Chief of the National Guard Bureau may not be removed from the reserve active-status list, or from an active status, under any provision of law that otherwise would require such removal due to completion of a specified number of years of service or a specified number of years of service in grade.''.

SEC. 1352. RIGHT TO REENLIST IN REGULAR ARMY OR REGULAR AIR FORCE AFTER SERVICE AS AN OFFICER.

(a) ARMY.—Section 3258 is amended—

(1) by striking out ''Any former enlisted member'' and inserting in lieu thereof ''(a) Subject to subsections (b) and (c), a former enlisted member'';

(2) by striking out the last sentence; and

(3) by adding at the end the following:

''(b) A person who is a former enlisted member is not entitled to be reenlisted under subsection (a) if that person is discharged or released from active duty from service as an officer described in that subsection—

''(1) because that person's performance of duty while serving as such an officer has fallen below standards prescribed by the Secretary of Defense;

''(2) because of misconduct or moral or professional dereliction; or

''(3) because retention of that person as an officer is not clearly consistent with the interest of national security.

''(c) A person who is a former enlisted member is not entitled to be reenlisted under subsection (a) if that person's status and grade as an enlisted member were only held during, and solely as a result of, participation in a precommissioning program after the effective date of the Reserve Officer Personnel Management Act.''.

(b) AIR FORCE.—Section 8258 is amended—

(1) by striking out ''Any former enlisted member'' and inserting in lieu thereof ''(a) Subject to subsections (b) and (c), a former enlisted member'';

(2) by striking out the last sentence; and

(3) by adding at the end the following:

''(b) A person who is a former enlisted member is not entitled to be reenlisted under subsection (a) if that person is discharged or released from active duty from service as an officer described in that subsection—

''(1) because that person's performance of duty while serving as such an officer has fallen below standards prescribed by the Secretary of Defense;

''(2) because of misconduct or moral or professional dereliction; or

''(3) because retention of that person as an officer is not clearly consistent with the interest of national security.

''(c) A person who is a former enlisted member is not entitled to be reenlisted under subsection (a) if that person's status and grade as an enlisted member were only held during, and solely as a result of, participation in a precommissioning program after the effective date of the Reserve Officer Personnel Management Act.''.

Subtitle C—Reorganization and Consolidation of Laws Relating to Reserve Components

SEC. 1361. LAWS RELATING TO ORGANIZATION AND ADMINISTRATION OF RESERVE COMPONENTS.

(a) RESERVE COMPONENTS GENERALLY.—(1) Subtitle E, as added by section 1311, is amended by inserting after

the table of chapters at the beginning of the subtitle the following:

"PART I—ORGANIZATION AND ADMINISTRATION

"Chap	*Sec.*
"1001. Definitions	*10001*
"1003. Reserve Components Generally	*10101*
"1005. Elements of Reserve Components	*10141*
"1007. Administration of Reserve Components	*10201*
"1009. Reserve Forces Policy Boards and Committees	*10301*
"1011. National Guard Bureau	*10501*
"1013. Budget Information and Annual Reports to Congress	*10541*

"CHAPTER 1001—DEFINITIONS

"Sec.
"10001. Definition of State.

"§ 10001. Definition of State

"In this subtitle, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

"CHAPTER 1003—RESERVE COMPONENTS GENERALLY

"Sec.
"10101. Reserve components named.
"10102. Purpose of reserve components.
"10103. Basic policy for order of National Guard into Federal service.
"10104. Army Reserve: composition.
"10105. Army National Guard of the United States: composition.
"10106. Army National Guard: when a component of the Army.
"10107. Army National Guard of the United States: status when not in Federal service.
"10108. Naval Reserve: administration.
"10109. Marine Corps Reserve: administration.
"10110. Air Force Reserve: composition.
"10111. Air National Guard of the United States: composition.
"10112. Air National Guard: when a component of the Air Force.
"10113. Air National Guard of the United States: status when not in Federal service.
"10114. Coast Guard Reserve.

"§ 10101. Reserve components named

''The reserve components of the armed forces are:

''(1) The Army National Guard of the United States.

''(2) The Army Reserve.

''(3) The Naval Reserve.

''(4) The Marine Corps Reserve.

''(5) The Air National Guard of the United States.

''(6) The Air Force Reserve.

''(7) The Coast Guard Reserve.

"§ 10102. Purpose of reserve components

''The purpose of each reserve component is to provide trained units and qualified persons available for active duty in the armed forces, in time of war or national emergency, and at such other times as the national security may require, to fill the needs of the armed forces whenever, during and after the period needed to procure and train additional units and qualified persons to achieve the planned mobilization, more units and persons are needed than are in the regular components.

"§ 10103. Basic policy for order of the National Guard and reserve components to active duty

''Whenever Congress determines that more units and organizations are needed for the national security than are in the regular components of the ground and air forces, the

Army National Guard of the United States and the Air National Guard of the United States, or such parts of them as are needed, together with units of other reserve components necessary for a balanced force, shall be ordered to active duty and retained as long as so needed.

"§ 10104. Army Reserve: composition

''The Army Reserve includes all Reserves of the Army who are not members of the Army National Guard of the United States.

"§ 10105. Army National Guard of the United States: composition

''The Army National Guard of the United States is the reserve component of the Army that consists of—

''(1) federally recognized units and organizations of the Army National Guard; and

''(2) members of the Army National Guard who are also Reserves of the Army.

"§ 10106. Army National Guard: when a component of the Army

''The Army National Guard while in the service of the United States is a component of the Army.

"§ 10107. Army National Guard of the United States: status when not in Federal service

''When not on active duty, members of the Army National Guard of the United States shall be administered,

armed, equipped, and trained in their status as members of the Army National Guard.

"§ 10108. Naval Reserve: administration

''(a) The Naval Reserve is the reserve component of the Navy. It shall be organized, administered, trained, and supplied under the direction of the Chief of Naval Operations.

''(b) The bureaus and offices of the executive part of the Department of the Navy have the same relation and responsibility to the Naval Reserve as they do to the Regular Navy.

"§ 10109. Marine Corps Reserve: administration

''(a) The Marine Corps Reserve is the reserve component of the Marine Corps. It shall be organized, administered, trained, and supplied under the direction of the Commandant of the Marine Corps.

''(b) The departments and offices of Headquarters, Marine Corps have the same relation and responsibilities to the Marine Corps Reserve as they do to the Regular Marine Corps.

"§ 10110. Air Force Reserve: composition

''The Air Force Reserve is a reserve component of the Air Force to provide a reserve for active duty. It consists of the members of the officers' section of the Air Force Reserve and of the enlisted section of the Air Force Reserve.

It includes all Reserves of the Air Force who are not members of the Air National Guard of the United States.

"§ 10111. Air National Guard of the United States: composition

''The Air National Guard of the United States is the reserve component of the Air Force that consists of—

''(1) federally recognized units and organizations of the Air National Guard; and

''(2) members of the Air National Guard who are also Reserves of the Air Force.

"§ 10112. Air National Guard: when a component of the Air Force

''The Air National Guard while in the service of the United States is a component of the Air Force.

"§ 10113. Air National Guard of the United States: status when not in Federal service

''When not on active duty, members of the Air National Guard of the United States shall be administered, armed, equipped, and trained in their status as members of the Air National Guard.

"§ 10114. Coast Guard Reserve

''As provided in section 701 of title 14, the Coast Guard Reserve is a component of the Coast Guard and is organized, administered, trained, and supplied under the direction of the Commandant of the Coast Guard. Laws ap-

plicable to the Coast Guard Reserve are set forth in chapter 21 of title 14 (14 U.S.C. 701 et seq.).

"CHAPTER 1005—ELEMENTS OF RESERVE COMPONENTS

"Sec.
"10141. Ready Reserve; Standby Reserve; Retired Reserve: placement and status of members; training categories.
"10142. Ready Reserve generally.
"10143. Ready Reserve: Selected Reserve.
"10144. Ready Reserve: Individual Ready Reserve.
"10145. Ready Reserve: placement in.
"10146. Ready Reserve: transfer from.
"10147. Ready Reserve: training requirements.
"10148. Ready Reserve: failure to satisfactorily perform prescribed training.
"10149. Ready Reserve: continuous screening.
"10150. Ready Reserve: transfer back from Standby Reserve.
"10151. Standby Reserve: composition.
"10152. Standby Reserve: inactive status list.
"10153. Standby Reserve: status of members.
"10154. Retired Reserve.

"§ 10141. Ready Reserve; Standby Reserve; Retired Reserve: placement and status of members; training categories

"(a) There are in each armed force a Ready Reserve, a Standby Reserve, and a Retired Reserve. Each Reserve shall be placed in one of those categories.

"(b) Reserves who are on the inactive status list of a reserve component, or who are assigned to the inactive Army National Guard or the inactive Air National Guard, are in an inactive status. Members in the Retired Reserve are in a retired status. All other Reserves are in an active status.

"(c) As prescribed by the Secretary concerned, each reserve component except the Army National Guard of the

United States and the Air National Guard of the United States shall be divided into training categories according to the degrees of training, including the number and duration of drills or equivalent duties to be completed in stated periods. The designation of training categories shall be the same for all armed forces and the same within the Ready Reserve and the Standby Reserve.

"§ 10142. Ready Reserve

"(a) The Ready Reserve consists of units or Reserves, or both, liable for active duty as provided in sections 12301 and 12302 of this title.

"(b) The authorized strength of the Ready Reserve is 2,900,000.

"§ 10143. Ready Reserve: Selected Reserve

"(a) Within the Ready Reserve of each of the reserve components there is a Selected Reserve. The Selected Reserve consists of units, and, as designated by the Secretary concerned, of Reserves, trained as prescribed in section 10147(a)(1) of this title or section 502(a) of title 32, as appropriate.

"(b) The organization and unit structure of the Selected Reserve shall be approved—

"(1) in the case of all reserve components other than the Coast Guard Reserve, by the Secretary of Defense based upon recommendations from the military

departments as approved by the Chairman of the Joint Chiefs of Staff in accordance with contingency and war plans; and

''(2) in the case of the Coast Guard Reserve, by the Secretary of Transportation upon the recommendation of the Commandant of the Coast Guard.

''§ 10144. Ready Reserve: Individual Ready Reserve

''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.

''§ 10145. Ready Reserve: placement in

''(a) Each person required under law to serve in a reserve component shall, upon becoming a member, be placed in the Ready Reserve of his armed force for his prescribed term of service, unless he is transferred to the Standby Reserve under section 10146(a) of this title.

''(b) The units and members of the Army National Guard of the United States and of the Air National Guard of the United States are in the Ready Reserve of the Army and the Ready Reserve of the Air Force, respectively.

''(c) All Reserves assigned to units organized to serve as units and designated as units in the Ready Reserve are in the Ready Reserve.

"(d) Under such regulations as the Secretary concerned may prescribe, any qualified member of a reserve component or any qualified retired enlisted member of a regular component may, upon his request, be placed in the Ready Reserve. However, a member of the Retired Reserve entitled to retired pay or a retired enlisted member of a regular component may not be placed in the Ready Reserve unless the Secretary concerned makes a special finding that the member's services in the Ready Reserve are indispensable. The Secretary concerned may not delegate his authority under the preceding sentence.

"§ 10146. Ready Reserve: transfer from

"(a) Subject to subsection (c) and under regulations prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a member in the Ready Reserve may be transferred to the Standby Reserve.

"(b) A Reserve who is qualified and so requests may be transferred to the Retired Reserve under regulations prescribed by the Secretary concerned and, in the case of the Secretary of a military department, approved by the Secretary of Defense.

"(c) A member of the Army National Guard of the United States or the Air National Guard of the United

States may be transferred to the Standby Reserve only with the consent of the governor or other appropriate authority of the State.

"§ 10147. Ready Reserve: training requirements

"(a) Except as specifically provided in regulations to be prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, each person who is enlisted, inducted, or appointed in an armed force, and who becomes a member of the Ready Reserve under any provision of law except section 513 or 10145(b) of this title, shall be required, while in the Ready Reserve, to—

"(1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for training of not less than 14 days (exclusive of traveltime) during each year; or

"(2) serve on active duty for training not more than 30 days during each year.

"(b) A member who has served on active duty for one year or longer may not be required to perform a period of active duty for training if the first day of that period falls during the last 120 days of the member's required membership in the Ready Reserve.

"§ 10148. Ready Reserve: failure to satisfactorily perform prescribed training

"(a) A member of the Ready Reserve covered by section 10147 of this title who fails in any year to perform satisfactorily the training duty prescribed in that section, as determined by the Secretary concerned under regulations prescribed by the Secretary of Defense, may be ordered without his consent to perform additional active duty for training for not more than 45 days. If the failure occurs during the last year of his required membership in the Ready Reserve, his membership is extended until he performs that additional active duty for training, but not for more than six months.

"(b) A member of the Army National Guard of the United States or the Air National Guard of the United States who fails in any year to perform satisfactorily the training duty prescribed by or under law for members of the Army National Guard or the Air National Guard, as the case may be, as determined by the Secretary concerned, may, upon the request of the Governor of the State (or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard) be ordered, without his consent, to perform additional active duty for training for not more than 45 days. A member ordered to active duty under this subsection shall be ordered to duty

as a Reserve of the Army or as a Reserve of the Air Force, as the case may be.

"§ 10149. Ready Reserve: continuous screening

"(a) Under regulations to be prescribed by the President, the Secretary concerned shall provide a system of continuous screening of units and members of the Ready Reserve to ensure the following:

"(1) That there will be no significant attrition of those members or units during a mobilization.

"(2) That there is a proper balance of military skills.

"(3) That except for those with military skills for which there is an overriding requirement, members having critical civilian skills are not retained in numbers beyond the need for those skills.

"(4) That with due regard to national security and military requirements, recognition will be given to participation in combat.

"(5) That members whose mobilization in an emergency would result in an extreme personal or community hardship are not retained in the Ready Reserve.

"(b) Under regulations to be prescribed by the Secretary of Defense, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating

as a service in the Navy, a member of the Ready Reserve who is designated as a member not to be retained in the Ready Reserve as a result of screening under subsection (a) shall, as appropriate, be—

''(1) transferred to the Standby Reserve;

''(2) discharged; or

''(3) if the member is eligible and applies therefor, transferred to the Retired Reserve.

''§ 10150. Ready Reserve: transfer back from Standby Reserve

''Under regulations to be prescribed by the Secretary of Defense, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a member of the Standby Reserve who has not completed his required period of service in the Ready Reserve may be transferred to the Ready Reserve when the reason for his transfer to the Standby Reserve no longer exists.

''§ 10151. Standby Reserve: composition

''The Standby Reserve consists of those units or members, or both, of the reserve components, other than those in the Ready Reserve or Retired Reserve, who are liable for active duty only as provided in sections 12301 and 12306 of this title.

"§ 10152. Standby Reserve: inactive status list

"(a) An inactive status list shall be maintained in the Standby Reserve. Whenever an authority designated by the Secretary concerned considers that it is in the best interest of the armed force concerned, a member in the Standby Reserve who is not required to remain a Reserve, and who cannot participate in prescribed training, may, if qualified, be transferred to the inactive status list under regulations to be prescribed by the Secretary concerned. These regulations shall fix the conditions under which such a member is entitled to be returned to an active status.

"§ 10153. Standby Reserve: status of members

"While in an inactive status, a Reserve is not eligible for pay or promotion and (as provided in section 12734(a) of this title) does not accrue credit for years of service under chapter 1223 of this title.

"§ 10154. Retired Reserve

"The Retired Reserve consists of the following Reserves:

"(1) Reserves who are or have been retired under section 3911, 6323, or 8911 of this title or under section 291 of title 14.

"(2) Reserves who have been transferred to the Retired Reserve upon their request, retain their status as Reserves, and are otherwise qualified.

"CHAPTER 1007—ADMINISTRATION OF RESERVE COMPONENTS

"Sec.
"10201. Assistant Secretary of Defense for Reserve Affairs.
"10202. Regulations.
"10203. Reserve affairs: designation of general or flag officer of each armed force.
"10204. Personnel records.
"10205. Members of Individual Ready Reserve: requirement of notification of change of status.
"10206. Members: periodic physical examinations.
"10207. Mobilization forces: maintenance.
"10208. Annual mobilization exercise.
"10209. Regular and reserve components: discrimination prohibited.
"10210. Dissemination of information.
"10211. Policies and regulations: participation of reserve officers in preparation and administration.
"10212. Gratuitous services of officers: authority to accept.
"10213. Reserve components: dual membership prohibited.
"10214. Adjutants general and assistant adjutants general: reference to other officers of National Guard.
"10215. Officers of Army National Guard of the United States and Air National Guard of the United States: authority with respect to Federal status.

"§ 10201. Assistant Secretary of Defense for Reserve Affairs

"As provided in section 138(b)(2) of this title, the official in the Department of Defense with responsibility for overall supervision of reserve component affairs of the Department of Defense is the Assistant Secretary of Defense for Reserve Affairs.

"§ 10202. Regulations

"(a) Subject to standards, policies, and procedures prescribed by the Secretary of Defense, the Secretary of each military department shall prescribe such regulations as the Secretary considers necessary to carry out provisions of law

relating to the reserve components under the Secretary's jurisdiction.

''(b) The Secretary of Transportation, with the concurrence of the Secretary of the Navy, shall prescribe such regulations as the Secretary considers necessary to carry out all provisions of law relating to the reserve components insofar as they relate to the Coast Guard, except when the Coast Guard is operating as a service in the Navy.

''(c) So far as practicable, regulations for all reserve components shall be uniform.

''§ 10203. Reserve affairs: designation of general or flag officer of each armed force

''(a) The Secretary of the Army may designate a general officer of the Army to be directly responsible for reserve affairs to the Chief of Staff of the Army.

''(b) The Secretary of the Navy may designate a flag officer of the Navy to be directly responsible for reserve affairs to the Chief of Naval Operations and a general officer of the Marine Corps to be directly responsible for reserve affairs to the Commandant of the Marine Corps.

''(c) The Secretary of the Air Force may designate a general officer of the Air Force to be directly responsible for reserve affairs to the Chief of Staff of the Air Force.

"(d) The Secretary of Transportation may designate a flag officer of the Coast Guard to be directly responsible for reserve affairs to the Commandant of the Coast Guard.

"(e) This section does not affect the functions of the Chief of the National Guard Bureau, the Chief of Army Reserve, or the Chief of Air Force Reserve.

"§ 10204. Personnel records

"(a) The Secretary concerned shall maintain adequate and current personnel records of each member of the reserve components under the Secretary's jurisdiction showing the following with respect to the member:

"(1) Physical condition.

"(2) Dependency status.

"(3) Military qualifications.

"(4) Civilian occupational skills.

"(5) Availability for service.

"(6) Such other information as the Secretary concerned may prescribe.

"(b) Under regulations to be prescribed by the Secretary of Defense, the Secretary of each military department shall maintain a record of the number of members of each class of each reserve component who, during each fiscal year, have participated satisfactorily in active duty for training and inactive duty training with pay.

"§ 10205. Members of Ready Reserve: requirement of notification of change of status

"(a) Each member of the Ready Reserve shall notify the Secretary concerned of any change in the member's address, marital status, number of dependents, or civilian employment and of any change in the member's physical condition that would prevent the member from meeting the physical or mental standards prescribed for the member's armed force.

"(b) This section shall be administered under regulations prescribed by the Secretary of Defense and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

"§ 10206. Members: periodic physical examinations

"(a) Each member of the Ready Reserve who is not on active duty shall—

"(1) be examined as to his physical fitness every five years, or more often as the Secretary concerned considers necessary; and

"(2) execute and submit annually to the Secretary concerned a certificate of physical condition.

Each Reserve in an active status, or on an inactive status list, who is not on active duty shall execute and submit annually to the Secretary concerned a certificate of physical condition.

"(b) The kind of duty to which a Reserve ordered to active duty may be assigned shall be considered in determining physical qualifications for active duty.

"§ 10207. Mobilization forces: maintenance

"(a) Whenever units or members of the reserve components are ordered to active duty (other than for training) during a period of partial mobilization, the Secretary concerned shall continue to maintain mobilization forces by planning and budgeting for the continued organization and training of the reserve components not mobilized, and make the fullest practicable use of the Federal facilities vacated by mobilized units, consistent with approved joint mobilization plans.

"(b) In this section, the term 'partial mobilization' means the mobilization resulting from action by Congress or the President, under any law, to bring units of any reserve component, and members not assigned to units organized to serve as units, to active duty for a limited expansion of the active armed forces.

"§ 10208. Annual mobilization exercise

"(a) The Secretary of Defense shall conduct at least one major mobilization exercise each year. The exercise should be as comprehensive and as realistic as possible and should include the participation of associated active component and reserve component units.

''(b) The Secretary shall maintain a plan to test periodically each active component and reserve component unit based in the United States and all interactions of such units, as well as the sustainment of the forces mobilized as part of the exercise, with the objective of permitting an evaluation of the adequacy of resource allocation and planning.

''§ 10209. Regular and reserve components: discrimination prohibited

''Laws applying to both Regulars and Reserves shall be administered without discrimination—

''(1) among Regulars;

''(2) among Reserves; and

''(3) between Regulars and Reserves.

''§ 10210. Dissemination of information

''The Secretary of Defense shall require the complete and current dissemination, to all Reserves and to the public, of information of interest to the reserve components.

''§ 10211. Policies and regulations: participation of Reserve officers in preparation and administration

''Within such numbers and in such grades and assignments as the Secretary concerned may prescribe, each armed force shall have officers of its reserve components on active duty (other than for training) at the seat of government, and at headquarters responsible for reserve affairs,

to participate in preparing and administering the policies and regulations affecting those reserve components. While so serving, such an officer is an additional number of any staff with which he is serving.

"§ 10212. Gratuitous services of officers: authority to accept

''Notwithstanding section 1342 of title 31, the Secretary of a military department may accept the gratuitous services of an officer of a reserve component under the Secretary's jurisdiction (other than an officer of the Army National Guard of the United States or the Air National Guard of the United States)—

''(1) in the furtherance of the enrollment, organization, and training of that officer's reserve component or the Reserve Officers' Training Corps; or

''(2) in consultation upon matters relating to the armed forces.

"§ 10213. Reserve components: dual membership prohibited

''Except as otherwise provided in this title, no person may be a member of more than one reserve component at the same time.

"§ 10214. Adjutants general and assistant adjutants general: reference to other officers of National Guard

"In any case in which, under the laws of a State, an officer of the National Guard of that jurisdiction, other than the adjutant general or an assistant adjutant general, normally performs the duties of that office, the references in sections 12004(b)(1), 12215, 12642(c), 14507(b), 14508(e), and 14512 of this title to the adjutant general or the assistant adjutant general shall be applied to that officer instead of to the adjutant general or assistant adjutant general.

"§ 10215. Officers of Army National Guard of the United States and Air National Guard of the United States: authority with respect to Federal status

"(a)(1) Officers of the Army National Guard of the United States who are not on active duty—

"(A) may order members of the Army National Guard of the United States to active duty for training under section 12301(d) of this title; and

"(B) with the approval of the Secretary of the Air Force, may order members of the Air National Guard of the United States to active duty for training under that section.

"(2) Officers of the Air National Guard of the United States who are not on active duty—

''(A) may order members of the Air National Guard of the United States to active duty for training under section 12301(d) of this title; and

''(B) with the approval of the Secretary of the Army, may order members of the Army National Guard of the United States to active duty for training under that section.

''(b) Officers of the Army National Guard of the United States or the Air National Guard of the United States who are not on active duty—

''(1) may enlist, reenlist, or extend the enlistments of persons as Reserves of the Army or Reserves of the Air Force for service in the Army National Guard of the United States or the Air National Guard of the United States, as the case may be; and

''(2) with respect to their Federal status, may promote or discharge persons enlisted or reenlisted as Reserves of the Army or Reserves of the Air Force for that service.

''(c) This section shall be carried out under regulations prescribed by the Secretary of the Army, with respect to matters concerning the Army, and by the Secretary of the Air Force, with respect to matters concerning the Air Force.''.

(2)(A) Sections 261 through 265 and 267 through 281 are repealed.

(B) Chapter 11 is amended by striking out the table of sections at the beginning and inserting in lieu thereof the following:

''Sec.
''261. Reference to chapters 1003, 1005, and 1007.

''§ 261. Reference to chapters 1003, 1005, and 1007

''Provisions of law relating to the reserve components generally, including provisions relating to the organization and administration of the reserve components, are set forth in chapter 1003 (beginning with section 10101), chapter 1005 (beginning with section 10141), and chapter 1007 (beginning with section 10201) of this title.''.

(3)(A) Chapter 519 and sections 652, 2001, 3076 through 3080, and 8076 through 8080 are repealed.

(B) Section 552(e) of Public Law 98–525 is repealed.

(4) Section 1004 is amended—

(A) by striking out subsections (a) and (b); and

(B) by striking out ''(c)'' before ''Except as otherwise provided''.

(5)(A) Section 10147(a), as added by paragraph (1), applies only to persons who were inducted, enlisted, or appointed in an armed force after August 9, 1955.

(B) Section 10148(b), as added by paragraph (1), applies only to persons who became members of the Army Na-

tional Guard of the United States or the Air National Guard of the United States after October 4, 1961.

(b) BOARDS AND COMMITTEES.—(1) Part I of subtitle E (as added by subsection (a)) is amended by adding at the end the following:

"CHAPTER 1009—RESERVE FORCES POLICY BOARDS AND COMMITTEES

"Sec.
"10301. Reserve Forces Policy Board.
"10302. Army Reserve Forces Policy Committee.
"10303. Naval Reserve Policy Board.
"10304. Marine Corps Reserve Policy Board.
"10305. Air Force Reserve Forces Policy Committee.

"§ 10301. Reserve Forces Policy Board

"(a) There is in the Office of the Secretary of Defense a Reserve Forces Policy Board. The Board consists of the following:

"(1) A civilian chairman appointed by the Secretary of Defense.

"(2) The Assistant Secretary of the Army for Manpower and Reserve Affairs, the Assistant Secretary of the Navy for Manpower and Reserve Affairs, and the Assistant Secretary of the Air Force for Manpower and Reserve Affairs.

"(3) An officer of the Regular Army designated by the Secretary of the Army.

"(4) An officer of the Regular Navy or Regular Marine Corps designated by the Secretary of the Navy.

"(5) An officer of the Regular Air Force designated by the Secretary of the Air Force.

"(6) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Army, two of whom must be members of the Army National Guard of the United States, and two of whom must be members of the Army Reserve.

"(7) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Navy, two of whom must be members of the Naval Reserve, and two of whom must be members of the Marine Corps Reserve.

"(8) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Air Force, two of whom must be members of the Air National Guard of the United States, and two of whom must be members of the Air Force Reserve.

"(9) A reserve officer of the Army, Navy, Air Force, or Marine Corps who is a general officer or flag officer designated by the Chairman of the Board

with the approval of the Secretary of Defense, and who serves without vote as military adviser to the Chairman and as executive officer of the Board.

''(b) Whenever the Coast Guard is not operating as a service in the Navy, the Secretary of Transportation may designate two officers of the Coast Guard, Regular or Reserve, to serve as voting members of the Board.

''(c) The Board, acting through the Assistant Secretary of Defense for Reserve Affairs, is the principal policy adviser to the Secretary of Defense on matters relating to the reserve components.

''(d) This section does not affect the committees on reserve policies prescribed within the military departments by sections 10302 through 10305 of this title.

''(e) A member of a committee or board prescribed under a section listed in subsection (d) may, if otherwise eligible, be a member of the Reserve Forces Policy Board.

''(f) The Board shall act on those matters referred to it by the Chairman and, in addition, on any matter raised by a member of the Board.

''§ 10303. Naval Reserve Policy Board

''A Naval Reserve Policy Board shall be convened at least once annually at the seat of government to consider, recommend, and report to the Secretary of the Navy on re-

serve policy matters. At least half of the members of the Board must be officers of the Naval Reserve.

"§ 10304. Marine Corps Reserve Policy Board

''A Marine Corps Reserve Policy Board shall be convened at least once annually at the seat of government to consider, recommend, and report to the Secretary of the Navy on reserve policy matters. At least half of the members of the Board must be officers of the Marine Corps Reserve.''.

(2)(A) Section 3021 is transferred to chapter 1009 (as added by paragraph (1)), inserted after section 10301, and redesignated as section 10302.

(B) Section 8021 is transferred to chapter 1009 (as added by paragraph (1)), inserted after section 10304, and redesignated as section 10305.

(3) The text of section 175 is amended to read as follows:

''There is in the Office of the Secretary of Defense a Reserve Forces Policy Board. The functions, membership, and organization of that board are set forth in section 10301 of this title.''.

(4)(A) Chapter 303 (as amended by paragraph (2)(A)) is amended by adding at the end the following:

"§ 3021. Army Reserve Forces Policy Committee

''There is in the Office of the Secretary of the Army an Army Reserve Forces Policy Committee. The functions,

membership, and organization of that committee are set forth in section 10302 of this title.''.

(B) Chapter 803 (as amended by paragraph (2)(B)) is amended by adding at the end the following:

''§ 8021. Air Force Reserve Forces Policy Committee

''There is in the Office of the Secretary of the Air Force an Air Force Reserve Forces Policy Committee. The functions, membership, and organization of that committee are set forth in section 10305 of this title.''.

(c) NATIONAL GUARD BUREAU.—(1) Part I of subtitle E, as added by subsection (a), is amended by adding after chapter 1009, as added by subsection (b), the following:

''CHAPTER 1011—NATIONAL GUARD BUREAU

''Sec.
''10501. National Guard Bureau: organization; function.
''10502. Chief of Bureau: appointment.
''10503. Chief of Bureau: term of office; grade; filling vacancy.
''10504. National Guard Bureau: assignment of officers of regular or reserve components.

''§ 10501. National Guard Bureau: organization; function

''There is a National Guard Bureau, which is a joint bureau of the Department of the Army and the Department of the Air Force. The National Guard Bureau is the channel of communication between the departments concerned and the several States, Territories, Puerto Rico, and the District of Columbia on all matters pertaining to the National

Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

"§ 10502. Chief of Bureau: appointment

"(a) CHIEF.—The National Guard Bureau is headed by a chief who is the adviser to the Army Chief of Staff and the Air Force Chief of Staff on National Guard matters.

"(b) APPOINTMENT.—The President, by and with the advice and consent of the Senate, shall appoint the Chief of the Bureau from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

"(1) have been recommended by their respective governors;

"(2) have had at least 10 years of commissioned service in the active National Guard; and

"(3) are in a grade above lieutenant colonel.

"§ 10503. Chief of Bureau: term of office; grade; filling vacancy

"(a) TERM OF OFFICE.—The Chief of the National Guard Bureau holds office for four years, but may be removed for cause at any time. An officer may not hold the office of Chief of the Bureau after attaining 64 years of age. He is eligible to succeed himself. While holding that office, the Chief of the Bureau may not be removed from

the reserve active-status list, or from an active status, under any provision of law that otherwise would require such removal due to completion of a specified number of years of service or a specified number of years of service in grade.

''(b) GRADE WHILE SERVING.—If an officer appointed as Chief of the National Guard Bureau holds a lower reserve grade, the officer shall be appointed as a Reserve in his armed force in the grade of major general for service in the Army National Guard of the United States or the Air National Guard of the United States, as the case may be, while serving as Chief of the Bureau.

''(c) DISABILITY; VACANCY.—If the Chief of the Bureau is unable, because of disability, to perform the functions of his office, or if that office is vacant, the senior officer of the Army National Guard of the United States or the Air National Guard of the United States on duty in the Bureau shall act as its chief until the disability ceases or a successor is appointed.

''§ 10504. National Guard Bureau: assignment of officers of regular or reserve components

''Except as provided in section 12402(b) of this title, the President may assign to duty in the National Guard Bureau as many regular or reserve officers of the Army and the Air Force as he considers necessary.''.

(2) Section 3040 (as amended by section 1351) and sections 3541 and 8541 are repealed.

(d) ANNUAL REPORTS TO CONGRESS.—(1) Part I of subtitle E, as added by subsection (a), is amended by adding after chapter 1011, as added by subsection (c), the following:

"CHAPTER 1013—BUDGET INFORMATION AND ANNUAL REPORTS TO CONGRESS

''Sec.
''10541. National Guard and reserve component equipment: annual report to Congress.
''10542. Army National Guard combat readiness: annual report.''.

(2)(A) Section 115b is transferred to chapter 1013, as added by paragraph (1), inserted after the table of sections, and redesignated as section 10541.

(B) The heading of that section is amended to read as follows:

"§ 10541. National Guard and reserve component equipment: annual report to Congress".

(3) Section 3082 is transferred to chapter 1013, as added by paragraph (1), inserted after section 10541 (as transferred and redesignated by paragraph (2)), redesignated as section 10542, and amended by striking out the word in the section heading before the colon and by striking out subsection (c).

SEC. 1362. LAWS RELATING TO RESERVE COMPONENT PERSONNEL POLICY.

(a) STRENGTH AND DISTRIBUTION IN GRADE.—(1) Subtitle E, as added by section 1311, is amended by inserting after part I of such subtitle, as added by section 1361, the following:

"PART II—PERSONNEL GENERALLY

"Chap.		Sec.
"1201.	Authorized Strengths and Distribution in Grade	12001
"1203.	Enlisted Members	12101
"1205.	Appointment of Reserve Officers	12201
"1207.	Warrant Officers	12241
"1209.	Active Duty	12301
"1211.	National Guard Members in Federal Service	12401
"1213.	Special Appointments, Assignments, Details, and Duties	12501
"1215.	Miscellaneous Prohibitions and Penalties	[No present sections]
"1217.	Miscellaneous Rights and Benefits	12601
"1219.	Standards and Procedures for Retention and Promotion	12641
"1221.	Separation	12681
"1223.	Retired Pay for Non-Regular Service	12731
"1225.	Retired Grade	12771

"CHAPTER 1201—AUTHORIZED STRENGTHS AND DISTRIBUTION IN GRADE

"Sec.
"12001. Authorized strengths: reserve components.
"12002. Authorized strengths: Army and Air Force reserve components, exclusive of members on active duty.
"12003. Authorized strengths: commissioned officers active status.
"12004. Strength in grade: reserve general and flag officers in an active status.
"12005. Strength in grade: commissioned officers in grades below brigadier general or rear admiral (lower half) in an active status.
"12006. Strength limitations: authority to waive in time of war or national emergency.
"12007. Reserve officers of the Army: distribution.
"12008. Army Reserve and Air Force Reserve: warrant officers.
"12009. Army and Air Force reserve components: temporary increases.
"12010. Computations for Naval Reserve and Marine Corps Reserve: rule when fraction occurs in final result.

''12011. Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard.
''12012. Authorized strengths: senior enlisted members on active duty or on full-time National Guard duty for administration of the reserves or the National Guard.

''§ 12001. Authorized strengths: reserve components

''(a) Whenever the authorized strength of a reserve component (other than the Coast Guard Reserve) is not prescribed by law, it shall be prescribed by the President.

''(b) Subject to the authorized strength of the reserve component concerned, the authorized strength of each reserve component (other than the Coast Guard Reserve) in members in each grade is that which the Secretary concerned determines to be necessary to provide for mobilization requirements. The Secretary shall review these determinations at least once each year and revise them if he considers it necessary. However, a member of the reserve component concerned may not, as a result of such a determination, be reduced in the member's reserve grade without the member's consent.

''§ 12002. Authorized strengths: Army and Air Force reserve components, exclusive of members on active duty

''(a) The authorized strengths of the National Guard and the reserve components of the Army and the Air Force, exclusive of members who are included in the strengths au-

thorized for members of the Army and Air Force, respectively, on active duty, are as follows:

''Army National Guard and the Army National Guard of the United States	*600,000*
''Army Reserve	*980,000*
''Air National Guard and the Air National Guard of the United States	*150,000*
''Air Force Reserve	*500,000.*

''(b) The strength authorized by this section for the Army National Guard and the Army National Guard of the United States, and the strength authorized by this section for the Air National Guard and the Air National Guard of the United States, shall be allocated among the States.

''§ 12003. Authorized strengths: commissioned officers in an active status

''(a) The authorized strengths of the Army, Navy, Air Force, and Marine Corps in reserve commissioned officers, other than commissioned warrant officers and officers on an active-duty list, in an active status are as follows:

''Army	*275,000*
''Air Force	*200,000*
''Navy	*150,000*
''Marine Corps	*24,500.*

''(b) The authorized strengths prescribed by subsection (a) may not be exceeded unless—

''(1) the Secretary concerned determines that a greater number is necessary for planned mobilization requirements; or

"(2) the excess results directly from the operation of a nondiscretionary provision of law.

"§ 12004. Strength in grade: reserve general and flag officers in an active status

"(a) The authorized strengths of the Army, Air Force, and Marine Corps in reserve general officers in an active status, and the authorized strength of the Navy in reserve officers in the grades of rear admiral (lower half) and rear admiral in an active-status, are as follows:

"Army	*207*
"Air Force	*157*
"Navy	*48*
"Marine Corps	*10.*

"(b) The following Army and Air Force reserve officers shall not be counted for purposes of this section:

"(1) Those serving as adjutants general or assistant adjutants general of a State.

"(2) Those serving in the National Guard Bureau.

"(3) Those counted under section 526 of this title.

"(c)(1) The authorized strength of the Navy under subsection (a) is exclusive of officers counted under section 526 of this title. Of the number authorized under subsection (a), 39 are distributed among the line and the staff corps as follows:

"Line	*28*
"Medical Corps	*5*

''Chaplain Corps	*1*
''Judge Advocate General's Corps	*1*
''Dental Corps	*2*
''Nurse Corps	*1*
''Medical Service Corps	*1*

''(2) The remaining authorizations for the Navy under subsection (a) shall be distributed among such other staff corps as are established by the Secretary of the Navy under the authority provided by section 5150(b) of this title, except that—

''(A) if the Secretary has established a Supply Corps, the authorized strength for the Supply Corps shall be seven; and

''(B) if the Secretary has established a Civil Engineering Corps, the authorized strength for the Civil Engineering Corps shall be two.

''(3) Not more than 50 percent of the officers in an active status authorized under this section for the Navy may serve in the grade of rear admiral.

''(d) The authorized strength of the Marine Corps under subsection (a) is exclusive of those counted under section 526 of this title.

''(e)(1) A reserve general officer of the Army or Air Force may not be reduced in grade because of a reduction in the number of general officers authorized under subsection (a).

''(2) An officer of the Naval Reserve or the Marine Corps Reserve may not be reduced in permanent grade be-

cause of a reduction in the number authorized by this section for his grade.

"§ 12005. Strength in grade: commissioned officers in grades below brigadier general or rear admiral (lower half) in an active status

"(a)(1) Subject to paragraph (2), the authorized strength of the Army and the Air Force in reserve commissioned officers in an active status in each grade named in paragraph (2) is as prescribed by the Secretary of the Army or the Secretary of the Air Force, respectively. A vacancy in any grade may be filled by an authorized appointment in any lower grade.

"(2) A strength prescribed by the Secretary concerned under paragraph (1) for a grade may not be higher than the percentage of the strength authorized for the Army or the Air Force, as the case may be, under section 12003 of this title that is specified for that grade as follows:

Grade	*Army percentage*	*Air Force percentage*
Colonel	*2*	*1.8*
Lieutenant colonel	*6*	*4.6*
Major	*13*	*14.0*
Captain	*35*	*32.0*
First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 12004 of this title)	*44*	*47.6*

"(b)(1) The authorized strengths of the Naval Reserve in line officers in an active status in the grades of captain, commander, lieutenant commander, and lieutenant, and in

the grades of lieutenant (junior grade) and ensign combined, are the following percentages of the total authorized number of those officers:

''Captain	*1.5 percent*
''Commander	*7 percent*
''Lieutenant commander	*22 percent*
''Lieutenant	*37 percent*
''Lieutenant (junior grade) and ensign (when combined with the number authorized for flag officer grades under section 12004 of this title)	*32.5 percent.*

''(2) When the actual number of line officers in an active status in any grade is less than the number authorized by paragraph (1) for that grade, the difference may be applied to increase the number authorized by that paragraph for any lower grade or grades.

''(c)(1) The authorized strengths of the Marine Corps Reserve in officers in an active status in the grades of colonel, lieutenant colonel, major, and captain, and in the grades of first lieutenant and second lieutenant combined, are the following percentages of the total authorized number of those officers:

''Colonel	*2 percent*
''Lieutenant colonel	*6 percent*
''Major	*12 percent*
''Captain	*35 percent*
''First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 12004 of this title)	*32.5 percent.*

''(2) When the actual number of officers in an active status in any grade is less than the number authorized by paragraph (1) for that grade, the difference may be applied

to increase the number authorized by that paragraph for any lower grade or grades.

"(d)(1) An officer of the Army or Air Force may not be reduced in grade because of a reduction in the number of commissioned officers authorized for the officer's grade under this section.

"(2) An officer of the Naval Reserve or the Marine Corps Reserve may not be reduced in permanent grade because of a reduction in the number authorized by this section for his grade.

"§ 12006. Strength limitations: authority to waive in time of war or national emergency

"(a) In time of war, or of national emergency declared by Congress or the President, the President may suspend the operation of any provision of section 12003, 12004, or 12005 of this title. So long as any such war or national emergency continues, any such suspension may be extended by the President.

"(b) Any suspension under subsection (a) shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sen-

tence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621, 1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of termination of the emergency.

"§ 12007. Reserve officers of the Army: distribution

''The Secretary of the Army shall distribute the number of reserve commissioned officers, other than commissioned warrant officers, authorized in each commissioned grade between those assigned to reserve units organized to serve as units and those not assigned to such units. The Secretary shall distribute the number who are assigned to reserve units organized to serve as units among the units of each reserve component by prescribing appropriate tables of organization and tables of distribution. The Secretary shall distribute the number who are not assigned to such units between—

''(1) each special branch; and

''(2) all other branches taken together.

"§ 12008. Army Reserve and Air Force Reserve: warrant officers

''The Secretary of the Army may prescribe the authorized strength of the Army Reserve in warrant officers. The Secretary of the Air Force may prescribe the authorized strength of the Air Force Reserve in warrant officers.

"§ 12009. Army and Air Force reserve components: temporary increases

''(a) The authorized strength in any reserve grade, as prescribed under this chapter, for any reserve component under the jurisdiction of the Secretary of the Army or the Secretary of the Air Force is automatically increased to the minimum extent necessary to give effect to each appointment made in that grade under section 1211(a), 3036, 14304(b), 14314, or 14317 of this title.

''(b) An authorized strength so increased is increased for no other purpose. While an officer holds that grade, the officer whose appointment caused the increase is counted for the purpose of determining when other appointments, not under those sections, may be made in that grade.

"§ 12010. Computations for Naval Reserve and Marine Corps Reserve: rule when fraction occurs in final result

''When there is a fraction in the final result of any computation under this chapter for the Naval Reserve or the Marine Corps Reserve, a fraction of one-half or more is counted as one, and a fraction of less than one-half is disregarded.

"§ 12012. Authorized strengths: senior enlisted members on active duty or on full-time National Guard duty for administration of the reserves or National Guard

''(a) The number of enlisted members in pay grades E–8 and E–9 who may be on active duty (other than for training) or on full-time National Guard duty under the authority of section 502(f) of title 32 (other than for training) as of the end of any fiscal year in connection with organizing, administering, recruiting, instructing, or training the reserve components or the National Guard may not exceed the number for that grade and armed force in the following table:

''Grade	*Army*	*Navy*	*Air Force*	*Marine Corps*
E–9	*569*	*202*	*328*	*14*
E–8	*2,585*	*429*	*840*	*74*

''(b) Whenever the number of members serving in pay grade E–9 for duty described in subsection (a) is less than the number authorized for that grade under subsection (a), the difference between the two numbers may be applied to increase the number authorized under such subsection for pay grade E–8.''.

(2)(A) Section 524 is transferred to chapter 1201, as added by paragraph (1), inserted after section 12010, and redesignated as section 12011.

(B) The heading of that section is amended to read as follows:

"§ 12011. Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard".

(3) Chapter 531 and sections 3212, 3217 through 3225, 5454, 5456, 5457, 5458, 8212, and 8217 through 8225 are repealed.

(4) Section 517 is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsection (c) as subsection (b) and in that subsection striking out ''or whenever'' and all that follows through ''under subsection (b),''.

(b) ENLISTMENTS.—(1) Part II of subtitle E, as added by subsection (a), is amended by adding after chapter 1201 (as added by subsection (a)), the following:

"CHAPTER 1203—ENLISTED MEMBERS

''Sec.
''12101. Definition.
''12102. Reserve components: qualifications.
''12103. Reserve components: terms.
''12104. Reserve components: transfers.
''12105. Army Reserve and Air Force Reserve: transfer from Guard components.
''12106. Army and Air Force Reserve: transfer to upon withdrawal as member of National Guard.
''12107. Army National Guard of United States; Air National Guard of the United States: enlistment in.

"§ 12101. Definition

''In this chapter, the term 'enlistment' means original enlistment or reenlistment.

"§ 12105. Army Reserve and Air Force Reserve: transfer from Guard components

''(a) Under such regulations as the Secretary concerned may prescribe—

''(1) an enlisted member of the Army National Guard of the United States may be transferred in grade to the Army Reserve; and

''(2) an enlisted member of the Air National Guard of the United States may be transferred in grade to the Air Force Reserve.

''(b) Upon such a transfer, the member transferred is eligible for promotion to the highest regular or reserve grade ever held by him in the Army, if transferred under subsection (a)(1), or the Air Force, if transferred under subsection (a)(2), if his service has been honorable.

''(c) A transfer under this section may only be made with the consent of the governor or other appropriate authority of the State concerned.

"§ 12106. Army and Air Force Reserve: transfer to upon withdrawal as member of National Guard

''(a) An enlisted member of the Army National Guard of the United States who ceases to be a member of the Army

National Guard becomes a member of the Army Reserve unless he is also discharged from his enlistment as a Reserve.

''(b) An enlisted member of the Air National Guard of the United States who ceases to be a member of the Air National Guard becomes a member of the Air Force Reserve unless he is also discharged from his enlistment as a Reserve.

''(c) An enlisted member who becomes a member of the Army Reserve or the Air Force Reserve under this section ceases to be a member of the Army National Guard of the United States or the Air National Guard of the United States, as the case may be.

''§ 12107. Army National Guard of United States; Air National Guard of the United States: enlistment in

''(a) Except as provided in subsection (c), to become an enlisted member of the Army National Guard of the United States or the Air National Guard of the United States, a person must—

''(1) be enlisted in the Army National Guard or the Air National Guard, as the case may be;

''(2) subscribe to the oath set forth in section 304 of title 32; and

''(3) be a member of a federally recognized unit or organization of the Army National Guard or the

Air National Guard, as the case may be, in the grade in which he is to be enlisted as a Reserve.

''(b)(1) Under regulations to be prescribed by the Secretary of the Army, a person who enlists in the Army National Guard, or whose term of enlistment in the Army National Guard is extended, shall be concurrently enlisted, or his term of enlistment shall be concurrently extended, as the case may be, as a Reserve of the Army for service in the Army National Guard of the United States.

''(2) Under regulations to be prescribed by the Secretary of the Air Force, a person who enlists in the Air National Guard, or whose term of enlistment in the Air National Guard is extended, shall be concurrently enlisted, or his term of enlistment shall be concurrently extended, as the case may be, as a Reserve of the Air Force for service in the Air National Guard of the United States.

''(c)(1) A member of the Army Reserve who enlists in the Army National Guard in his reserve grade, and is a member of a federally recognized unit or organization of the Army National Guard, becomes a member of the Army National Guard of the United States and ceases to be a member of the Army Reserve.

''(2) A member of the Air Force Reserve who enlists in the Air National Guard in his reserve grade, and is a member of a federally recognized unit or organization of

the Air National Guard, becomes a member of the Air National Guard of the United States and ceases to be a member of the Air Force Reserve.''.

(2) Sections 510 (as amended by section 1331(a)), 511, and 512 are transferred to chapter 1203, as added by paragraph (1), inserted after section 12101, and redesignated as follows:

Section	***Redesignated section***
510	*12102*
511	*12103*
512	*12104*

(3) The following sections are repealed: sections 3259, 3260, 3261, 8259, 8260, and 8261.

(c) APPOINTMENT OF OFFICERS.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1203 (as added by subsection (b)) the following:

''CHAPTER 1205—APPOINTMENT OF RESERVE OFFICERS

''Sec.
''12201. Qualifications for appointment.
''12202. Commissioned officer grades.
''12203. Commissioned officers: appointment, how made; term.
''12204. Commissioned officers: original appointment; limitation.
''12205. Commissioned officers: appointment; educational requirement.
''12206. Commissioned officers: appointment of former commissioned officers.
''12207. Commissioned officers: service credit upon original appointment.
''12208. Officers: appointment upon transfer.
''12209. Officer candidates: enlisted Reserves.
''12210. Attending Physician to the Congress: reserve grade while so serving.
''12211. Officers: Army National Guard of United States.
''12212. Officers: Air National Guard of United States.
''12213. Officers; Army Reserve: transfer from Army National Guard of United States.

''12214. Officers; Air Force Reserve: transfer from Air National Guard of United States.
''12215. Commissioned officers: reserve grade of adjutants general and assistant adjutants general.

''§ 12215. Commissioned officers: reserve grade of adjutants general and assistant adjutants general

''(a) The adjutant general or an assistant adjutant general of the Army National Guard of a State may, upon being extended Federal recognition, be appointed as a reserve officer of the Army as of the date on which he is so recognized.

''(b) The adjutant general or an assistant adjutant general of the Air National Guard of a State may be appointed in the reserve commissioned grade in which Federal recognition in the Air National Guard is extended to him.''.

(2) Sections 591 (as amended by section 1331(b)), 592, 593 (as amended by section 1332), 594, 596, 596a (as added by section 1333), 596b (as added by section 1334), and 595 are transferred (in that order) to chapter 1205, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	***Redesignated section***
591	*12201*
592	*12202*
593	*12203*
594	*12204*
596	*12205*
596a (as added by section 1333)	*12206*
596b (as added by section 1334)	*12207*
595	*12208*

(3) Sections 600, 600a, 3351, 8351, 3352 (as amended by section 1336(a)), and 8352 are transferred (in that order) to chapter 1205, as added by paragraph (1), inserted after section 12208, and redesignated as follows:

Section	***Redesignated section***
600	*12209*
600a	*12210*
3351	*12211*
8351	*12212*
3352	*12213*
8352	*12214*

(d) WARRANT OFFICERS.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1205 (as added by subsection (c)) the following:

"CHAPTER 1207—WARRANT OFFICERS

"Sec.
"12241. Warrant officers: grades; appointment, how made; term.
"12242. Warrant officers: promotion.
"12243. Warrant officers: suspension of laws for promotions or mandatory retirement or separation during war or emergency.".

(2) Sections 597, 598, and 599 are transferred to chapter 1207, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	***Redesignated section***
597	*12241*
598	*12242*
599	*12243*

(3) Chapter 34 is amended to read as follows:

"CHAPTER 34—APPOINTMENTS AS RESERVE OFFICERS

''Sec.
''591. Reference to chapters 1205 and 1207.

"§ 591. Reference to chapters 1205 and 1207

''Provisions of law relating to appointments of reserve officers other than warrant officers are set forth in chapter 1205 of this title (beginning with section 12201). Provisions of law relating to appointments and promotion of reserve warrant officers are set forth in chapter 1207 (beginning with section 12241).''.

(e) ACTIVE DUTY.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1207 (as added by subsection (d)) the following:

"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.
''12305. Authority of President to suspend certain laws relating to promotion, retirement, and separation.
''12306. Standby Reserve.
''12307. Retired Reserve.
''12308. Retention on active duty after becoming qualified for retired pay.
''12309. Reserve officers: use of in expansion of armed forces.
''12310. Reserves: for organizing, administering, etc., reserve components.
''12311. Active duty agreements.
''12312. Active duty agreements: release from duty.
''12313. Reserves: release from active duty.
''12314. Reserves: kinds of duty.
''12315. Reserves: duty with or without pay.
''12316. Payment of certain Reserves while on duty.
''12317. Reserves: theological students; limitations.
''12318. Reserves on active duty: duties; funding.
''12319. Ready Reserve: muster duty.

''12320. Reserve officers: grade in which ordered to active duty.
''12321. Reserve Officer Training Corps units: limitation on number of Reserves assigned.''.

(2) Sections 672 through 687, section 689 (as amended by section 1324), and section 690 are transferred to chapter 1209, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	***Redesignated section***
672	*12301*
673	*12302*
673a	*12303*
673b	*12304*
673c	*12305*
674	*12306*
675	*12307*
676	*12308*
677	*12309*
678	*12310*
679	*12311*
680	*12312*
681	*12313*
682	*12314*
683	*12315*
684	*12316*
685	*12317*
686	*12318*
687	*12319*
689	*12320*
690	*12321*

(3) The heading of section 12321 (as so redesignated) is amended to read as follows:

''§ 12321. Reserve Officer Training Corps units: limitation on number of Reserves assigned''.

(4) Chapter 39 is amended by inserting after section 671b the following:

"§ 672. Reference to chapter 1209

''Provisions of law relating to service of members of reserve components on active duty are set forth in chapter 1209 of this title (beginning with section 12301).''.

(f) NATIONAL GUARD MEMBERS IN FEDERAL SERVICE.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1209 (as added by subsection (e)) the following:

"CHAPTER 1211—NATIONAL GUARD MEMBERS IN FEDERAL SERVICE

''Sec.
''12401. Army and Air National Guard of United States: status.
''12402. Army and Air National Guard of United States: commissioned officers; duty in National Guard Bureau.
''12403. Army and Air National Guard of United States: members; status in which ordered into Federal service.
''12404. Army and Air National Guard of United States: mobilization; maintenance of organization.
''12405. National Guard in Federal service: status.
''12406. National Guard in Federal service: call.
''12407. National Guard in Federal service: period of service; apportionment.
''12408. National Guard in Federal service: physical examination.

"§ 12401. Army and Air National Guard of the United States: status

''Members of the Army National Guard of the United States and the Air National Guard of the United States are not in active Federal service except when ordered thereto under law.

"§ 12402. Army and Air National Guard of United States: commissioned officers; duty in National Guard Bureau

"(a) The President may, with their consent, order commissioned officers of the Army National Guard of the United States and the Air National Guard of the United States to active duty in the National Guard Bureau.

"(b)(1) The number of officers of the Army National Guard of the United States in grades below brigadier general who are ordered to active duty in the National Guard Bureau may not be more than 40 percent of the number of officers of the Army authorized for duty in that Bureau and, to the extent practicable, shall not exceed 40 percent of the number of officers of the Army serving in that Bureau in any grade below brigadier general.

"(2) The number of officers of the Air National Guard of the United States in grades below brigadier general who are ordered to active duty in the National Guard Bureau may not be more than 40 percent of the number of officers of the Air Force authorized for duty in that Bureau and, to the extent practicable, shall not exceed 40 percent of the number of officers of the Air Force serving in that Bureau in any grade below brigadier general.

"§ 12403. Army and Air National Guard of United States: members; status in which ordered into Federal service

''Members of the Army National Guard of the United States ordered to active duty shall be ordered to duty as Reserves of the Army. Members of the Air National Guard of the United States ordered to active duty shall be ordered to duty as Reserves of the Air Force.

"§ 12404. Army and Air National Guard of United States: mobilization; maintenance of organization

''During an initial mobilization, the organization of a unit of the Army National Guard of the United States or of the Air National Guard of the United States ordered into active Federal service shall, so far as practicable, be maintained as it existed on the date of the order to duty.

"§ 12405. National Guard in Federal service: status

''Members of the National Guard called into Federal service are, from the time when they are required to respond to the call, subject to the laws and regulations governing the Army or the Air Force, as the case may be, except those applicable only to members of the Regular Army or Regular Air Force, as the case may be.

"§ 12406. National Guard in Federal service: call

''Whenever—

"(1) the United States, or any of the Territories, Commonwealths, or possessions, is invaded or is in danger of invasion by a foreign nation;

"(2) there is a rebellion or danger of a rebellion against the authority of the Government of the United States; or

"(3) the President is unable with the regular forces to execute the laws of the United States;

the President may call into Federal service members and units of the National Guard of any State in such numbers as he considers necessary to repel the invasion, suppress the rebellion, or execute those laws. Orders for these purposes shall be issued through the governors of the States or, in the case of the District of Columbia, through the commanding general of the National Guard of the District of Columbia.

"§ 12407. National Guard in Federal service: period of service; apportionment

"(a) Whenever the President calls the National Guard of a State into Federal service, he may specify in the call the period of the service. Members and units called shall serve inside or outside the territory of the United States during the term specified, unless sooner relieved by the President. However, no member of the National Guard may

be kept in Federal service beyond the term of his commission or enlistment.

''(b) When the National Guard of a State is called into Federal service with the National Guard of another of those jurisdictions, the President may apportion the total number called from the Army National Guard or from the Air National Guard, as the case may be, on the basis of the populations of the jurisdictions affected by the call.

''§ 12408. National Guard in Federal service: physical examination

''(a) Under regulations prescribed by the President, each member of the National Guard called into Federal service shall be examined as to physical fitness, without further commission or enlistment.

''(b) Immediately before such a member is mustered out of Federal service, he shall be examined as to physical fitness. The record of this examination shall be retained by the United States.''.

(2) Sections 3495 through 3502 and 8495 through 8502 are repealed.

(g) MISCELLANEOUS PROVISIONS.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1211 (as added by subsection (f)) the following:

"CHAPTER 1213—SPECIAL APPOINTMENTS, ASSIGNMENTS, DETAILS, AND DUTIES

''Sec.
''12501. Reserve components: detail of members of regular and reserve components to assist.
''12502. Chief and assistant chief of staff of National Guard divisions and wings in Federal service: detail.

"§ 12501. Reserve components: detail of members of regular and reserve components to assist

''The Secretary concerned shall detail such members of the regular and reserve components under his jurisdiction as are necessary to effectively develop, train, instruct, and administer those reserve components.

"§ 12502. Chief and assistant chief of staff of National Guard divisions and wings in Federal service: detail

''(a) The President may detail a regular or reserve officer of the Army as chief of staff, and a regular or reserve officer or an officer of the Army National Guard as assistant to the chief of staff, of any division of the Army National Guard that is in Federal service as an Army National Guard organization.

''(b) The President may detail a regular or reserve officer of the Air Force as chief of staff, and a regular or reserve officer or an officer of the Air National Guard as assistant to the chief of staff, of any wing of the Air National Guard that is in Federal service as an Air National Guard organization.

"CHAPTER 1215—MISCELLANEOUS PROHIBITIONS AND PENALTIES

''[No present sections]

"CHAPTER 1217—MISCELLANEOUS RIGHTS AND BENEFITS

''Sec.
''12601. Compensation: Reserve on active duty accepting from any person.
''12602. Members of Army National Guard of United States and Air National Guard of United States: credit for service as members of National Guard.

"§ 12601. Compensation: Reserve on active duty accepting from any person

''Any Reserve who, before being ordered to active duty, was receiving compensation from any person may, while he is on that duty, receive compensation from that person.

"§ 12602. Members of Army National Guard of United States and Air National Guard of United States: credit for service as members of National Guard

''(a) For the purposes of laws providing benefits for members of the Army National Guard of the United States and their dependents and beneficiaries—

''(1) military training, duty, or other service performed by a member of the Army National Guard of the United States in his status as a member of the Army National Guard for which he is entitled to pay from the United States shall be considered military

training, duty, or other service, as the case may be, in Federal service as a Reserve of the Army;

"(2) full-time National Guard duty performed by a member of the Army National Guard of the United States shall be considered active duty in Federal service as a Reserve of the Army; and

"(3) inactive-duty training performed by a member of the Army National Guard of the United States in his status as a member of the Army National Guard, in accordance with regulations prescribed under section 502 of title 32 or other express provision of law, shall be considered inactive-duty training in Federal service as a Reserve of the Army.

"(b) For the purposes of laws providing benefits for members of the Air National Guard of the United States and their dependents and beneficiaries—

"(1) military training, duty, or other service performed by a member of the Air National Guard of the United States in his status as a member of the Air National Guard for which he is entitled to pay from the United States shall be considered military training, duty, or other service, as the case may be, in Federal service as a Reserve of the Air Force;

"(2) full-time National Guard duty performed by a member of the Air National Guard of the United

States shall be considered active duty in Federal service as a Reserve of the Air Force; and

''(3) inactive-duty training performed by a member of the Air National Guard of the United States in his status as a member of the Air National Guard, in accordance with regulations prescribed under section 502 of title 32 or other express provision of law, shall be considered inactive-duty training in Federal service as a Reserve of the Air Force.''.

(2) Sections 715, 1033, 3542, 3686, 8542, and 8686 are repealed.

(h) STANDARDS AND PROCEDURES FOR RETENTION AND PROMOTION.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1217 (as added by subsection (g)) the following:

''CHAPTER 1219—STANDARDS AND PROCEDURES FOR RETENTION AND PROMOTION

''Sec.
''12641. Standards and procedures: Secretary to prescribe.
''12642. Standards and qualifications: result of failure to comply with.
''12643. Boards for appointment, promotion, and certain other purposes: composition.
''12644. Members physically not qualified for active duty: discharge or transfer to retired status.
''12645. Commissioned officers: retention until completion of required service.
''12646. Commissioned officers: retention of after completing 18 or more, but less than 20, years of service.
''12647. Commissioned officers: retention in active status while assigned to Selective Service System or serving as United States property and fiscal officers.''.

(2) Sections 1001, 1002, 266, 1004 (as amended by section 1361(b)(4)), and 1005 through 1007 are transferred

(in that order) to chapter 1219, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	***Redesignated section***
1001	*12641*
1002	*12642*
266	*12643*
1004	*12644*
1005	*12645*
1006	*12646*
1007	*12647*

(3) Section 1003 is repealed.

(4)(A) The heading of section 12641 (as so redesignated) is amended to read as follows:

"§ 12641. Standards and procedures: Secretary to prescribe".

(B) The heading of section 12644 (as so redesignated) is amended to read as follows:

"§ 12644. Members physically not qualified for active duty: discharge or transfer to retired status".

(5) Chapter 51 is amended by striking out the table of sections at the beginning and inserting in lieu thereof the following:

''Sec.
''1001. Reference to chapter 1219.

"§ 1001. Reference to chapter 1219

''Provisions of law relating to standards and procedures for retention and promotion of members of reserve

components are set forth in chapter 1219 of this title (beginning with section 12641).''.

(i) SEPARATION.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1219 (as added by subsection (h)) the following:

''CHAPTER 1221—SEPARATION

''Sec.
''12681. Reserves: discharge authority.
''12682. Reserves: discharge upon becoming ordained minister of religion.
''12683. Reserve officers: limitation on involuntary separation.
''12684. Reserves: separation for absence without authority or sentence to imprisonment.
''12685. Reserves separated for cause: character of discharge.
''12686. Reserves on active duty within two years of retirement eligibility: limitation on release from active duty.

''§ 12681. Reserves: discharge authority

''Subject to other provisions of this title, reserve commissioned officers may be discharged at the pleasure of the President. Other Reserves may be discharged under regulations prescribed by the Secretary concerned.

''§ 12682. Reserves: discharge upon becoming ordained minister of religion

''Under regulations to be prescribed by the Secretary of Defense, a Reserve who becomes a regular or ordained minister of religion is entitled upon his request to a discharge from his reserve enlistment or appointment.

''§ 12683. Reserve officers: limitation on involuntary separation

''(a) An officer of a reserve component who has at least five years of service as a commissioned officer may not be

separated from that component without his consent except—

"(1) under an approved recommendation of a board of officers convened by an authority designated by the Secretary concerned; or

"(2) by the approved sentence of a court-martial.

"(b) Subsection (a) does not apply—

"(1) to a separation under section 12684, 14901, or 14907 of this title;

"(2) to a dismissal under section 1161(a) of this title; or

"(3) to a transfer under section 12213, 12214, 14514, or 14515 of this title.

"§ 12684. Reserves: separation for absence without authority or sentence to imprisonment

"The President or the Secretary concerned may drop from the rolls of the armed force concerned any Reserve—

"(1) who has been absent without authority for at least three months; or

"(2) 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.

"§ 12685. Reserves separated for cause: character of discharge

''A member of a reserve component who is separated for cause, except under section 12684 of this title, is entitled to a discharge under honorable conditions unless—

''(1) the member is discharged under conditions other than honorable under an approved sentence of a court-martial or under the approved findings of a board of officers convened by an authority designated by the Secretary concerned; or

''(2) the member consents to a discharge under conditions other than honorable with a waiver of proceedings of a court-martial or a board.

"§ 12686. Reserves on active duty within two years of retirement eligibility: limitation on release from active duty

''Under regulations to be prescribed by the Secretary concerned, which shall be as uniform as practicable, a member of a reserve component who is on active duty (other than for training) and is within two years of becoming eligible for retired pay or retainer pay under a purely military retirement system, may not be involuntarily released from that duty before he becomes eligible for that pay, unless the release is approved by the Secretary.''.

(2) Sections 1162 and 1163 are repealed.

(j) RETIRED PAY.—(1) Chapter 67 is transferred to part II of subtitle E, as added by subsection (a), inserted after chapter 1221 (as added by subsection (i)), and amended to read as follows:

"CHAPTER 1223—RETIRED PAY FOR NON-REGULAR SERVICE

"Sec.
"12731. Age and service requirements.
"12731a. Temporary special retirement qualification authority.
"12732. Entitlement to retired pay: computation of years of service.
"12733. Computation of retired pay: computation of years of service.
"12734. Time not creditable toward years of service.
"12735. Inactive status list.
"12736. Service credited for retired pay benefits not excluded for other benefits.
"12737. Limitation on active duty.
"12738. Limitations on revocation of retired pay.
"12739. Computation of retired pay.

"§ 12731. Age and service requirements

"(a) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—

"(1) is at least 60 years of age;

"(2) has performed at least 20 years of service computed under section 12732 of this title;

"(3) performed the last eight years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve; and

"(4) is not entitled, under any other provision of law, to retired pay from an armed force or retainer

pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

''(b) Application for retired pay under this section must be made to the Secretary of the military department, or the Secretary of Transportation, as the case may be, having jurisdiction at the time of application over the armed force in which the applicant is serving or last served.

''(c)(1) A person who, before August 16, 1945, was a Reserve of an armed force, or a member of the Army without component or other category covered by section 12732(a)(1) of this title except a regular component, is not eligible for retired pay under this chapter unless—

''(A) the person performed active duty during World War I or World War II; or

''(B) the person performed active duty (other than for training) during the Korean conflict, the Berlin crisis, or the Vietnam era.

''(2) In this subsection:

''(A) The term 'World War I' means the period beginning on April 6, 1917, and ending on November 11, 1918.

''(B) The term 'World War II' means the period beginning on September 9, 1940, and ending on December 31, 1946.

''(C) The term 'Korean conflict' means the period beginning on June 27, 1950, and ending on July 27, 1953.

''(D) The term 'Berlin crisis' means the period beginning on August 14, 1961, and ending on May 30, 1963.

''(E) The term 'Vietnam era' means the period beginning on August 5, 1964, and ending on March 27, 1973.

''(d) The Secretary concerned shall notify each person who has completed the years of service required for eligibility for retired pay under this chapter. The notice shall be sent, in writing, to the person concerned within one year after the person completes that service. The notice shall include notice of the elections available to such person under the Survivor Benefit Plan established under subchapter II of chapter 73 of this title and the Supplemental Survivor Benefit Plan established under subchapter III of that chapter, and the effects of such elections.

''(e) Notwithstanding section 8301 of title 5, the date of entitlement to retired pay under this section shall be the date on which the requirements of subsection (a) have been completed.

"§ 12731a. Temporary special retirement qualification authority

"(a) RETIREMENT WITH AT LEAST 15 YEARS OF SERVICE.—For the purposes of section 12731 of this title, the Secretary concerned may—

"(1) during the period described in subsection (b), determine to treat a member of the Selected Reserve of a reserve component of the armed force under the jurisdiction of that Secretary as having met the service requirements of subsection (a)(2) of that section and provide the member with the notification required by subsection (d) of that section if the member—

"(A) as of October 1, 1991, has completed at least 15, and less than 20, years of service computed under section 12732 of this title; or

"(B) after that date and before October 1, 1999, completes 15 years of service computed under that section; and

"(2) upon the request of the member submitted to the Secretary, transfer the member to the Retired Reserve.

"(b) PERIOD OF AUTHORITY.—The period referred to in subsection (a)(1) is the period beginning on October 23, 1992, and ending on October 1, 1999.

"(c) APPLICABILITY SUBJECT TO NEEDS OF THE SERVICE.—(1) The Secretary concerned may limit the applicability of subsection (a) to any category of personnel defined by the Secretary in order to meet a need of the armed force under the jurisdiction of the Secretary to reduce the number of members in certain grades, the number of members who have completed a certain number of years of service, or the number of members who possess certain military skills or are serving in designated competitive categories.

"(2) A limitation under paragraph (1) shall be consistent with the purpose set forth in section 4414(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2713).

"(d) EXCLUSION.—This section does not apply to persons referred to in section 12731(c) of this title.

"(e) REGULATIONS.—The authority provided in this section shall be subject to regulations prescribed by the Secretary of Defense and by the Secretary of Transportation with respect to the Coast Guard.

"§ 12732. Entitlement to retired pay: computation of years of service

"(a) Except as provided in subsection (b), for the purpose of determining whether a person is entitled to retired

pay under section 12731 of this title, the person's years of service are computed by adding the following:

"(1) The person's years of service, before July 1, 1949, in the following:

"(A) The armed forces.

"(B) The federally recognized National Guard before June 15, 1933.

"(C) A federally recognized status in the National Guard before June 15, 1933.

"(D) The National Guard after June 14, 1933, if his service therein was continuous from the date of his enlistment in the National Guard, or his Federal recognition as an officer therein, to the date of his enlistment or appointment, as the case may be, in the National Guard of the United States, the Army National Guard of the United States, or the Air National Guard of the United States.

"(E) The Naval Reserve Force.

"(F) The Naval Militia that conformed to the standards prescribed by the Secretary of the Navy.

"(G) The National Naval Volunteers.

"(H) The Army Nurse Corps, the Navy Nurse Corps, the Nurse Corps Reserve of the

Army, or the Nurse Corps Reserve of the Navy, as it existed at any time after February 2, 1901.

''(I) The Army under an appointment under the Act of December 22, 1942 (ch. 805, 56 Stat. 1072).

''(J) An active full-time status, except as a student or apprentice, with the Medical Department of the Army as a civilian employee—

''(i) in the dietetic or physical therapy categories, if the service was performed after April 6, 1917, and before April 1, 1943; or

''(ii) in the occupational therapy category, if the service was performed before appointment in the Army Nurse Corps or the Women's Medical Specialist Corps and before January 1, 1949, or before appointment in the Air Force before January 1, 1949, with a view to designation as an Air Force nurse or medical specialist.

''(2) Each one-year period, after July 1, 1949, in which the person has been credited with at least 50 points on the following basis:

''(A) One point for each day of—

''(i) active service; or

"(ii) full-time service under sections 316, 502, 503, 504, and 505 of title 32 while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary concerned; if that service conformed to required standards and qualifications.

"(B) One point for each attendance at a drill or period of equivalent instruction that was prescribed for that year by the Secretary concerned and conformed to the requirements prescribed by law, including attendance under section 502 of title 32.

"(C) Points at the rate of 15 a year for membership—

"(i) in a reserve component of an armed force,

"(ii) in the Army or the Air Force without component, or

"(iii) in any other category covered by subsection (a)(1) except a regular component.

For the purpose of clauses (A), (B), and (C), service in the National Guard shall be treated as if it were

service in a reserve component, if the person concerned was later appointed in the National Guard of the United States, the Army National Guard of the United States, the Air National Guard of the United States, or as a Reserve of the Army or the Air Force, and served continuously in the National Guard from the date of his Federal recognition to the date of that appointment.

''(3) The person's years of active service in the Commissioned Corps of the Public Health Service.

''(4) The person's years of active commissioned service in the National Oceanic and Atmospheric Administration (including active commissioned service in the Environmental Science Services Administration and in the Coast and Geodetic Survey).

''(b) The following service may not be counted under subsection (a):

''(1) Service (other than active service) in an inactive section of the Organized Reserve Corps or of the Army Reserve, or in an inactive section of the officers' section of the Air Force Reserve.

''(2) Service (other than active service) after June 30, 1949, while on the Honorary Retired List of the Naval Reserve or of the Marine Corps Reserve.

''(3) Service in the inactive National Guard.

"(4) Service in a non-federally recognized status in the National Guard.

"(5) Service in the Fleet Reserve or the Fleet Marine Corps Reserve.

"(6) Service as an inactive Reserve nurse of the Army Nurse Corps established by the Act of February 2, 1901 (ch. 192, 31 Stat. 753), as amended, and service before July 1, 1938, as an inactive Reserve nurse of the Navy Nurse Corps established by the Act of May 13, 1908 (ch. 166, 35 Stat. 146).

"(7) Service in any status other than that as commissioned officer, warrant officer, nurse, flight officer, aviation midshipman, appointed aviation cadet, or enlisted member, and that described in clauses (I) and (J) of subsection (a)(1).

"§ 12733. Computation of retired pay: computation of years of service

"For the purpose of computing the retired pay of a person under this chapter, the person's years of service and any fraction of such a year are computed by dividing 360 into the sum of the following:

"(1) The person's days of active service.

"(2) The person's days of full-time service under sections 316, 502, 503, 504, and 505 of title 32 while performing annual training duty or while attending

a prescribed course of instruction at a school designated as a service school by law or by the Secretary concerned.

''(3) One day for each point credited to the person under clause (B) or (C) of section 12732(a)(2) of this title, but not more than 60 days in any one year.

''(4) 50 days for each year before July 1, 1949, and proportionately for each fraction of a year, of service (other than active service) in a reserve component of an armed force, in the Army or the Air Force without component, or in any other category covered by section 12732(a)(1) of this title, except a regular component.

''§ 12734. Time not creditable toward years of service

''(a) Service in an inactive status may not be counted in any computation of years of service under this chapter.

''(b) Time spent after retirement (without pay) for failure to conform to standards and qualifications prescribed under section 12641 of this title may not be credited in a computation of years of service under this chapter.

''§ 12735. Inactive status list

''(a) A member who would be eligible for retired pay under this chapter but for the fact that that member is under 60 years of age may be transferred, at his request and by direction of the Secretary concerned, to such inactive

status list as may be established for members of his armed force, other than members of a regular component.

''(b) While on an inactive status list under subsection (a), a member is not required to participate in any training or other program prescribed for his component.

''(c) The Secretary may at any time recall to active status a member who is on an inactive status list under subsection (a).

''§ 12736. Service credited for retired pay benefits not excluded for other benefits

''No period of service included wholly or partly in determining a person's right to, or the amount of, retired pay under this chapter may be excluded in determining his eligibility for any annuity, pension, or old-age benefit, under any other law, on account of civilian employment by the United States or otherwise, or in determining the amount payable under that law, if that service is otherwise properly credited under it.

''§ 12737. Limitation on active duty

''A member of the armed forces may not be ordered to active duty solely for the purpose of qualifying the member for retired pay under this chapter.

''§ 12738. Limitations on revocation of retired pay

''(a) After a person is granted retired pay under this chapter, or is notified in accordance with section 12731(d)

of this title that the person has completed the years of service required for eligibility for retired pay under this chapter, the person's eligibility for retired pay may not be denied or revoked on the basis of any error, miscalculation, misinformation, or administrative determination of years of service performed as required by section 12731(a)(2) of this title, unless it resulted directly from the fraud or misrepresentation of the person.

''(b) The number of years of creditable service upon which retired pay is computed may be adjusted to correct any error, miscalculation, misinformation, or administrative determination and when such a correction is made the person is entitled to retired pay in accordance with the number of years of creditable service, as corrected, from the date the person is granted retired pay.

''§ 12739. Computation of retired pay

''(a) The monthly retired pay of a person entitled to that pay under this chapter is the product of—

''(1) the retired pay base for that person as computed under section 1406(b)(2) or 1407 of this title; and

''(2) 2½ percent of the years of service credited to that person under section 12733 of this title.

''(b) The amount computed under subsection (a) may not exceed 75 percent of the retired pay base upon which the computation is based.

''(c) Amounts computed under this section, if not a multiple of $1, shall be rounded down to the next lower multiple of $1.''.

(2) Section 1401(a) is amended by striking out formula number 3 in the table set forth in that section.

(3) Section 1405(a)(3) is amended by striking out ''section 1333'' and ''section 1331'' and inserting in lieu thereof ''section 12733'' and ''section 12731'', respectively.

(4) Section 1406(b) is amended—

(A) by striking out the matter preceding the table and inserting in lieu thereof the following:

''(b) RETIREMENT UNDER SUBTITLE A OR E.—

''(1) DISABILITY, WARRANT OFFICER, AND DOPMA RETIREMENT.—In the case of a person whose retired pay is computed under this subtitle, the retired pay base is determined in accordance with the following table.'';

(B) in the table—

(i) by striking out the entry relating to section 1331 (including the matter relating to that entry in the column under the heading ''The retired pay base is:''); and

(ii) by redesignating the references to footnotes 3 and 4 so as to refer to footnotes 2 and 3, respectively;

(C) by striking out footnote 2 to the table and redesignating footnotes 3 and 4 as footnotes 2 and 3, respectively; and

(D) by adding at the end the following:

''(2) NON-REGULAR SERVICE RETIREMENT.—In the case of a person who is entitled to retired pay under section 12731 of this title, the retired pay base is the monthly basic pay, determined at the rates applicable on the date when retired pay is granted, of the highest grade held satisfactorily by the person at any time in the armed forces. For purposes of the preceding sentence, the highest grade in which a person served satisfactorily as an officer shall be determined in accordance with section 1370(d) of this title.''.

(5) Section 1407 is amended—

(A) in subsection (c)(2)(B), by striking out ''chapter 67'' and inserting in lieu thereof ''chapter 1223''; and

(B) in subsection (f)(2)—

(i) by striking out ''CHAPTER 67'' in the heading and inserting in lieu thereof ''CHAPTER 1223''; and

(ii) by striking out ''section 1331'' and inserting in lieu thereof ''section 12731''.

(6) Section 1409(a)(1)(B) is amended by striking out ''chapter 67'' and inserting in lieu thereof ''chapter 1223''.

(7) Part II of subtitle A is amended by inserting after chapter 65 the following:

''CHAPTER 67—RETIRED PAY FOR NONREGULAR SERVICE

''Sec.
''1331. Reference to chapter 1223.

''§ 1331. Reference to chapter 1223

''Provisions of law relating to retired pay for nonregular service are set forth in chapter 1223 of this title (beginning with section 12731).''.

(8) Section 6034 is repealed.

(k) RETIRED GRADE.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1223 (as added by subsection (j)) the following:

''CHAPTER 1225—RETIRED GRADE

''Sec.
''12771. Reserve officers: grade on transfer to Retired Reserve.
''12772. Reserve commissioned officers who have served as Attending Physician to the Congress: grade on transfer to Retired Reserve.
''12773. Limitation on accrual of increased pay or benefits.
''12774. Retired lists.

''§ 12771. Reserve officers: grade on transfer to Retired Reserve

''Unless entitled to a higher grade under another provision of law, a reserve commissioned officer, other than a

commissioned warrant officer, who is transferred to the Retired Reserve is entitled to be placed on the retired list established by section 12774(a) of this title in the highest grade in which he served satisfactorily, as determined by the Secretary concerned and in accordance with section 1370(d), in the armed force in which he is serving on the date of transfer.

"§ 12772. Reserve commissioned officers who have served as Attending Physician to the Congress: grade on transfer to Retired Reserve

''Unless entitled to a higher grade under another provision of law, a reserve commissioned officer who is transferred to the Retired Reserve after having served in the position of Attending Physician to the Congress is entitled to be placed on the retired list established by section 12774(a) of this title in the grade held by the officer while serving in that position.

"§ 12773. Limitation on accrual of increased pay or benefits

''Unless otherwise provided by law, no person is entitled to increased pay or other benefits because of sections 12771 and 12772 of this title.

"§ 12774. Retired lists

''(a) Under regulations prescribed by the Secretary concerned, there shall be maintained retired lists containing the names of the Reserves of the armed forces under the Secretary's jurisdiction who are in the Retired Reserve.

''(b) The Secretary of the Navy shall maintain a United States Naval Reserve Retired List containing the names of members of the Naval Reserve and the Marine Corps Reserve entitled to retired pay.''.

(2) Sections 1374 and 6017 are repealed.

(3)(A) Section 1376 is amended—

(i) by striking out subsection (a); and

(ii) by striking out ''(b)'' before ''The Secretary concerned''.

(B) The heading of that section is amended to read as follows:

"§ 1376. Temporary disability retired lists".

SEC. 1363. LAWS RELATING TO RESERVE COMPONENT TRAINING AND EDUCATIONAL ASSISTANCE PROGRAMS.

(a) TRAINING GENERALLY.—Subtitle E, as added by section 1311, is amended by adding after part III of such subtitle (as added by that section) the following:

"PART IV—TRAINING FOR RESERVE COMPONENTS AND EDUCATIONAL ASSISTANCE PROGRAMS

"Chap.	*Sec.*
"1601. Training Generally	*[No present sections]*
"1606. Educational Assistance for Members of the Selected Reserve	*16131*
"1608. Health Professions Stipend Program	*16201*
"1609. Education Loan Repayments	*16301*

"CHAPTER 1601—TRAINING GENERALLY

"[No present sections]".

(b) MONTGOMERY GI BILL FOR SELECTED RESERVE.—(1) Part IV of subtitle E (as added by subsection (a)) is amended by adding at the end the following:

"CHAPTER 1606—EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE

"Sec.
"16131. Educational assistance program: establishment; amount.
"16132. Eligibility for educational assistance.
"16133. Time limitations for use of entitlement.
"16134. Termination of assistance.
"16135. Failure to participate satisfactorily; penalties.
"16136. Administration of program.
"16137. Reports to Congress.".

(2) Sections 2131 through 2137 are transferred to chapter 1606, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	***Redesignated section***
2131	*16131*
2132	*16132*
2133	*16133*
2134	*16134*
2135	*16135*
2136	*16136*
2137	*16137*

(3) Section 16131 (as so redesignated) is amended—

(A) in subsection (c)(3)(B)(i), by striking out ''section 672 (a), (d), or (g), 673, or 673b'' and inserting in lieu thereof ''section 12301(a), 12301(d), 12301(g), 12302, or 12304''; and

(B) in subsection (g)(1), by striking out ''section 2136(c)'' and inserting in lieu thereof ''section 16136(c)''.

(4) Section 16132 (as so redesignated) is amended—

(A) in subsection (a), by striking out ''section 2131'' and inserting in lieu thereof ''section 16131''; and

(B) in subsection (c), by striking out ''sections 2134 and 2135'' and inserting in lieu thereof ''section 16134 and 16135''.

(5) Section 16133 (as so redesignated) is amended—

(A) in subsection (b)(1)(B), by striking out ''section 268(b)'' and inserting in lieu thereof ''section 10143(a)''; and

(B) in subsection (b)(4)(A), by striking out ''section 672 (a), (d), or (g), 673, or 673b'' and inserting in lieu thereof ''section 12301(a), 12301(d), 12301(g), 12302, or 12304''.

(6) Section 16135 (as so redesignated) is amended—

(A) by striking out ''section 2132'' in subsection (a)(1)(A) and inserting in lieu thereof ''section 16132''; and

(B) by striking out ''section 2132(a)'' in subsection (b)(1)(A) and inserting in lieu thereof ''section 16132(a)''.

(7) Chapter 106 is amended by striking out the table of sections at the beginning and inserting in lieu thereof the following:

''Sec.
''2131. Reference to chapter 1606.
''2138. Savings provision.

''§ 2131. Reference to chapter 1606

''Provisions of law relating to educational assistance for members of the Selected Reserve under the Montgomery GI Bill program are set forth in chapter 1606 of this title (beginning with section 16131).''.

(c) HEALTH PROFESSIONS STIPEND PROGRAM.—(1) Part IV of subtitle E (as added by subsection (a)) is amended by adding after chapter 1606 (as added by subsection (b)) the following:

''CHAPTER 1608—HEALTH PROFESSIONS STIPEND PROGRAM

''Sec.
''16201. Financial assistance: health-care professionals in reserve components.
''16202. Reserve service: required active duty for training.
''16203. Penalties and limitations.
''16204. Regulations.

"§ 16204. Regulations

''This chapter shall be administered under regulations prescribed by the Secretary of Defense.''.

(2) Section 2128 is transferred to chapter 1608, as added by paragraph (1), inserted after the table of sections, redesignated as section 16201, and amended by striking out subsection (f).

(3) Section 2129 is transferred to chapter 1608, as added by paragraph (1), inserted after section 16201 (as transferred and redesignated by paragraph (2)), and redesignated as section 16202.

(4)(A) Section 2130 is transferred to chapter 1608, as added by paragraph (1), inserted after section 16202 (as transferred and redesignated by paragraph (3)), redesignated as section 16203, and amended by striking out subsection (c).

(B) The heading of that section is amended to read as follows:

"§ 16203. Penalties and limitations".

(5) Section 16201, as so redesignated, is amended by striking out ''subchapter'' each place it appears and inserting in lieu thereof ''chapter''.

(6) Section 16202, as so redesignated, is amended by striking out ''section 2128'' both places it appears and inserting in lieu thereof ''section 16201''.

(7) Chapter 105 is amended—

(A) in the table of subchapters before subchapter I—

(i) by striking out the item relating to subchapter II; and

(ii) by redesignating the item relating to subchapter III so as to refer to subchapter II;

(B) by striking out the heading for subchapter II and the table of sections following that heading; and

(C) by redesignating subchapter III as subchapter II.

(d) EDUCATION LOAN REPAYMENT PROGRAMS.—(1) Part IV of subtitle E (as added by subsection (a)) is amended by adding after chapter 1608 (as added by subsection (c) the following:

"CHAPTER 1609—EDUCATION LOAN REPAYMENT PROGRAMS

"Sec.
"16301. Education loan repayment program: enlisted members of Selected Reserve with critical specialties.
"16302. Education loan repayment program: health professions officers serving in Selected Reserve with wartime critical medical skill shortages.

"§ 16301. Education loan repayment program: enlisted members of Selected Reserve with critical specialties

"(a)(1) Subject to the provisions of this section, the Secretary of Defense may repay—

"(A) any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.); or

"(B) any loan made under part E of such title (20 U.S.C. 1087aa et seq.).

Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.

"(2) The Secretary may repay loans described in paragraph (1) in the case of any person for service performed as an enlisted member of the Selected Reserve of the Ready Reserve of an armed force in a reserve component and military specialty specified by the Secretary of Defense. The Secretary may repay such a loan only if the person to whom the loan was made performed such service after the loan was made.

"(b) The portion or amount of a loan that may be repaid under subsection (a) is 15 percent or $500, whichever is greater, for each year of service.

"(c) If a portion of a loan is repaid under this section for any year, interest on the remainder of the loan shall accrue and be paid in the same manner as is otherwise required.

"(d) Nothing in this section shall be construed to authorize refunding any repayment of a loan.

''(e) A person who transfers from service making the person eligible for repayment of loans under this section (as described in subsection (a)(2)) to service making the person eligible for repayment of loans under section 2171 of this title (as described in subsection (a)(2) of that section) during a year shall be eligible to have repaid a portion of such loan determined by giving appropriate fractional credit for each portion of the year so served, in accordance with regulations of the Secretary concerned.

''(f) The Secretary of Defense shall, by regulation, prescribe a schedule for the allocation of funds made available to carry out the provisions of this section and section 2171 of this title during any year for which funds are not sufficient to pay the sum of the amounts eligible for repayment under subsection (a) and section 2171(a) of this title.''.

(2)(A) Section 2172 is transferred to the end of chapter 1609, as added by paragraph (1), and redesignated as section 16302.

(B) The heading of such section is amended to read as follows:

"§ 16302. Education loan repayment program: health professions officers serving in Selected Reserve with wartime critical medical skill shortages".

(e) CONFORMING AMENDMENTS.—Section 2171 is amended as follows:

(1) Subsection (a)(1)(B) is amended by striking out ''or'' after ''(B)''.

(2) Subsection (a)(2) is amended—

(A) in the first sentence, by striking out ''person for—'' and all that follows through ''(B) service performed'' and inserting in lieu thereof ''person for service performed''; and

(B) by striking out the second sentence.

(3) Subsection (b) is amended to read as follows: ''(b) The portion or amount of a loan that may be repaid under subsection (a) is 33⅓ percent or $1,500, whichever is greater, for each year of service.''.

(4) Subsection (e) is amended by striking out ''Any individual who transfers from service described in clause (A) or (B) of subsection (a)(2) to service described in the other clause of such subsection'' and inserting in lieu thereof ''A person who transfers from service making the person eligible for repayment of loans under this section (as described in subsection (a)(2)) to service making the person eligible for repay-

ment of loans under section 16301 of this title (as described in subsection (a)(2) of that section)''.

(5) Subsection (f) is amended—

(A) by inserting ''and section 16301 of this title'' after ''this section''; and

(B) by inserting ''and section 16301(a) of this title'' after ''subsection (a)''.

(6) The heading of such section is amended to read as follows:

''§ 2171. Education loan repayment program: enlisted members on active duty in specified military specialties''.

SEC. 1364. LAWS RELATING TO RESERVE COMPONENT PROCUREMENT AND EQUIPMENT.

(a) ADDITION OF NEW PART.—(1) Subtitle E, as added by section 1311, is amended by adding after part IV of such subtitle (as added by section 1363) the following:

''PART V—SERVICE, SUPPLY, AND PROCUREMENT

''Chap.	*Sec.*
''1801. Issue of Serviceable Material to Reserve Components	*[No present sections]*
''1803. Facilities for Reserve Components	*18231*
''1805. Miscellaneous Provisions	*18501*

"CHAPTER 1801—ISSUE OF SERVICEABLE MATERIAL TO RESERVE COMPONENTS

''[No present sections]''.

(b) FACILITIES FOR RESERVE COMPONENTS.—(1) Chapter 133 is transferred to the end of part V of subtitle E, as added by subsection (a), and redesignated as chapter 1803.

(2) The sections of that chapter are redesignated as follows:

Section	***Redesignated section***
2231	*18231*
2232	*18232*
2233	*18233*
2233a	*18233a*
2234	*18234*
2235	*18235*
2236	*18236*
2237	*18237*
2238	*18238*
2239	*18239*

(3) The items in the table of sections at the beginning of such chapter are revised to reflect the redesignations made by paragraph (2).

(4) Section 18233 (as redesignated by paragraph (2)) is amended by striking out ''sections 2233a, 2234, 2235, 2236, and 2238'' in subsection (a) and inserting in lieu thereof ''sections 18233a, 18234, 18235, 18236, and 18238''.

(5) Section 18233a (as redesignated by paragraph (2)) is amended—

(A) in subsection (a), by striking out ''section 2233'' and inserting in lieu thereof ''section 18233''; and

(B) in subsection (b), by striking out ''section 2233(a)'' and inserting in lieu thereof ''section 18233(a)''.

(6) Section 18234 (as redesignated by paragraph (2)) is amended by striking out ''section 2233'' and inserting in lieu thereof ''section 18233''.

(7) Section 18235 (as redesignated by paragraph (2)) is amended by striking out ''section 2233(a)(1)'' in subsection (a)(1) and inserting in lieu thereof ''section 18233''.

(8) Section 18236 (as redesignated by paragraph (2)) is amended—

(A) in subsection (a)—

(i) by striking out ''section 2233'' in the first sentence and inserting in lieu thereof ''section 18233''; and

(ii) by striking out ''section 2233(a)(3) or (4)'' in the second sentence and inserting in lieu thereof ''paragraph (3) or (4) of section 18233(a)'';

(B) in subsection (b)—

(i) by striking out ''clause (4) or (5) of section 2233(a)'' in the matter preceding paragraph

(1) and inserting in lieu thereof ''paragraph (4) or (5) of section 18233(a)''; and

(ii) by striking out ''section 2233(e)'' in paragraph (2) and inserting in lieu thereof ''section 18233(e)''; and

(C) in subsection (c), by striking out ''section 2233'' and inserting in lieu thereof ''section 18233''.

(9) Section 18237 (as redesignated by paragraph (2)) is amended—

(A) in subsection (a), by striking out ''section 2233(a)(2), (3) and (4)'' and inserting in lieu thereof ''paragraph (2), (3), or (4) of section 18233(a)''; and

(B) in subsection (b), by striking out ''section 2233(a)(2), (3) or (4)'' and inserting in lieu thereof ''paragraph (2), (3), or (4) of section 18233(a)''.

(10) Section 18239 (as redesignated by paragraph (2)) is amended by striking out ''section 2233'' both places it appears and inserting in lieu thereof ''section 18233''.

(11) Part IV of subtitle A is amended by inserting after chapter 131 the following:

''CHAPTER 133—FACILITIES FOR RESERVE COMPONENTS

''Sec.
''2231. Reference to chapter 1803.

"§ 2231. Reference to chapter 1803

''Provisions of law relating to facilities for reserve components are set forth in chapter 1803 of this title (beginning with section 18231).''.

(c) MISCELLANEOUS PROVISIONS.—(1) Part V of subtitle E, as added by subsection (a), is amended by adding after chapter 1803, as transferred by subsection (b), the following:

"CHAPTER 1805—MISCELLANEOUS PROVISIONS

''Sec.
''18501. Reserve components: personnel and logistic support by military departments.
''18502. Reserve components: supplies, services, and facilities.

"§ 18501. Reserve components: personnel and logistic support by military departments

''The Secretary concerned is responsible for providing the personnel, equipment, facilities, and other general logistic support necessary to enable units and Reserves in the Ready Reserve of the reserve components under his jurisdiction to satisfy the training requirements and mobilization readiness requirements for those units and Reserves as recommended by the Secretary concerned and by the Chairman of the Joint Chiefs of Staff and approved by the Secretary of Defense, and as recommended by the Commandant of the Coast Guard and approved by the Secretary of Transportation when the Coast Guard is not operated as a service of the Navy.

"§ 18502. Reserve components: supplies, services, and facilities

''(a) The Secretary concerned shall make available to the reserve components under his jurisdiction the supplies, services, and facilities of the armed forces under his jurisdiction that he considers necessary to support and develop those components.

''(b) Whenever he finds it to be in the best interest of the United States, the Secretary concerned may issue supplies of the armed forces under his jurisdiction to the reserve components under his jurisdiction, without charge to the appropriations for those components for the cost or value of the supplies or for any related expense.

''(c) Whenever he finds it to be in the best interest of the United States, the Secretary of the Army or the Secretary of the Air Force may issue to the Army National Guard or the Air National Guard, as the case may be, supplies of the armed forces under his jurisdiction that are in addition to supplies issued to that National Guard under section 702 of title 32 or charged against its appropriations under section 106 or 107 of title 32, without charge to the appropriations for those components for the cost or value of the supplies or for any related expense.

''(d) Supplies issued under subsection (b) or (c) may be repossessed or redistributed as prescribed by the Secretary concerned.''.

(2) Section 2540 is repealed.

SEC. 1365. LEGISLATIVE CONSTRUCTION.

(a) REFERENCES TO TRANSFERRED OR REPLACED PROVISIONS.—A reference to a provision of title 10, United States Code, transferred or replaced by the provisions of sections 1361 through 1364 (including a reference in a regulation, order, or other law) shall be treated as referring to that provision as transferred or to the corresponding provision as so enacted by this subtitle.

(b) SAVINGS PROVISION FOR REGULATIONS.—A regulation, rule, or order in effect under a provision of title 10, United States Code, replaced by a provision of that title enacted by sections 1361 through 1364 shall continue in effect under the corresponding provision so enacted until repealed, amended, or superseded.

(c) GENERAL SAVINGS PROVISION.—An action taken, or a right that matured, under a provision of title 10, United States Code, replaced by a provision of that title enacted by sections 1361 through 1364 shall be treated as having been taken, or having matured, under the corresponding provision so enacted.

Subtitle D—Technical and Clerical Amendments

SEC. 1371. AMENDMENTS TO SUBTITLE A OF TITLE 10, UNITED STATES CODE.

(a) TABLE OF SUBTITLES.—The table of subtitles preceding subtitle A is amended by adding at the end the following new item:

"E. Reserve Components .....10001".

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 2 is amended by striking out the item relating to section 115b.

(2) The table of sections at the beginning of chapter 3 is amended by striking out the item relating to section 123 and inserting in lieu thereof the following:

"123. Authority to suspend officer personnel laws during war or national emergency.".

(3) The table of sections at the beginning of chapter 31 is amended by striking out the items relating to sections 510, 511, 512, and 517.

(4) The table of sections at the beginning of chapter 32 is amended—

(A) by striking out the item relating to section 524; and

(B) by striking out ''524,'' in the item relating to section 527.

(5) The table of sections at the beginning of subchapter V of chapter 36 is amended by striking out the item relating to section 644.

(6) The table of sections at the beginning of chapter 37 is amended by striking out the item relating to section 652.

(7) The table of sections at the beginning of chapter 39 is amended—

(A) by striking out the item relating to section 672 and inserting in lieu thereof the following:

''672. Reference to chapter 1209.'';

and

(B) by striking out the items relating to section 673 through 686 and section 689.

(8) The table of sections at the beginning of chapter 41 is amended by striking out the item relating to section 715.

(9) The table of sections at the beginning of chapter 53 is amended by striking out the item relating to section 1033.

(10) The table of sections at the beginning of chapter 59 is amended by striking out the items relating to sections 1162 and 1163.

(11) The table of sections at the beginning of chapter 69 is amended—

(A) by striking out the item relating to section 1374; and

(B) by striking out the item relating to section 1376 and inserting in lieu thereof the following:

''1376. Temporary disability retired lists.''.

(12) The table of sections at the beginning of chapter 101 is amended by striking out the item relating to section 2001.

(13) The table of sections at the beginning of chapter 109 is amended by striking out the items relating to sections 2171 and 2172 and inserting in lieu thereof the following:

''2171. Education loan repayment program: enlisted members on active duty in specified military specialties.''.

(14) The table of sections at the beginning of subchapter I of chapter 152 is amended by striking out the item relating to section 2540.

(c) CROSS-REFERENCE AMENDMENTS—

(1) Section 101(a)(13) is amended by striking out ''672(a), 673, 673b, 673c, 688, 3500, or 8500'' and inserting in lieu thereof ''688, 12301(a), 12302, 12304, 12305, or 12406''.

(2) Section 113(c)(3) is amended by striking out ''chapters 51, 337, 361, 363, 549, 573, 837, 861, and 863 of this title, as far as they apply to reserve officers'' and inserting in lieu thereof ''chapters 1219 and 1401 through 1411 of this title ''.

(3) Section 523(b)(1) is amended—

(A) in subparagraph (B), by striking out ''section 265'' and all that follows through ''of this title'' and inserting in lieu thereof ''section 10211, 10302 through 10305, or 12402 of this title'';

(B) in subparagraph (C), by striking out ''section 672(d)'' and inserting in lieu thereof ''section 12301(d)''; and

(C) in subparagraph (E), by striking out ''section 673b'' and inserting in lieu thereof ''section 12304''.

(4) Section 527 is amended by striking out ''524,'' in the text and in the heading.

(5) Section 641(1) is amended—

(A) in subparagraph (B), by striking out ''section 175'' and all that follows through ''of this title'' and inserting in lieu thereof ''section 3038, 8038, 10211, 10301 through 10305, 10501, or 12402 of this title'';

(B) in subparagraph (C), by striking out ''section 672(d)'' and inserting in lieu thereof ''section 12301(d)''; and

(C) in subparagraph (E), by striking out ''section 673b'' and inserting in lieu thereof ''section 12304''.

(6) Sections 1201, 1202, and 1203 are each amended by striking out ''section 270(b)'' and inserting in lieu thereof ''section 10148(a)''.

(7)(A) Section 1076(b)(2)(A) is amended by striking out ''under chapter 67 of this title'' and inserting in lieu thereof ''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)''.

(B) Section 1370(a)(1) is amended by striking out ''chapter 67'' and inserting in lieu thereof ''chapter 1223''.

(8) Section 1482(f)(2) is amended by striking out ''section 1332'' and ''section 1331'' and inserting in lieu thereof ''section 12732'' and ''12731'', respectively.

(d) SURVIVOR BENEFIT PLAN.—Subchapter II of chapter 73 is amended as follows:

(1) Section 1447(14) is amended by striking out ''chapter 67 of this title'' and inserting in lieu thereof ''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)''.

(2) The following provisions are amended by striking out ''section 1331(d)'' and inserting in lieu thereof ''section 12731(d)'': sections 1447(2)(C), 1448(a)(2)(B), 1448(f)(1)(A), and 1448(f)(1)(B).

SEC. 1372. AMENDMENTS TO SUBTITLE B OF TITLE 10, UNITED STATES CODE.

(a) TABLES OF CHAPTERS.—The table of chapters at the beginning of subtitle B, and the table of chapters at the beginning of part II of that subtitle, are each amended by striking out the items relating to chapters 337, 361, and 363.

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 305 is amended by striking out the item relating to section 3040.

(2) The table of sections at the beginning of chapter 307 is amended by striking out the items relating to section 3076 through 3080 and section 3082.

(3) The table of sections at the beginning of chapter 331 is amended by striking out the items re-

lating to section 3212 and sections 3217 through 3225.

(4) The table of sections at the beginning of chapter 333 is amended by striking out the items relating to sections 3259, 3260, and 3261.

(5) The table of sections at the beginning of chapter 341 is amended by striking out the items relating to sections 3495 through 3502.

(6) The table of sections at the beginning of chapter 343 is amended by striking out the items relating to sections 3541 and 3542.

(7) The table of sections at the beginning of chapter 353 is amended by striking out the item relating to section 3686.

(c) CROSS REFERENCE AMENDMENTS.—

(1) Section 3038(b) is amended by striking out ''section 265'' and inserting in lieu thereof ''section 10211''.

(2) Section 3961(a) is amended by striking out ''chapter 67'' and inserting in lieu thereof ''chapter 1223''.

(3) Section 4342(b)(1)(B) is amended by striking out ''section 1331 of this title'' and inserting in lieu thereof ''section 12731 of this title (or under section

1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)''.

SEC. 1373. AMENDMENTS TO SUBTITLE C OF TITLE 10, UNITED STATES CODE.

(a) TABLES OF CHAPTERS.—

(1) The table of chapters at the beginning of subtitle C is amended by striking out the items relating to chapters 519, 531, 541, and 549.

(2) The table of chapters at the beginning of part I of subtitle C is amended by striking out the item relating to chapter 519.

(3) The table of chapters at the beginning of part II of subtitle C is amended by striking out the items relating to chapters 531, 541, and 549.

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 533 is amended by striking out the items relating to sections 5456, 5457, and 5458.

(2) The table of sections at the beginning of chapter 539 is amended by striking out the item relating to section 5600.

(3) The table of sections at the beginning of chapter 555 is amended by striking out the items relating to sections 6017 and 6034.

(4) The table of sections at the beginning of chapter 573 is amended by striking out the items relating to sections 6391, 6392, 6397, 6403, and 6410.

(c) CROSS REFERENCE AMENDMENTS.—

(1) Section 6389(a) is amended by striking out ''section 1005'' and inserting in lieu thereof ''section 12645''.

(2) Section 6954(b)(1)(B) is amended by striking out ''section 1331 of this title'' and inserting in lieu thereof ''section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)''.

(d) REPEAL OF SECTION REDUNDANT WITH SECTION 741.—

(1) Section 5506 is repealed.

(2) The table of sections at the beginning of chapter 535 is amended by striking out the item relating to section 5506.

SEC. 1374. AMENDMENTS TO SUBTITLE D OF TITLE 10, UNITED STATES CODE.

(a) TABLES OF CHAPTERS.—The table of chapters at the beginning of subtitle D, and the table of chapters at the beginning of part II of that subtitle, are each amended by striking out the items relating to chapters 837 and 863.

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 807 is amended by striking out the items relating to sections 8076 through 8080.

(2) The table of sections at the beginning of chapter 831 is amended by striking out the items relating to section 8212 and sections 8217 through 8225.

(3) The table of sections at the beginning of chapter 833 is amended by striking out the items relating to sections 8259, 8260, and 8261.

(4) The table of sections at the beginning of chapter 841 is amended by striking out the items relating to sections 8495 through 8502.

(5) The table of sections at the beginning of chapter 843 is amended by striking out the items relating to sections 8541 and 8542.

(6) The table of sections at the beginning of chapter 853 is amended by striking out the item relating to section 8686.

(7) The table of sections at the beginning of chapter 861 is amended by striking out the items relating to sections 8819 and 8820.

(c) CROSS REFERENCE AMENDMENTS.—

(1) Section 8038(b) is amended by striking out ''section 265'' and inserting in lieu thereof ''section 10211''.

(2) Section 8961(a) is amended by striking out ''chapter 67'' and inserting in lieu thereof ''chapter 1223''.

(3) Section 9342(b)(1)(B) is amended by striking out ''section 1331 of this title'' and inserting in lieu thereof ''section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)''.

SEC. 1375. AMENDMENTS TO SUBTITLE E OF TITLE 10, UNITED STATES CODE.

(a) CHAPTER 1203.—Section 12102 (as transferred and redesignated by section 1362(b)(2)) is amended by striking out ''section 3261 or 8261'' in subsection (a) and inserting in lieu thereof ''section 12107''.

(b) CHAPTER 1205.—Sections of chapter 1205 (as transferred and redesignated by section 1362(c)(2)) are amended as follows:

(1) Section 12203 is amended by striking out ''3352, or 8352'' in subsection (a) and inserting in lieu thereof ''12213, or 12214''.

(2) Sections 12213 and 12214 are amended by striking out ''or Territory, Puerto Rico, or the District of Columbia, whichever is'' in subsection (a).

(c) CHAPTER 1209.—Sections of chapter 1209 (as transferred and redesignated by section 1362(e)(2)) are amended as follows:

(1) Section 12301 is amended—

(A) in subsection (b), by striking out ''or Territory'' and all that follows through the period at the end and inserting in lieu thereof ''(or, in the case of the District of Columbia National Guard, the commanding general of the District of Columbia National Guard).''; and

(B) in subsection (d), by striking out ''or Territory, Puerto Rico, or the District of Columbia, whichever is''.

(2) Section 12304 is amended—

(A) by striking out ''section 673(a)'' in subsection (a) and inserting in lieu thereof ''section 12302(a)'';

(B) by striking out ''section 268(b)'' in subsection (a) and inserting in lieu thereof ''section 10143(a)''; and

(C) by striking out ''section 3500 or 8500'' in subsection (b) and inserting in lieu thereof ''section 12406''.

(3) Section 12305 is amended by striking out ''section 672, 673, or 673b'' in subsections (a) and (b) and inserting in lieu thereof ''section 12301, 12302, or 12304''.

(4) Section 12306 is amended by striking out ''section 672'' in subsection (a) and inserting in lieu thereof ''section 12301''.

(5) Section 12307 is amended by striking out ''section 672(a) or 688'', ''section 1001(b)'', and ''chapter 67'' and inserting in lieu thereof ''section 688 or 12301(a)'', ''section 12641(b)'', and ''chapter 1223'', respectively.

(6) Section 12308 is amended by striking out ''chapter 67'' and ''section 1332(b)'' and inserting in lieu thereof ''chapter 1223'' and ''section 12732(b)'', respectively.

(7) Section 12310 is amended by striking out ''section 672(d)'' in subsection (a) and inserting in lieu thereof ''section 12301(d)''.

(8) Section 12312 is amended by striking out ''section 679(a)'' in subsections (a) and (b) and inserting in lieu thereof ''section 12311(a)''.

(9) Section 12318 is amended—

(A) by striking out ''section 673 or 673b'' in subsections (a) and (b) and inserting in lieu thereof ''section 12302 or 12304''; and

(B) by striking out ''section 678'' in subsection (b) and inserting in lieu thereof ''section 12310''.

(10) Section 12319(d) is amended by striking out ''chapter 67'' and inserting in lieu thereof ''chapter 1223''.

(11) Section 12320 is amended by striking out ''section 3353, 5600, or 8353'' and inserting in lieu thereof ''section 12207''.

(d) CHAPTER 1219.—Sections of chapter 1219 (as transferred and redesignated by section 1362(h)) are amended as follows:

(1) Section 12642 is amended—

(A) by striking out ''section 1332(a)(2)'' in subsection (a) and inserting in lieu thereof ''section 12732(a)(2)''; and

(B) by striking out ''section 1005'' in subsection (b) and inserting in lieu thereof ''section 12645''.

(2) Section 12645 is amended by striking out ''chapter 337, 361, 363, 573, 837, 861, or 863'' in

subsection (a) and inserting in lieu thereof ''chapter 573, 1407, 1409, or 1411''.

(3) Section 12646 is amended—

(A) by striking out ''section 1332'' each place it appears in subsections (a) and (b) and inserting in lieu thereof ''section 12732'';

(B) by striking out ''chapter 337, 361, 363, 573, 837, 861, or 863'' in subsections (a) and (b) and inserting in lieu thereof ''chapter 573, 1407, or 1409''; and

(C) by striking out subsection (e) and inserting in lieu thereof the following:

''(e)(1) A reserve commissioned officer on active duty (other than for training) or full-time National Guard duty (other than full-time National Guard duty for training only) who, on the date on which the officer would otherwise be removed from an active status under section 6389, 14513, or 14514 of this title or section 740 of title 14, is within two years of qualifying for retirement under section 3911, 6323, or 8911 of this title may, in the discretion of the Secretary concerned and subject to paragraph (2), be retained on that duty for a period of not more than two years.

''(2) An officer may be retained on active duty or full-time National Guard duty under paragraph (1) only if—

''(A) at the end of the period for which the officer is retained the officer will be qualified for retirement under section 3911, 6323, or 8911 of this title; and

''(B) the officer will not, before the end of that period, reach the age at which transfer from an active status or discharge is required by this title or title 14.

''(3) An officer who is retained on active duty or full-time National Guard duty under this section may not be removed from an active status while on that duty.''.

(4) Section 12647 is amended by striking out ''chapters 337, 363, 573, 837, and 863'' and inserting in lieu thereof ''chapters 573, 1407, and 1409''.

SEC. 1376. AMENDMENTS TO TITLES 32 AND 37, UNITED STATES CODE.

(a) TITLE 32, UNITED STATES CODE.—Title 32, United States Code, is amended as follows:

(1) Section 107(c) is amended by striking out ''section 3496 or 8496'' and inserting in lieu thereof ''section 12402''.

(2) Section 307(a)(3) is amended by striking out ''and sections 8365 and 8366 of title 10''.

(3) Section 323(c) is amended by striking out ''section 3259, 3352(a), 8259, or 8352(a)'' and inserting in lieu thereof ''section 12105, 12213(a), or 12214(a)''.

(4) The items relating to sections 309 and 310 in the table of sections at the beginning of chapter 3 are amended to read as follows:

''309. Federal recognition of National Guard officers: officers promoted to fill vacancies.
''310. Federal recognition of National Guard officers: automatic recognition.''.

(b) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Section 204(a)(2) is amended by striking out ''section 3021, 3496, 3541, 8021, 8496, or 8541'' and inserting in lieu thereof ''section 10302, 10305, 10502, or 12402''.

(2) Section 205(e)(2) is amended—

(A) by striking out ''section 511(b) or 511(d)'' in subparagraph (A) and inserting in lieu thereof ''section 12103(b) or 12103(d)''; and

(B) by striking out ''chapter 39'' in subparagraph (B) and inserting in lieu thereof ''chapter 1209''.

(3) Section 905 is amended—

(A) by striking out ''chapter 549'' in subsection (a) and inserting in lieu thereof ''chapter 1405''; and

(B) by striking out ''section 5908'' in subsection (b) and inserting in lieu thereof ''section 14308(b)''.

SEC. 1377. AMENDMENTS TO OTHER LAWS.

(a) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended as follows:

(1) Section 5517(d)(2) is amended by striking out ''section 270(a) of title 10'' and inserting in lieu thereof ''section 10147 of title 10''.

(2) Section 6323(b) is amended—

(A) in paragraph (1), by striking out ''section 261 of title 10'' and inserting in lieu thereof ''section 10101 of title 10''; and

(B) in paragraph (2)(A), by striking out ''3500, or 8500 of title 10'' and inserting in lieu thereof ''or 12406 of title 10''; and

(3) Sections 8332(c)(2)(B) and 8411(c)(2)(B) are amended by striking out ''chapter 67 of title 10'' and inserting in lieu thereof ''chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act)''.

(4) Sections 8401(30) and 8456(a)(1)(A) are amended by striking out ''section 261(a) of title 10'' and inserting in lieu thereof ''section 10101 of title 10''.

(b) TITLE 14, UNITED STATES CODE.—Title 14, United States Code, is amended as follows:

(1) Section 41a(a) is amended by striking out ''section 679 of title 10'' and inserting in lieu thereof ''section 12311 of title 10''.

(2) Section 271(e) is amended by striking out ''section 593 of title 10'' and inserting in lieu thereof ''section 12203 of title 10''.

(3) Section 712(c)(1) is amended by striking out ''section 270 of title 10'' and inserting in lieu thereof ''section 10147 of title 10''.

(4) Section 713 is amended by striking out ''section 511(d) of title 10'' and inserting in lieu thereof ''section 12103(d) of title 10''.

(5) Sections 740(c) and 741(b) are amended by striking out ''section 1006 of title 10'' and inserting in lieu thereof ''section 12646 of title 10''.

(c) INTERNAL REVENUE CODE OF 1986.—Section 219(g)(6)(A) of the Internal Revenue Code of 1986 is amended by striking out ''section 261(a) of title 10'' and inserting in lieu thereof ''section 10101 of title 10''.

(d) TITLE 38, UNITED STATES CODE.—Title 38, United States Code, is amended as follows:

(1) Sections 1965(5)(B), 1965(5)(C), and 1968(a)(4)(B) are amended by striking out ''chapter 67 of title 10'' and inserting in lieu thereof ''chapter 1223 of title 10 (or under chapter 67 of that title as

in effect before the effective date of the Reserve Officer Personnel Management Act)''.

(2) Section 3002 is amended—

(A) in paragraph (4), by striking out ''section 268(b) of title 10'' and inserting in lieu thereof ''section 10143(a) of title 10''; and

(B) in paragraph (6), by striking out ''section 511(d) of title 10'' and inserting in lieu thereof ''section 12103(d) of title 10''.

(e) PUBLIC LAW 99–661.—Section 403(b)(1) of Public Law 99–661 (10 U.S.C. 521 note) is amended—

(1) in subparagraph (B), by striking out ''section 265'' and all that follows through ''of title 10'' and inserting in lieu thereof ''section 10148(a), 10211, 10302 through 10305, 12301(a), or 12402 of title 10'';

(2) in subparagraph (C), by striking out ''section 672(d)'' and inserting in lieu thereof ''section 12301(d)''; and

(3) in subparagraph (E), by striking out ''section 673b'' and inserting in lieu thereof ''section 12304''.

(f) MILITARY SELECTIVE SERVICE ACT.—Section 6 of the Military Selective Service Act (50 U.S.C. App. 456) is amended—

(1) in subsection (c)(2)(A), by striking out ''section 270 of title 10'' and inserting in lieu thereof ''section 10147 of title 10'';

(2) in subsection (c)(2)(D), by striking out ''section 511(b) of title 10'' and inserting in lieu thereof ''section 12103 of title 10''; and

(3) in subsection (d)(1), by striking out ''section 270(a) of title 10'' and inserting in lieu thereof ''section 10147 of title 10''.

Subtitle E—Transition Provisions

SEC. 1381. CONTINUATION ON THE RESERVE ACTIVE-STATUS LIST OF CERTAIN RESERVE COLONELS OF THE ARMY AND AIR FORCE.

(a) CONTINUATION UNDER OLD LAW.—Except as provided in subsection (b), a reserve officer of the Army or the Air Force who, on the effective date of this title—

(1) is subject to placement on the reserve active-status list of the Army or the Air Force; and

(2)(A) holds the reserve grade of colonel, (B) is on a list of officers recommended for promotion to the reserve grade of colonel, or (C) has been nominated by the President for appointment in the reserve grade of colonel,

shall continue to be subject to mandatory transfer to the Retired Reserve or discharge from the officer's reserve ap-

pointment under section 3851 or 8851 of title 10, United States Code, as in effect on the day before the effective date of this title.

(b) EXEMPTION.—This section does not apply to an officer who is—

(1) sooner transferred from an active status or discharged under some other provision of law;

(2) promoted to a higher grade, unless the officer was on a list of officers recommended for promotion to the reserve grade of colonel before the effective date of this title; or

(3) continued on the reserve active-status list under section 14701 of title 10, United States Code, as added by this title.

SEC. 1382. EFFECTS OF SELECTION FOR PROMOTION AND FAILURE OF SELECTION FOR ARMY AND AIR FORCE OFFICERS.

(a) PROMOTIONS TO FILL VACANCIES.—A reserve commissioned officer of the Army or Air Force (other than a commissioned warrant officer) who, on the day before the effective date of this title, is recommended for promotion to fill a vacancy in the Army Reserve or the Air Force Reserve under section 3383, 3384, 8372, or 8373 of title 10, United States Code, as in effect on the day before the effective date of this title, in the next higher reserve grade shall

be considered to have been recommended for promotion to that grade by a vacancy promotion board under section 14101(a)(2) of title 10, United States Code, as added by this title.

(b) PROMOTIONS OTHER THAN TO FILL VACANCIES.—A reserve officer of the Army or Air Force who, on the day before the effective date of this title, is recommended for promotion under section 3366, 3367, 3370, 3371, 8366, or 8371 of title 10, United States Code, as in effect on the day before the effective date of this title, to a reserve grade higher than the grade in which the officer is serving shall be considered to have been recommended for promotion by a mandatory promotion board convened under section 14101(a)(1) of title 10, United States Code, as added by this title.

(c) OFFICERS FOUND QUALIFIED FOR PROMOTION TO FIRST LIEUTENANT.—A reserve officer of the Army or Air Force who, on the effective date of the title, holds the grade of second lieutenant and has been found qualified for promotion to the grade of first lieutenant in accordance with section 3365, 3382, or 8365 of title 10, United States Code, as in effect on the day before the effective date of this title, shall be promoted to that grade on the date on which the officer would have been promoted under the provisions of chapter 337 or 837 of such title, as in effect on the day before the effective date of this title, unless sooner promoted

under regulations prescribed by the Secretary of the Army or the Secretary of the Air Force under section 14308(b) of title 10, United States Code, as added by this title.

(d) OFFICERS ONCE FAILED OF SELECTION.—(1) A reserve officer of the Army in the grade of first lieutenant, captain, or major who, on the day before the effective date of this title, has been considered once but not recommended for promotion to the next higher reserve grade under section 3366 or 3367 of title 10, United States Code, or a reserve officer of the Air Force in the grade of first lieutenant, captain, or major who, on the day before the effective date of this title, is a deferred officer within the meaning of section 8368 of such title, shall be considered to have been considered once but not selected for promotion by a board convened under section 14101(a)(1) of title 10, United States Code, as added by this title. If the officer is later considered for promotion by a selection board convened under that section and is not selected for promotion (or is selected for promotion but declines to accept the promotion), the officer shall be considered for all purposes to have twice failed of selection for promotion.

(2) In the case of a reserve officer of the Army or Air Force in an active status who, on the day before the effective date of this title, is in the grade of first lieutenant, captain, or major and whose name has been removed, under the pro-

visions of section 3363(f) of title 10, United States Code, from a list of officers recommended for promotion or who has previously not been promoted because the President declined to appoint the officer in the next higher grade under section 8377 of such title as in effect on the day before the effective date of this title, or whose name was removed from a list of officers recommended for promotion to the next higher grade because the Senate did not consent to the officer's appointment, if the officer is later considered for promotion by a selection board convened by section 14101(a)(1) of title 10, United States Code, as added by this title, and (A) is not selected for promotion, (B) is selected for promotion but removed from the list of officers recommended or approved for promotion, or (C) is selected for promotion but declines to accept the promotion, the officer shall be considered for all purposes to have twice failed of selection for promotion.

(e) OFFICERS TWICE FAILED OF SELECTION.—A reserve officer of the Army or Air Force in an active status who, on the day before the effective date of this title, is in the grade of first lieutenant, captain, or major and on that date is subject to be treated as prescribed in section 3846 or 8846 of title 10, United States Code, shall continue to be governed by that section as in effect on the day before the effective date of this title.

(f) OFFICERS WITH APPROVED PROMOTION DECLINATIONS IN EFFECT.—A reserve officer of the Army who, on the day before the effective date of this title, has declined a promotion under subsection (f) or (g) of section 3364 of title 10, United States Code, shall while carried on the reserve active status list be subject to the provisions of subsections (h), (i), and (j) of such section, as in effect on the day before the effective date of this title, except that the name of an officer to whom this section applies shall be placed on a promotion list under section 14308(a) of title 10, United States Code (as added by this title), and, at the end of the approved period of declination, shall be considered to have failed of promotion if the officer again declines to accept the promotion.

(g) COVERED OFFICERS.—This section applies to reserve officers of the Army and Air Force who—

(1) on the day before the effective date of this title are in an active status; and

(2) on the effective date of this title are subject to placement on the reserve active-status list of the Army or the Air Force.

SEC. 1383. EFFECTS OF SELECTION FOR PROMOTION AND FAILURE OF SELECTION FOR NAVY AND MARINE CORPS OFFICERS.

(a) RECOMMENDATIONS FOR PROMOTION.—An officer covered by this section who, on the day before the effective date of this title, has been recommended for promotion to a reserve grade higher than the grade in which the officer is serving shall be considered to have been recommended for promotion to that grade under section 14101(a) of title 10, United States Code, as added by this title.

(b) FAILURES OF SELECTION.—An officer covered by this section who, on the day before the effective date of this title is considered to have failed of selection for promotion one or more times under chapter 549 of title 10, United States Code, to a grade below captain, in the case of a reserve officer of the Navy, or to a grade below colonel, in the case of a reserve officer of the Marine Corps, shall be subject to chapters 1405 and 1407 of title 10, United States Code, as added by this title, as if such failure or failures had occurred under the provisions of those chapters.

(c) OFFICERS OTHER THAN COVERED OFFICERS RECOMMENDED FOR PROMOTION.—A reserve officer of the Navy or Marine Corps who on the day before the effective date of this title (1) has been recommended for promotion in the approved report of a selection board convened under chapter 549 of title 10, United States Code, and (2) was on the

active-duty list of the Navy or Marine Corps may be promoted under that chapter, as in effect on the day before the effective date of this title.

(d) OFFICERS FOUND QUALIFIED FOR PROMOTION TO LIEUTENANT (JUNIOR GRADE) OR FIRST LIEUTENANT.—A covered officer who, on the effective date of this title, holds the grade of second lieutenant and has been found qualified for promotion in accordance with section 5908 or 5910 of title 10, United States Code, as in effect on the day before the effective date of this title, shall be promoted on the date on which the officer would have been promoted under the provisions of chapter 549 of such title, as in effect on the day before the effective date of this title, unless sooner promoted under regulations prescribed by the Secretary of the Navy under section 14307(b) of such title, as added by this title.

(e) OFFICERS WHOSE NAMES HAVE BEEN OMITTED FROM A LIST FURNISHED TO A SELECTION BOARD.—A covered officer whose name, as of the effective date of this title, had been omitted by administrative error from the list of officers furnished the most recent selection board to consider officers of the same grade and component, shall be considered by a special selection board established under section 14502 of title 10, United States Code, as added by this title. If the officer is selected for promotion by that board,

the officer shall be promoted as specified in section 5904 of title 10, United States Code, as in effect on the day before the effective date of this title.

(f) COVERED OFFICERS.—Except as provided in subsection (c), this section applies to any reserve officer of the Navy or Marine Corps who (1) before the effective date of this title is in an active status, and (2) on the effective date of this title is subject to placement on the reserve active-status list of the Navy or Marine Corps.

SEC. 1384. DELAYS IN PROMOTIONS AND REMOVALS FROM PROMOTION LIST.

(a) DELAYS IN PROMOTIONS.—(1) A delay in a promotion that is in effect on the day before the effective date of this title under the laws and regulations in effect on that date shall continue in effect on and after that date as if the promotion had been delayed under section 14311 of title 10, United States Code, as added by this title.

(2) The delay of the promotion of a reserve officer of the Army or the Air Force which was in effect solely to achieve compliance with limitations set out in section 524 of title 10, United States Code, or with regulations prescribed by the Secretary of Defense with respect to sections 3380(c) and 8380(c) of title 10, United States Code, as in effect on the day before the effective date of this title, shall

continue in effect as if the promotion had been delayed under section 14311(e) of such title, as added by this title.

(b) REMOVALS FROM LIST.—An action that was initiated before the effective date of this title under the laws and regulations in effect before that date to remove the name of an officer from a promotion list or from a list of officers recommended or approved for promotion shall continue on and after such date as if such action had been initiated under section 14110(d) or 14310, as appropriate, of title 10, United States Code, as added by this title.

SEC. 1385. MINIMUM SERVICE QUALIFICATIONS FOR PROMOTION.

During the five-year period beginning on the effective date of this title, the Secretary of the Army and the Secretary of the Air Force may waive the provisions of section 14304 of title 10, United States Code, as added by this title. The Secretary may, in addition, during any period in which such a waiver is in effect, establish minimum periods of total years of commissioned service an officer must have served to be eligible for consideration for promotion to the grade of captain, major, or lieutenant colonel by boards convened under section 14101(a) of title 10, United States Code, as added by this title.

SEC. 1386. ESTABLISHMENT OF RESERVE ACTIVE-STATUS LIST.

(a) SIX-MONTH DEADLINE.—Not later than six months after the effective date of this title, the Secretary of the military department concerned shall ensure that—

(1) all officers of the Army, Navy, Air Force, and Marine Corps who are required to be placed on the reserve active-status list of their Armed Force under section 14002 of title 10, United States Code, as added by this title, shall be placed on the list for their armed force and in their competitive category; and

(2) the relative seniority of those officers on each such list shall be established.

(b) REGULATIONS.—The Secretary concerned shall prescribe regulations for the establishment of relative seniority. The Secretary of the Army and the Secretary of the Air Force shall, in prescribing such regulations, provide for the consideration of both promotion service established under section 3360(b) or 8360(e) of title 10, United States Code, as in effect on the day before the effective date of this title, and total commissioned service established under section 3360(c) or 8366(e) of such title, as in effect on the day before the effective date of this title. An officer placed on a reserve active-status list in accordance with this section

shall be considered to have been on the list as of the effective date of this title.

SEC. 1387. PRESERVATION OF RELATIVE SENIORITY UNDER THE INITIAL ESTABLISHMENT OF THE RESERVE ACTIVE-STATUS LIST.

In order to maintain the relative seniority among reserve officers of the Army, Navy, Air Force, or Marine Corps as determined under section 1386, the Secretary of the military department concerned may, during the one-year period beginning on the effective date of this title, adjust the date of rank of any reserve officer of such Armed Force who was in an active status but not on the active-duty list on such effective date.

SEC. 1388. GRADE ON TRANSFER TO THE RETIRED RESERVE.

In determining the highest grade held satisfactorily by a person at any time in the Armed Forces for the purposes of paragraph (2) of section 1406(b) of title 10, United States Code, as added by this title, the requirement for satisfactory service on the reserve active-status list contained in section 1370(d) of title 10, United States Code, as added by this title, shall apply only to reserve commissioned officers who are promoted to a higher grade as a result of selection for promotion under chapter 36 of that title or under chapter 1405 of that title, as added by this title, or having

been found qualified for Federal recognition in a higher grade under chapter 3 of title 32, United States Code, after the effective date of this title.

SEC. 1389. RIGHTS FOR OFFICERS WITH OVER THREE YEARS SERVICE.

A reserve officer of the Army, Navy, Air Force, or Marine Corps who was in an active status on the day before the effective date of this title and who was subject to placement of the reserve active-status list on the effective date of this title may not be discharged under section 14503 of title 10, United States Code, as added by this title, until on or after the day on which that officer completes three years of continuous service as a reserve commissioned officer.

SEC. 1390. MANDATORY SEPARATION FOR AGE FOR CERTAIN RESERVE OFFICERS OF THE NAVY AND MARINE CORPS.

(a) SAVINGS PROVISIONS FOR REQUIRED SEPARATION AGE.—A reserve officer of the Navy or the Marine Corps—

(1) who—

(A) on the effective date of this title is in an active status, and

(B) on the day before the effective date of this title was an officer described in section

6389(e), 6397(a), 6403(a), or 6403(b) of title 10, United States Code; and

(2) who, on or after the effective date of this title is subject to elimination from an active status under any provision of such title,

is entitled to be treated as that officer would have been treated under section 6397 or 6403 as applicable, as in effect on the day before the effective date of this title, if that treatment would result in the date for the officer's separation from an active status being a later date than the date established under the law in effect on or after the effective date of this title.

(b) SAVINGS PROVISIONS FOR MANDATORY SEPARATION FOR AGE.—An officer who was initially appointed in the Naval Reserve or the Marine Corps Reserve before January 1, 1953, and who cannot complete 20 years of service computed under section 12732 of this title before he becomes 62 years of age, but can complete this service by the time he becomes 64 years of age, may be retained in an active status not later than the date he becomes 64 years of age.

(c) An officer who was initially appointed in the Naval Reserve or the Marine Corps Reserve before the effective date of this title, and who cannot complete 20 years of service computed under section 12732 of this title before he becomes 60 years of age, but can complete this service

by the time he becomes 62 years of age, may be retained in an active status not later than the date he becomes 62 years of age.

Subtitle F—Effective Dates and General Savings Provisions

SEC. 1391. EFFECTIVE DATE.

(a) EFFECTIVE DATE FOR AMENDMENTS.—The amendments made by this title shall take effect on the date of the enactment of this Act.

(b) EFFECTIVE DATE FOR NEW RESERVE OFFICER PERSONNEL POLICIES.—(1) The provisions of part III of subtitle E of title 10, United States Code, as added by section 1311, shall become effective on the first day of the ninth month that begins after the date of the enactment of this Act.

(2) Any reference in subtitle E of this title to the effective date of this title is a reference to the effective date prescribed in paragraph (1).

(3) The personnel policies applicable to Reserve officers under the provisions of law in effect on the day before the date of the enactment of this Act and replaced by the Reserve officer personnel policies prescribed in part III of subtitle E of title 10, United States Code, as added by section 1311, shall, notwithstanding the provisions of subsection

(a), continue in effect until the effective date prescribed in paragraph (1).

(4) The authority to prescribe regulations under the provisions of part III of subtitle E of title 10, United States Code, as added by section 1311, shall take effect on the date of the enactment of this Act.

SEC. 1392. PRESERVATION OF SUSPENDED STATUS OF LAWS SUSPENDED AS OF EFFECTIVE DATE.

If a provision of law that is in a suspended status on the day before the effective date of this title under section 1391(b)(1) is transferred or amended by this title, the suspended status of that provision is not affected by that transfer or amendment.

SEC. 1393. PRESERVATION OF PRE-EXISTING RIGHTS, DUTIES, PENALTIES, AND PROCEEDINGS.

Except as otherwise provided in this title, the provisions of this title and the amendments made by this title do not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this title under section 1391(b)(1).

TITLE XIV—BOSNIA AND HERZEGOVINA SELF-DEFENSE

SEC. 1401. SHORT TITLE.

This title may be cited as the ''Bosnia and Herzegovina Self-Defense Act of 1994''.

SEC. 1402. FINDINGS.

The Congress makes the following findings:

(1) For the reasons stated in section 520 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), the Congress has found that continued application of an international arms embargo to the Government of Bosnia and Herzegovina contravenes that Government's inherent right of individual or collective self-defense under Article 51 of the United Nations Charter and therefore is inconsistent with international law.

(2) Before deploying United States Armed Forces to defend the territorial integrity and political independence of Bosnia and Herzegovina, or to enforce United Nations mandates in Bosnia and Herzegovina, the United States should seek to permit the Government of Bosnia and Herzegovina to obtain the means necessary to exercise its inherent right of self-defense.

SEC. 1403. TERMINATION OF ARMS EMBARGO.

(a) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that Government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(b) DEFINITION.—As used in this section, the term ''United States arms embargo of the Government of Bosnia and Herzegovina'' means the application to the Government of Bosnia and Herzegovina of—

(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 F.R. 33322) under the heading ''Suspension of Munitions Export Licenses to Yugoslavia''; and

(2) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is denied for transfers of defense articles and defense services to the former Yugoslavia.

SEC. 1404. PROVISION OF UNITED STATES MILITARY ASSISTANCE.

(a) POLICY.—The President should provide appropriate military assistance to the Government of Bosnia and Herzegovina upon receipt from that Government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(b) AUTHORIZATION OF MILITARY ASSISTANCE.—

(1) DRAWDOWN AUTHORITY.—If the Government of Bosnia and Herzegovina requests United States assistance in exercising its right of self-defense under Article 51 of the United Nations Charter, the Presi-

dent is authorized to direct the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training in order to provide assistance to the Government of Bosnia and Herzegovina. Such assistance shall be provided on such terms and conditions as the President may determine.

(2) LIMITATION ON VALUE OF TRANSFERS.—The aggregate value (as defined in section 664(m) of the Foreign Assistance Act of 1961) of defense articles, defense services, and military education and training provided under this subsection may not exceed $200,000,000.

(3) EXPIRATION OF AUTHORIZATION.—The authority provided to the President in paragraph (1) expires at the end of fiscal year 1995.

(4) LIMITATION ON ACTIVITIES.—Members of the United States Armed Forces who perform defense services or provide military education and training outside the United States under this subsection may not perform any duties of a combatant nature, including any duties related to training and advising that may engage them in combat activities.

(5) REPORTS TO CONGRESS.—Within 60 days after any exercise of the authority of paragraph (1) and every 60 days thereafter, the President shall report in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate concerning the defense articles, defense services, and military education and training being provided and the use made of such articles, services, and education and training.

(6) REIMBURSEMENT.—(A) Defense articles, defense services, and military education and training provided under this subsection shall be made available without reimbursement to the Department of Defense except to the extent that funds are appropriated pursuant to subparagraph (B).

(B) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for the value (as defined in section 664(m) of the Foreign Assistance Act of 1961) of defense articles, defense services, or military education and training provided under this subsection.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SECTION 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 1995''.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Arkansas	Pine Bluff Arsenal	$97,000,000
California	Fort Irwin	$10,000,000
Georgia	Fort Benning	$4,650,000
	Fort Gordon	$48,250,000
Hawaii	Schofield Barracks	$10,000,000
Kentucky	Fort Campbell	$36,400,000
Maryland	Aberdeen Proving Grounds	$2,750,000
	Adelphi Laboratory Center	$6,600,000
New Jersey	Bayonne Military Ocean Terminal	$4,050,000
New York	Fort Drum	$19,150,000
	U.S. Military Academy, West Point	$28,000,000
North Carolina	Fort Bragg	$29,000,000
	Sunny Point Military Ocean Terminal	$22,200,000
Oregon	Umatilla Depot Activity	$179,000,000
Oklahoma	Fort Sill	$18,000,000
Pennsylvania	Tobyhanna Depot	$17,000,000

***Army: Inside the United States**—Continued*

State	Installation or location	Amount
Texas	Fort Bliss	$20,800,000
	Fort Hood	$49,000,000
	Fort Sam Houston	$7,050,000
Virginia	Fort Lee	$21,000,000
	Fort Myer	$7,300,000
Washington	Fort Lewis	$64,000,000
CONUS Classified	Classified Location	$1,900,000

1 *(b) OUTSIDE THE UNITED STATES.—Using amounts*
2 *appropriated pursuant to the authorization of appropria-*
3 *tions in section 2104(a)(2), the Secretary of the Army may*
4 *acquire real property and carry out military construction*
5 *projects for the locations outside the United States, and in*
6 *the amounts, set forth in the following table:*

Army: Outside the United States

Country	Location	Amount
Korea	Camp Casey	$40,800,000
Kwajalein Atoll	Kwajalein	$6,400,000
Worldwide	Host Nation Support	$25,000,000

7 ***SEC. 2102. FAMILY HOUSING.***

8 *(a) CONSTRUCTION AND ACQUISITION.—Using*
9 *amounts appropriated pursuant to the authorization of ap-*
10 *propriations in section 2104(a)(5)(A), the Secretary of the*
11 *Army may construct or acquire family housing units (in-*
12 *cluding land acquisition) at the installations, for the pur-*
13 *poses, and in the amounts set forth in the following table:*

Army: Family Housing

State	Installation	Purpose	Amount
Colorado	Fort Carson	145 units	$16,500,000

***Army: Family Housing**—Continued*

State	Installation	Purpose	Amount
Georgia	Fort Stewart	128 units	$10,600,000
Hawaii	Schofield Barracks	190 units	$26,000,000
Massachusetts	Natic Research Center	35 units	$4,150,000
New York	U.S. Military Academy, West Point	56 units	$8,000,000
South Carolina	Fort Jackson	105 units	$12,000,000
Texas	Fort Bliss	215 units	$21,400,000
	Fort Sam Houston	100 units	$10,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $5,992,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $49,760,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, for military construction, land acquisition, and mili-

tary family housing functions of the Department of the Army in the total amount of $2,139,036,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $703,100,000.

(2) For the military construction projects outside the United States authorized by section 2101(b), $72,200,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $12,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $66,126,000.

(5) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $164,402,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,121,208,000, of which not more than $243,442,000 may be obligated or expended for the leasing of military family housing worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2105. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECT AT FORT BRAGG, NORTH CAROLINA, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

Using amounts previously appropriated for this purpose, the Secretary of the Army may carry out a military construction project for the construction of a library at Fort Bragg, North Carolina, in the total amount of $5,500,000.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), and, in the case of the project described in section 2204(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of the Navy may acquire real property and carry out military construction projects for the

1 *installations and locations inside the United States, and*
2 *in the amounts, set forth in the following table:*

Navy: Inside the United States

State	Installation or location	Amount
California	Camp Pendleton Amphibious Task Force	$10,700,000
	Camp Pendleton Marine Corp Base	$7,470,000
	China Lake Naval Air Warfare Center	$6,000,000
	El Centro Naval Air Facility	$3,000,000
	Lemoore Naval Air Station	$7,000,000
	North Island Naval Air Station	$18,830,000
	Port Hueneme Construction Battalion Center	$9,650,000
	San Diego Marine Corps Recruit Depot	$1,090,000
	San Diego Naval Station	$4,100,000
	Twentynine Palms, Marine Corps Air-Ground Combat Center	$2,900,000
Florida	Blount Island	$10,000,000
	Jacksonville Fleet and Industrial Supply Center	$2,200,000
	Pensacola Naval Air Station	$2,100,000
Hawaii	Kaneohe Bay Marine Corps Air Station	$171,000
Illinois	Great Lakes Navy Public Works Center	$13,000,000
Indiana	Crane Naval Surface Warfare Center	$8,415,000
Maryland	Indian Head Naval Surface Warfare Center	$10,000,000
	Patuxent River Naval Air Warfare Center	$8,200,000
	United States Naval Academy	$2,000,000
New Jersey	Lakehurst Naval Air Warfare Center	$2,950,000
New Mexico	White Sands Naval Ordnance Missile Test Station	$1,390,000
North Carolina	Camp Lejeune Marine Corp Base	$14,850,000
	Cherry Point Marine Corps Air Station	$2,100,000
Pennsylvania	Philadelphia Naval Shipyard	$11,500,000
Rhode Island	Newport Naval Education and Training Center	$14,500,000
	Newport Naval War College	$28,000,000
South Carolina	Beauford Marine Corps Air Station	$10,800,000
	Parris Island Marine Corps Recruit Depot	$8,550,000
Texas	Ingleside Naval Station	$14,110,000
	Kingsville Naval Air Station	$1,530,000
Virginia	Chesapeake Naval Security Group Activity	$1,150,000
	Dam Neck Fleet Combat Training Center	$7,000,000
	Little Creek Amphibious Base	$5,000,000
	Norfolk Marine Corps Security Force Batalion Atlantic	$6,480,000
	Norfolk Naval Base	$5,100,000
	Norfolk Naval Station	$17,430,000
	Oceana Naval Air Station	$4,700,000
	Quantico Marine Corps Combat Development Command	$19,900,000
Washington	Bremerton Puget Sound Naval Shipyard	$11,040,000
	Everett Naval Station	$21,690,000

***Navy: Inside the United States**—Continued*

State	Installation or location	Amount
	Whidbey Island Naval Air Station	*$5,200,000*
Various Locations	*Aircraft Fire Rescue and Vehicle Maintenance Facilities*	*$2,200,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Greece	*Souda Bay, Crete Naval Support Activity*	*$3,050,000*
Guam	*Public Works Center*	*$21,600,000*
Italy	*Naples Naval Support Activity*	*$28,460,000*
	Sigonella Naval Air Station	*$13,750,000*
Puerto Rico	*Sabana Seca Naval Security Group Activity*	*$1,650,000*
United Kingdom	*Saint Mawgan Joint Communication Center*	*$3,900,000*

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	Camp Pendleton Marine Corps Base	196 units	$28,552,000
	San Diego Navy Public Works Center	136 units	$18,262,000
Hawaii	Pearl Harbor Public Works Center.	100 units (replacement)	$16,000,000
Maryland	Patuxent River Naval Air Station.	Housing Office	$863,000
Mississippi	Gulfport Construction Battalion Center	120 units	$10,370,000
Texas	Corpus Christi Naval Air Station	100 units	$11,800,000
Virginia	Norfolk Navy Public Works Center.	Warehouse & Self Help Center	$555,000
Washington	Everett Naval Station	Housing Office	$780,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $24,681,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in the amount of $155,602,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,569,850,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $325,996,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $72,410,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $43,380,000.

(5) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $267,465,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $853,599,000, of which not more than $114,336,000 may be obli-

gated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $18,000,000 (the balance of the amount authorized under section 2201(a) for the construction of a Strategic Maritime Research Center at the Naval War College, Newport, Rhode Island).

SEC. 2205. RESTORATION OF AUTHORITY TO CARRY OUT MILITARY CONSTRUCTION PROJECT AT NAVAL SUPPLY CENTER, PENSACOLA, FLORIDA.

(a) REAUTHORIZATION.—Notwithstanding section 2205(b)(1)(D)(ii) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1865), the Secretary of the Navy may carry out the military construction project at the Naval Supply Center, Pensacola, Florida, which involves construc-

tion of a cold storage facility at the installation and was originally authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1514).

(b) CONFORMING AMENDMENT.—Section 2205(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1518), as amended by section 2205(b)(2) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1865), is further amended—

(A) in the matter preceding the paragraphs, by striking out ''$1,759,990,000'' and inserting in lieu thereof ''$1,765,690,000''; and

(B) in paragraph (1), by striking out ''$667,700,000'' and inserting in lieu thereof ''$673,400,000''.

SEC. 2206. DESIGN ACTIVITIES FOR UPGRADE OF MAYPORT NAVAL STATION, FLORIDA.

(a) COMMENCEMENT OF DESIGN ACTIVITIES.—At the conclusion of the facilities study prepared by the Secretary of the Navy to identify infrastructure improvements that would be necessary to provide Mayport Naval Station, Florida, with the capability to serve as a homeport for a nuclear powered aircraft carrier and the programmatic environ-

mental impact study to identify environmental issues associated with such improvements, the Secretary shall begin design work for such military construction projects as may be necessary to provide for such a capability.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed as an authorization to the Secretary to proceed with the construction of facilities specifically designed to make Mayport Naval Station capable of serving as a homeport for a nuclear powered aircraft carrier.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$9,600,000
	Maxwell Air Force Base Annex	3,700,000
Alaska	Cape Lisburne Long Range Radar Site	$2,800,000
Arizona	Davis Monthan Air Force Base	$1,400,000
California	Beale Air Force Base	$11,850,000
	Edwards Air Force Base	$14,850,000
	McClellan Air Force Base	$10,150,000
	Travis Air Force Base	$12,600,000
	Vandenberg Air Force Base	$6,550,000
Colorado	Peterson Air Force Base	$1,750,000
Delaware	Dover Air Force Base	$10,500,000
Florida	Cape Canaveral Air Force Station	$10,450,000

***Air Force: Inside the United States**—Continued*

State	Installation or location	Amount
Georgia	Moody Air Force Base	$13,400,000
	Robins Air Force Base	$21,200,000
Idaho	Mountain Home Air Force Base	$4,950,000
Illinois	Scott Air Force Base	$2,700,000
Kansas	McConnell Air Force Base	$500,000
Louisiana	Barksdale Air Force Base	$1,500,000
Maryland	Andrews Air Force Base	$6,300,000
Mississippi	Columbus Air Force Base	$10,000,000
	Keesler Air Force Base	$11,240,000
Missouri	Whiteman Air Force Base	$24,290,000
Montana	Malstrom Air Force Base	$7,200,000
Nebraska	Offutt Air Force Base	$2,260,000
New Jersey	McGuire Air Force Base	$17,000,000
New Mexico	Holloman Air Force Base	$10,950,000
	Kirtland Air Force Base	$3,200,000
North Carolina	Pope Air Force Base	$4,750,000
North Dakota	Grand Forks Air Force Base	$5,200,000
	Minot Air Force Base	$10,350,000
Ohio	Wright-Patterson Air Force Base	$8,250,000
Oklahoma	Altus Air Force Base	$3,750,000
	Tinker Air Force Base	$20,443,000
	Vance Air Force Base	$11,680,000
South Carolina	Charleston Air Force Base	$11,400,000
South Dakota	Ellsworth Air Force Base	$5,950,000
Tennessee	Arnold Air Force Base	$1,900,000
Texas	Brooks Air Force Base	$6,500,000
	Dyess Air Force Base	$5,400,000
	Kelly Air Force Base	$16,550,000
	Lackland Air Force Base	$5,200,000
	Sheppard Air Force Base	$3,300,000
Virginia	Langley Air Force Base	$5,500,000
Washington	Fairchild Air Force Base	$14,350,000
	McChord Air Force Base	$10,400,000
Wyoming	F.E. Warren Air Force Base	$2,650,000
CONUS Classified	Classified Location	$2,141,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and may carry out military construction projects for the installations and locations outside

the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Ramstein Air Base	$12,350,000
	Spangdahlem Air Base	$9,473,000
Greenland	Thule Air Base	$2,450,000
Portugal	Lajes Field, Azores	$2,850,000
United Kingdom	Lakenheath Royal Air Force Base	$7,100,000
Overseas Classified	Classified Location	$4,050,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation	Purpose	Amount
Alabama	Maxwell Air Force Base	25 units	$2,100,000
Arizona	Davis-Monthan Air Force Base	110 units	$10,029,000
California	Beale Air Force Base	76 units	$8,842,000
	Edwards Air Force Base	34 units	$4,629,000
	Los Angeles Air Force Station	50 units	$5,000,000
	Vandenberg Air Force Base	128 units	$16,460,000
District of Columbia	Bolling Air Force Base	100 units	$9,000,000
Florida	Patrick Air Force Base	75 units	$7,145,000
Idaho	Mountain Home Air Force Base	4 units	$881,000
	Mountain Home Air Force Base	60 units	$5,712,000

***Air Force: Family Housing**—Continued*

State	Installation	Purpose	Amount
Kansas	McConnell Air Force Base	70 units	$8,322,000
Louisiana	Barksdale Air Force Base	82 units	$8,236,000
Missouri	Whiteman Air Force Base	Housing Office	$567,000
New Mexico	Cannon Air Force Base	1 unit	$230,000
	Holloman Air Force Base	76 units	$7,733,000
	Kirtland Air Force Base	106 units	$10,058,000
North Carolina	Pope Air Force Base	120 units	$14,874,000
	Seymour Johnson Air Force Base	74 units	$6,025,000
North Dakota	Grand Forks Air Force Base	Housing Office	$709,000
South Carolina	Shaw Air Force Base	3 units	$631,000
Texas	Dyess Air Force Base	59 units	$7,077,000
Utah	Hill Air Force Base	138 units	$11,400,000
Virginia	Langley Air Force Base	148 units	$14,421,000
Washington	Fairchild Air Force Base	6 units	$1,035,000
Wyoming	F.E. Warren Air Force Base	106 units	$11,321,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $9,275,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the author-

ization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $61,770,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,548,040,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $388,554,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $38,273,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $49,386,000.

(5) For the construction of the climatic test chamber at Eglin Air Force Base, Florida, authorized by section 2301(a) of the Military Construction Au-

thorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2594), $20,000,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $243,482,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $801,345,000, of which not more than $112,757,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2305. REVISION OF FAMILY HOUSING PROJECT AT TYNDALL AIR FORCE BASE, FLORIDA.

The table in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1869) is amended in the item relating to Tyndall Air Force Base, Florida, by strik-

ing out ''Infrastructure'' and inserting in lieu thereof ''45 units''.

SEC. 2306. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECTS AT TYNDALL AIR FORCE BASE, FLORIDA, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) AUTHORIZATION.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1867) is amended in the item relating to Tyndall Air Force Base, Florida, by striking out ''$2,600,000'' and inserting in lieu thereof ''$8,200,000''.

(b) CONFORMING AMENDMENT.—Section 2304(a) of such Act (107 Stat. 1870) is amended—

(1) in the matter preceding the paragraphs, by striking out ''$2,040,031,000'' and inserting in lieu thereof ''$2,045,631,000''; and

(2) in paragraph (1), by striking out ''$877,539,000'' and inserting in lieu thereof ''$883,139,000''.

SEC. 2307. MODIFICATION OF AIR FORCE PLANT NO. 3.

Of the amount authorized to be appropriated under section 301(4) for the Air Force (and made available for real property maintenance), $10,000,000 shall be available

to the Secretary of the Air Force to proceed with the modification of Air Force Plant No. 3, Tulsa, Oklahoma.

SEC. 2308. REPEAL OF LIMITATION ON ORDER OF RETIREMENT OF MINUTEMAN II MISSILES.

Section 2307 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1775) is repealed.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	*Installation or location*	*Amount*
Defense Intelligence Agency.	*Bolling Air Force Base, Washington, D.C .*	*$600,000*
Defense Logistics Agency ..	*Defense Construction Supply Center, Columbus, Ohio*	*$2,200,000*
	Defense Contract Management Area Office, El Segundo, California	*$5,100,000*
	Defense Fuel Support Point, Craney Island, Virginia	*$3,652,000*
	Headquarters, Defense Logistics Agency, Ft. Belvoir, Virginia	*$4,600,000*
Defense Medical Facility Office	*Fort Dix, New Jersey*	*$2,000,000*
	Fort McPherson, Georgia	*$11,400,000*
	McClellan Air Force Base, California	*$10,280,000*
National Security Agency	*Fort Meade, Maryland*	*$5,458,000*

***Defense Agencies: Inside the United States**—Continued*

Agency	*Installation or location*	*Amount*
Office Secretary of Defense	*CONUS Classified, Classified Location*	*$5,300,000*
Section 6 Schools	*Naval Surface Warfare Center, Virginia* ...	*$1,300,000*
Special Operations Force .	*Eglin Auxiliary Field No. 9, Florida*	*$12,300,000*
	Kirtland Air Force Base, New Mexico	*$9,600,000*
	Naval Base Coronado, San Diego, California	*$3,400,000*

1 ***SEC. 2402. FAMILY HOUSING.***

2 *Using amounts appropriated pursuant to the author-*
3 *ization of appropriations in section 2405(a)(11)(A), the*
4 *Secretary of Defense may construct or acquire family hous-*
5 *ing units (including land acquisition) at the location, for*
6 *the purpose, and in the amount set forth in the following*
7 *table:*

Air Force: Family Housing

Country	*Agency*	*Purpose*	*Amount*
Belgium	*National Security Agency*	*1 unit*	*$300,000*

8 ***SEC. 2403. IMPROVEMENT TO MILITARY FAMILY HOUSING***
9 ***UNITS.***

10 *Subject to section 2835 of title 10, United States Code,*
11 *and using amounts appropriated pursuant to the author-*
12 *ization of appropriations in section 2405(a)(11)(A), the*
13 *Secretary of Defense may improve existing military family*
14 *housing units in an amount not to exceed $50,000.*

15 ***SEC. 2404. ENERGY CONSERVATION PROJECTS.***

16 *Using amounts appropriated pursuant to the author-*
17 *ization of appropriations in section 2405(a)(8), the Sec-*

retary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $2,999,138,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $77,190,000.

(2) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1640), $120,000,000.

(3) For military construction projects at Elmendorf Air Force Base, Alaska, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $66,000,000.

(4) For military construction projects at Fort Bragg, North Carolina, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $75,000,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, $22,348,000.

(6) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $8,501,000.

(7) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $45,960,000.

(8) For energy conservation projects authorized by section 2404, $50,000,000.

(9) For base closure and realignment activities as authorized by title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), $87,600,000.

(10) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $2,417,148,000.

(11) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $350,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $29,031,000, of which not more than $24,051,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under subsection (a)(1) of this section.

SEC. 2406. COMMUNITY IMPACT ASSISTANCE WITH REGARD TO NAVAL WEAPONS STATION, CHARLESTON, SOUTH CAROLINA.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(9), the Secretary of the Navy shall transfer $3,000,000 to the South Carolina Department of Highways and Public Transportation to be used for improvements to North Rhett Avenue, which provides access to the Naval Weapons Station,

Charleston, South Carolina, to help alleviate the adverse effects of the closure of the Charleston Naval Station and Charleston Naval Shipyard, South Carolina, on the surrounding communities.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program, as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program, as authorized by section 2501, in the amount of $119,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1994, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $145,067,000; and

(B) for the Army Reserve, $37,410,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $11,905,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $210,212,000; and

(B) for the Air Force Reserve, $55,516,000.

SEC. 2602. PROHIBITION ON USING FUNDS FOR UNAUTHORIZED GUARD AND RESERVE PROJECTS.

Unless otherwise specifically authorized by a law enacted after the date of the enactment of this Act, funds ap-

propriated pursuant to the authorization of appropriations in section 2601 may only be used for the purpose of paying for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces (and for contributions for such purposes) under chapter 133 of title 10, United States Code, in the case of projects for the Guard and Reserve Forces specified in the joint explanatory statement of the committee of conference to accompany the bill H.R. 4301 of the One Hundred and Third Congress.

SEC. 2603. AUTHORIZATION OF PROJECTS FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

Section 2601 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1878) is amended—

(1) in paragraph (1), by striking out ''$283,483,000'' and inserting in lieu thereof ''$289,398,000''; and

(2) in paragraph (2), by striking out ''$25,013,000'' and inserting in lieu thereof ''$33,713,000''.

SEC. 2604. STATE NATIONAL GUARD HEADQUARTERS, FORT DIX, NEW JERSEY.

Funds appropriated pursuant to the authorization of appropriations in section 2601(1)(A) of the Military Con-

struction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2602) for the renovation of facilities at Fort Dix, New Jersey, for the purpose of accommodating a consolidated New Jersey National Guard headquarters may also be used for additions and alterations to such facilities for the same purpose.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1997; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1998.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1997; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1998 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1992 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190, 105 Stat. 1535), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2102, 2201, 2301, or 2601 of that Act, shall remain in effect until October 1, 1995, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1996, whichever is later.

1 *(b) TABLES.—The tables referred to in subsection (a)*
2 *are as follows:*

Army: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Colorado	Fort Carson	Family Housing New Construction (1 Unit)	$150,000
Georgia	Camp Merrill	Family Housing New Construction (36 Units)	$4,550,000
	Fort Benning	General Instruction Facility.	$2,150,000
Oregon	Umatilla Depot Activity	Ammunition Demilitarization Support Facility.	$3,600,000
		Ammunition Demilitarization Utilities	$7,500,000

Navy: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Mississippi	Gulfport Naval Construction Battalion Center	Controlled Humidity Warehouse.	$7,000,000
West Virginia	Green Bank Naval Observatory	Alternate Operations Center.	$5,400,000
Italy	Sigonella Naval Air Station	Operations Control Center.	$9,850,000
Outside United States	Various locations	Satellite terminal	$8,770,000

Air Force: Extension of 1992 Project Authorization

State	Installation or location	Project	Amount
Alaska	Eareckson Air Force Station (formerly Shemya Air Force Base).	Hazardous Materials Storage	$4,000,000

Army National Guard: Extension of 1992 Project Authorizations

State	Location	Project	Amount
California	Stockton	Additions & Alterations CSMS	$1,613,000

***Army National Guard: Extension of 1992 Project Authorizations**—Continued*

State	Location	Project	Amount
District of Columbia	Fort Belvoir	Addition, Aviation AASF	$2,765,000
Maryland	Cheltenham	Armory	$3,300,000
	Towson	DLOG Warehouse	$373,000
Mississippi	West Point	Maintenance Shop	$1,270,000
	Tupelo	Maintenance Shop	$992,000
	Senatobia	Maintenance Shop	$723,000
Nevada	Washoe County	Maintenance Shop	$1,050,000
North Carolina	Camp Butner	Range	$986,000
Ohio	Toledo	Armory	$3,183,000
Rhode Island	Camp Varnum	Sewer and Water System	$578,000
	Camp Fogarty	Armory	$5,151,000
West Virginia	Huntington	Guard&Reserve Center	$2,983,000

Army Reserve: Extension of 1992 Project Authorizations

State	Location	Project	Amount
Massachusetts	Taunton	USAR Center	$3,526,000
Ohio	Perrysburg	Reserve Center Addition	$2,749,000
Pennsylvania	Johnstown	Army&Marine Corps Aviation Facility	$30,224,000
Tennessee	Jackson	Joint Training Facility	$1,537,000
West Virginia	Huntington	Guard&Reserve Center	$6,617,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1991 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510, 104 Stat. 1782), the authorizations for the projects set forth in the tables in subsection (b), as provided in section 2201 or 2401 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division

B of Public Law 102–190; 105 Stat. 1535) and section 2702 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1880), shall remain in effect until October 1, 1995, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1996, whichever is later.

(b) TABLE.—The tables referred to in subsection (a) is as follows:

Navy: Extension of 1991 Project Authorization

State	Installation or location	Project	Amount
Connecticut	New London Naval Submarine Base.	Thames River Dredging	$5,300,000

Defense Agencies: Extension of 1991 Project Authorization

State	location	Project	Amount
Maryland	Defense Logistics Agency, Defense Reutilization & Marketing Office, Fort Meade	Covered Storage	$9,500,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1994; and

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

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. STRENGTHENING MONETARY LIMITATION ON RENOVATION OF FACILITIES.

(a) APPLICATION OF LIMITATION TO REPAIRS.—Section 2811 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''repair projects and'' after ''carry out'';

(B) by striking out ''that combine maintenance, repair, and minor construction projects''; and

(C) by adding at the end the following new sentence: ''For purposes of this section, a repair project combines maintenance and repair for a facility and a renovation project combines maintenance, repair, and minor construction projects.''; and

(2) in subsection (b), by inserting ''repair project or'' after ''such a''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2811. Repair or renovation of facilities".

(2) The item related to such section in the table of sections at the beginning of subchapter I of chapter 169 of title 10, United States Code, is amended to read as follows:

''2811. Repair or renovation of facilities.''.

SEC. 2802. NAVY HOUSING INVESTMENT AGREEMENTS.

(a) INVESTMENT AGREEMENTS AUTHORIZED.—Subchapter II of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2837. Investment agreements with private developers of housing

''(a) INVESTMENT AGREEMENTS.—The Secretary of the Navy may enter into investment agreements with private developers to encourage the construction of housing and accessory structures within commuting distance of a military installation, under the jurisdiction of the Secretary, at which there is a shortage of suitable housing to meet the requirements of members of the naval service with or without dependents.

''(b) COLLATERAL INCENTIVE AGREEMENTS.—The Secretary may also enter into collateral incentive agreements with private developers who enter into an investment agreement under subsection (a) to ensure that, where appropriate—

"(1) members of the naval service will have priority for a fair share of any housing within the scope of the investment contract; or

"(2) rental rates or sale prices, as appropriate, for some or all of the units will be affordable for such members.

"(c) SELECTION OF INVESTMENT OPPORTUNITIES.—Any investment agreement under subsection (a) shall be made through the use of publicly advertised, competitively bid or competitively negotiated, contracting procedures, as provided in chapter 137 of this title.

"(d) ACCOUNT.—(1) There is hereby established on the books of the Treasury an account to be known as the 'Navy Housing Investment Account', which shall be administered by the Navy Housing Investment Board established under section 2838 of this title.

"(2) There shall be deposited into the Account—

"(A) such funds as may be authorized for and appropriated to the Account; and

"(B) any proceeds received from the repayment of investments or profits on investments under subsection (a).

"(3) In such amounts as is provided in advance in appropriation Acts, the Account shall be available for con-

tracts, investments, and expenses necessary for the implementation of this section and section 2838 of this title.

''(e) REPORT.—Not later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this section, the Secretary shall transmit a report to Congress specifying the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year and of the amount and nature of all other expenditures made pursuant to such section during such fiscal year.

''(f) TRANSFER OF NAVY LANDS PROHIBITED.—Nothing in this section shall be construed to permit the Secretary, as part of an agreement entered into under this section, to transfer the right, title, or interest of the United States in any real property under the jurisdiction of the Secretary.

''(g) EXPIRATION OF AUTHORITY.—The authority of the Secretary to enter into an agreement under this section shall expire on September 30, 1999.''.

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

''2837. Investment agreements with private developers of housing.''.

SEC. 2803. NAVY HOUSING INVESTMENT BOARD.

(a) INVESTMENT BOARD AUTHORIZED.—Subchapter II of chapter 169 of title 10, United States Code, is amended

by inserting after section 2837 (as added by section 2802) the following new section:

"§ 2838. Navy Housing Investment Board

"(a) ESTABLISHMENT.—The Secretary of the Navy may establish a board to be known as the 'Navy Housing Investment Board'.

"(b) MEMBERS.—(1) The Navy Housing Investment Board shall be composed of seven members appointed for a two-year term by the Secretary. Among such members, the Secretary may appoint two persons from the private sector who have knowledge and experience in the financing and the construction of housing.

"(2) The Secretary shall designate one of the members as chairperson of the Board.

"(3) Members of the Board, other than those members regularly employed by the Federal Government, may be paid while attending meetings of the Board or otherwise serving at the request of the Secretary, compensation at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Board. Members shall receive travel expenses, includ-

ing per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5, United States Code.

''(c) DUTIES.—The Navy Housing Investment Board shall—

''(1) advise the Secretary regarding which proposed investment agreements under section 2837 of this title, if any, are financially and otherwise sound investments for meeting the objectives of such section; and

''(2) assist the Secretary in such other ways as the Secretary determines to be necessary and appropriate.

''(d) TERMINATION OF BOARD.—The Navy Housing Investment Board shall terminate on November 30, 1999.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2837 (as added by section 2802) the following new item:

''2838. Navy Housing Investment Board.''.

Subtitle B—Defense Base Closure and Realignment

SEC. 2811. PROHIBITION AGAINST CONSIDERATION IN BASE CLOSURE PROCESS OF ADVANCE ECONOMIC PLANNING UNDERTAKEN BY COMMUNITIES ADJACENT TO MILITARY INSTALLATIONS.

Section 2903(c)(3) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following: ''However, in recommending military installations for closure or realignment, the Secretary (and the Commission in reviewing such recommendations) shall not—

''(A) in calculating the economic impact of the closure or realignment of a military installation, consider advance economic planning undertaken by a community as a precaution against the possible closure or realignment of the military installation; or

''(B) otherwise penalize communities that undertake such advance economic planning.''.

SEC. 2812. REPAYMENT OF STATE AND LOCAL COSTS INCURRED IN CONNECTION WITH ESTABLISHMENT OF CERTAIN MILITARY INSTALLATIONS SELECTED FOR CLOSURE.

(a) REPAYMENT REQUIRED ON ACCOUNT OF CLOSURE.—In such aggregate amount as may be provided in advance in appropriation Acts to carry out this section, the Secretary of Defense shall repay a State, county, or municipal entity (or an agency or political subdivision of any such entity) for any funds described in subsection (b) that were expended or obligated by such entity to assist the United States in establishing a military installation described in subsection (e). The amount repaid shall include interest, calculated at a rate that is the greater of the interest rate of any bonds issued and the interest rate of Federal Treasury notes.

(b) DESCRIPTION OF FUNDS TO BE REPAID.—The funds referred to in subsection (a) that are required to be repaid shall include funds raised and bonds issued for the purposes of military construction, pier construction and improvement, land purchase, and infrastructure and utility improvements in direct support of the military installation to be closed.

(c) BASE ON-TIME COST REPORT.—Any payment required to be made under subsection (a) with respect to a military installation shall be used in the calculation of the

Base On-Time Cost Report used to determine the cost of closing the installation. A possible sale of assets at the installation may not be included in such calculation.

(d) PROHIBITION OF CERTAIN REQUIRED PAYMENTS.—An entity described in subsection (a), or an agency or political subdivision of such an entity, may not be required to pay for the cost of any improvement at the military installation.

(e) MILITARY INSTALLATIONS COVERED.—This section shall apply with respect to military installations—

(1) for which construction in connection with the establishment of the installation began on or after January 1, 1985; and

(2) which were selected for closure on or after January 1, 1993.

SEC. 2813. LIMITATION ON SOURCES OF FUNDS AVAILABLE TO IMPLEMENT BASE CLOSURES AND REALIGNMENTS.

Section 2905(a)(1)(A) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking out ''and may use'' and all that follows through ''maintenance;'' and inserting in lieu thereof ''and shall use for such purposes funds in the Account;''.

SEC. 2814. PROHIBITION ON TRANSFER OF CERTAIN PROPERTY LOCATED AT MILITARY INSTALLATIONS TO BE CLOSED PENDING COMPLETION OF REDEVELOPMENT PLANS.

(a) CLOSURES UNDER 1988 ACT.—(1) Section 204(b)(3)(D) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note) is amended by adding at the end the following new sentence: ''Subject to subparagraphs (E) and (F), pending the completion of the redevelopment plan for the installation and approval of the redevelopment plan by the Secretary, the Secretary shall ensure that all items of personal property located at the installation are retained at the installation unless the redevelopment authority identifies such items as unnecessary to the reuse or redevelopment of the installation.''.

(b) CLOSURES UNDER 1990 ACT.—Section 2905(b)(3)(D) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new sentence: ''Subject to subparagraphs (E) and (F), pending the completion of the redevelopment plan for the installation and approval of the redevelopment plan by the Secretary, the Secretary shall ensure that all items of personal property located at the installation are retained at the installation unless the redevelopment authority iden-

tifies such items as unnecessary to the reuse or redevelopment of the installation.''.

SEC. 2815. REPORT OF EFFECT OF BASE CLOSURES ON FUTURE MOBILIZATION OPTIONS

(a) REPORT REQUIRED.—The Secretary of Defense shall prepare a report evaluating the effect of base closures and realignments conducted since January 1, 1987, on the ability of the Armed Forces to remobilize to the end strength levels authorized for fiscal year 1987 by sections 401, 403, 411, 412, and 421 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 3859). The report shall identify those military construction projects, if any, that would be necessary to facilitate such remobilization and any defense assets disposed of under a base closure or realignment, such as air space, that would be difficult to reacquire in the event of such remobilization.

(b) TIME FOR SUBMISSION.—Not later than January 1, 1995, the Secretary shall submit the report required by this section to Congress. Not later than September 30, 1995, the Secretary shall revise and resubmit the report to Congress to reflect the consequences of the closure or realignment of military installations selected for closure or realignment in 1995.

SEC. 2816. RESTORATION OF ANNUAL LEAVE FOR CIVILIAN EMPLOYEES IN CONNECTION WITH CERTAIN BASE REALIGNMENTS.

(a) RESTORATION REQUIRED.—Section 6304(d)(3) of title 5, United States Code, is amended—

(1) by striking ''closure of'' and inserting ''closure of, and any realignment with respect to,'';

(2) by striking ''(3)'' and inserting ''(3)(A)''; and

(3) by adding at the end the following new subparagraph:

''(B) For the purpose of subparagraph (A), the term 'realignment' has the meaning given such term in section 2687(a)(2) of title 10.''.

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall apply only with respect to the restoration of annual leave of employees at military installations undergoing realignment if such leave is lost by operation of section 6304 of title 5, United States Code, on or after the date of the enactment of this Act.

SEC. 2817. GOVERNMENT RENTAL OF FACILITIES LOCATED ON CLOSED MILITARY INSTALLATIONS.

(a) AUTHORIZATION TO RENT BASE CLOSURE PROPERTIES.—To promote the rapid conversion of military installations that are closed pursuant to a base closure law, the Administrator of the General Services may give prior-

ity consideration, when leasing space in accordance with the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.) and the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), to facilities of such an installation that have been acquired by a non-Federal entity.

(b) BASE CLOSURE LAW DEFINED.—For purposes of this section, the term ''base closure law'' means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

Subtitle C—Changes to Existing Land Conveyance Authority

SEC. 2821. ADDITIONAL LESSEE OF PROPERTY AT NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.

Section 2834(b) the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2614) is amended—

(1) is paragraph (1)—

(A) by striking out ''City'' the second place it appears and inserting in lieu thereof ''Cities''; and

(B) by inserting ''the City of Alameda, California,'' after ''California,'' the first place it appears; and

(2) in paragraphs (2) and (3), by striking out ''City'' each place it appears and inserting in lieu thereof ''Cities''.

SEC. 2822. MODIFICATIONS OF LAND CONVEYANCE, FORT A.P. HILL MILITARY RESERVATION, VIRGINIA.

(a) PARTICIPATING POLITICAL SUBDIVISIONS.—Subsection (c)(3) of section 603 of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102–25, 105 Stat. 107) is amended by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph:

''(B) Subparagraph (A) shall not be construed to prohibit any political subdivision not named in such subparagraph—

''(i) from initially participating in the written agreement referred to in paragraph (2); or

''(ii) from agreeing at a later date to participate in the regional correctional facility to be constructed and operated on the parcel of land conveyed pursuant to this section either as a member of the government or by contract with such governmental entity.''.

(b) TIME FOR CONSTRUCTION AND OPERATION.—Subsection (d)(1)(A) of such section is amended—

(1) by striking out clause (i) and inserting in lieu thereof the following new clause:

''(i) construction of a regional correctional facility pursuant to the agreement referred to in subsection (c)(2) commence not later than April 1, 1997;''; and

(2) in clause (ii), by striking out ''five years after such date'' and inserting in lieu thereof ''April 1, 2002''.

SEC. 2823. PRESERVATION OF CALVERTON PINE BARRENS, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, NEW YORK, AS NATURE PRESERVE.

(a) PRESERVATION AS NATURE PRESERVE REQUIRED.—Section 2854 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484, 106 Stat. 2626) is amended—

(1) by redesignating subsections (a) and (b) as subsections (c) and (d); and

(2) by inserting before subsection (c), as so redesignated, the following new subsections:

''(a) PURPOSE.—It is the purpose of this section to ensure that the Calverton Pine Barrens is maintained and

preserved, in perpetuity, as a nature preserve in its current undeveloped state.

''(b) PROHIBITION ON INCONSISTENT DEVELOPMENT.—The Secretary of the Navy shall not carry out or permit any development, commercial or residential, at the Calverton Pine Barrens that is inconsistent with the purpose specified in subsection (a).''.

(b) CONFORMING AMENDMENT.—Subsection (c) of such section, as redesignated by subsection (a)(1), is amended—

(1) by striking out ''PROHIBITION.—'' and inserting in lieu therefore ''REVERSIONARY INTEREST.—''; and

(2) by striking out ''for commercial purposes'' and all that follows through the period and inserting in lieu thereof ''in a manner inconsistent with the purpose specified in subsection (a) (as determined by the head of the department or agency making the conveyance).''.

SEC. 2824. RELEASE OF REVERSIONARY INTEREST RETAINED AS PART OF CONVEYANCE OF ELECTRICITY DISTRIBUTION SYSTEM, FORT DIX, NEW JERSEY.

Section 2846 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1904) is amended—

(1) by striking out subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

Subtitle D—Land Conveyances

SEC. 2831. LAND CONVEYANCE, AIR FORCE PLANT NO. 3, TULSA, OKLAHOMA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of Tulsa, Oklahoma (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, which consists of approximately 337 acres located in Tulsa, Oklahoma, and is known as Air Force Plant No. 3. The Secretary may also convey facilities, equipment and fixtures (including special tooling and special test equipment) located on the parcel to be conveyed if the Secretary determines that manufacturing activities requiring the use of such equipment are likely to continue or be reinstated on the parcel after conveyance of the parcel.

(b) LEASE AUTHORITY.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the City in exchange for security services, fire protection, and maintenance provided by the City for the property.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City, directly or through an agreement with a public or private entity, shall use the conveyed property (or offer the conveyed property for use) for economic redevelopment to replace all or a part of the economic activity being lost at the parcel.

(d) REVERSIONARY INTEREST.—During the five-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed real property is not being used in accordance with subsection (c), all right, title, and interest in and to the property (including any facilities, equipment, or fixtures conveyed) shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this section shall be made on the record after an opportunity for a hearing.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions

in connection with the conveyance under subsection (a) or a lease under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2832. LAND CONVEYANCE, AIR FORCE PLANT NO. 59, JOHNSON CITY (WESTOVER), NEW YORK.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Broome County Industrial Development Authority (in this section referred to as the ''Authority''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, containing Air Force Plant No. 59, Johnson City (Westover), New York. The Secretary may also convey facilities, equipment and fixtures (including special tooling and special test equipment) located on the parcel to be conveyed if the Secretary determines that manufacturing activities requiring the use of such equipment are likely to continue or be reinstituted on the parcel after conveyance of the parcel.

(b) LEASE AUTHORITY.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the Authority in exchange for security services, fire protection, and maintenance provided by the Authority for the property.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the Authority, directly or through an agreement with another public or private entity, shall use the conveyed property (or offer the conveyed property for use) for economic redevelopment to replace all or a part of the economic activity being lost at Air Force Plant No. 59.

(d) REVERSIONARY INTEREST.—During the five-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed real property is not being used in accordance with subsection (c), all right, title, and interest in and to the property (including any facilities, equipment, or fixtures conveyed) shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this section shall be made on the record after an opportunity for a hearing.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Authority.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions

in connection with the conveyance under subsection (a) or a lease under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. LAND CONVEYANCE, RADAR BOMB SCORING SITE, DICKINSON, NORTH DAKOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the North Dakota Board of Higher Education (in this section referred to as the ''Board'') all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) consisting of approximately 4 acres located in Dickinson, North Dakota, which has served as the location of a support complex, recreational facilities, and housing facilities for the Radar Bomb Scoring Site, Dickinson, North Dakota.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the Board—

(1) use the property, recreational facilities, and housing facilities conveyed under such subsection for housing, recreation, and other purposes that, as determined by the Secretary, will promote and enhance educational opportunities provided by Dickinson State University; or

(2) enter into an agreement with an appropriate public or private entity to lease such property and facilities to that entity for such uses.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with subsection (b), all right, title, and interest in and to the conveyed property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Board.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2834. LAND CONVEYANCE, ARMY RESERVE FACILITY, RIO VISTA, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Rio Vista, California (in this section referred to as the ''City''), all right, title, and

interest of the United States in and to a parcel of real property (including improvements thereon) containing the Reserve training facility located in Rio Vista, California.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City use the property for recreational purposes.

(c) CONSIDERATION.—In recognition of the public use to which the conveyed property will be devoted, the Secretary may require the City to pay to the United States an amount equal to less than the fair market value of the property, as determined by the Secretary, as consideration for the conveyance under subsection (a).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, CALVERTON, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—To facilitate the economic redevelopment of appropriate portions of the Naval Weapons Industrial Reserve Plant located in Calverton, New York, the Secretary of the Navy may convey to an appropriate redevelopment authority (designated by the Secretary) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 2,900 acres comprising the fenced-in portion of the Naval Weapons Industrial Reserve Plant. The conveyance authorized under this subsection shall be made without consideration.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. Cost of such survey shall be borne by the State of New York or the redevelopment authority to whom the property is conveyed.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. LEASE OF PROPERTY, NAVAL RADIO RECEIVING FACILITY, IMPERIAL BEACH, CORONADO, CALIFORNIA.

(a) LEASE AUTHORIZED.—The Secretary of the Navy may lease to the Young Men's Christian Association of San Diego County, a California nonprofit public benefit corporation (in this section referred to as the ''YMCA''), such interests in a parcel of real property (including any improvements thereon) consisting of approximately 45 acres at the Naval Radio Receiving Facility, Imperial Beach, Coronado, California, as the Secretary considers appropriate for the YMCA to operate and maintain a summer youth residence camp known as the YMCA San Diego Unified Recreational Facility (Camp SURF). Pursuant to the lease, the Secretary may authorize the YMCA to construct facilities on the parcel.

(b) LEASE TERMS.—The lease authorized in subsection (a) shall be for a period of 50 years, or such longer period as the Secretary determines to be in the best interests of the United States.

(c) CONSIDERATION.—As consideration for the lease of real property under subsection (a), the YMCA shall—

(1) agree to maintain and enhance the natural resources of the leased premises; and

(2) pay to the United States an amount in cash equal to the difference between the rental price pre-

scribed by the Secretary under subsection (d) and the value of natural resources maintenance and enhancements performed by the YMCA, as determined by the Secretary.

(d) DETERMINATION OF RENTAL PRICE.—Acknowledging the benefits the YMCA has provided to the Armed Forces and the specific benefits Camp Surf provides to the children of San Diego, the Secretary may prescribe a rental price for the real property leased under subsection (a) that is less than fair market value.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers necessary to protect the operation of the Naval Radio Receiving Facility, Imperial Beach, and to protect the interests of the United States.

SEC. 2837. RELEASE OF REQUIREMENTS AND REVERSIONARY INTEREST ON CERTAIN PROPERTY IN BALTIMORE, MARYLAND.

(a) RELEASE REQUIRED.—The Secretary of Defense may release the requirements and the reversionary interest of the United States that are described in section 2 of the Act entitled ''An Act granting a site for a dry-dock in the city of Baltimore upon certain conditions.'', approved June 19, 1878 (Chapter 310; 20 Stat. 167).

(b) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms or conditions in connection with the release required under this section as the Secretary considers appropriate to protect the interests of the United States.

(c) INSTRUMENT OF RELEASE.—The Secretary may execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of the reversionary interest under this section.

SEC. 2838. RELEASE OF REVERSIONARY INTEREST ON CERTAIN PROPERTY IN YORK COUNTY, JAMES CITY COUNTY, AND NEWPORT NEWS, VIRGINIA.

(a) RELEASE AUTHORIZED.—The Secretary of the Navy may release the reversionary interest of the United States in the real property conveyed by the deed described in subsection (b).

(b) DEED DESCRIPTION.—The deed referred to in subsection (a) is a deed between the United States and the Commonwealth of Virginia dated August 17, 1966, which conveyed to the Commonwealth of Virginia certain parcels of land located in York County, James City County, and the city of Newport News, Virginia.

(c) ADDITIONAL TERMS.—The Secretary may require such additional terms or conditions in connection with the

release under this section as the Secretary considers appropriate to protect the interests of the United States and to ensure that the real property will continue to be used for a public purpose.

(d) INSTRUMENT OF RELEASE.—The Secretary may execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of the reversionary interest under this section.

SEC. 2839. TRANSFER OF JURISDICTION, AIR FORCE HOUSING AT RADAR SITE, HOLBROOK, ARIZONA.

(a) TRANSFER AUTHORIZED.—As part of the closure of an Air Force radar site located near Holbrook, Arizona, the Secretary of the Air Force may transfer administrative jurisdiction of housing units used in connection with the site to the Secretary of the Interior for use as employee housing for the Petrified Forest National Park.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force and the Secretary of the Interior.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require such additional terms and conditions in connection with the transfer under subsection (a) as the Secretary considers appropriate.

SEC. 2840. LAND CONVEYANCE, FORT DIX, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army shall convey, without consideration, to the City of Edison, New Jersey (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) included on the real property inventory of Fort Dix, New Jersey, which consists of approximately 10 acres and contains recreational fields and an unused garage identified as building 1072 on the real property inventory.

(b) CONDITION OF CONVEYANCE.—The conveyance required by subsection (a) shall be subject to the condition that the City—

(1) maintain and use the recreational fields conveyed under such subsection for recreational purposes; and

(2) permit the women's softball team known as the Edison Angels (and any successor to such team) to continue to use such recreational fields on the same terms and conditions as contained in the agreement between the team and the Secretary, in existence on the date of the enactment of this Act.

(c) REVERSIONARY INTEREST.—All right, title, and interest of the City in and to the property conveyed under subsection (a) (including improvements thereon) shall revert to the United States, and the United States shall have

the right of immediate reentry on the property, if the Secretary determines that the City is not complying with the conditions specified in subsection (b).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2841. LAND CONVEYANCE, NAVAL SHIPYARD, VALLEJO, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the City of Vallejo, California (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) described in subsection (b), which is located on Mare Island in Vallejo, California, and is currently under the control of Mare Island Naval Shipyard Command.

(b) DESCRIPTION OF PROPERTY.—The parcel of real property to be conveyed under subsection (a) shall consist

of all existing active dredge ponds and nontidal areas on Mare Island under the jurisdiction of the Navy, except that the parcel shall not include the nontidal areas identified in figure 3 of the Memorandum of Understanding between the United States Fish and Wildlife Service and Mare Island Naval Shipyard, dated July 28, 1988. The exact acreage and legal description of the real property to be conveyed shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2851. AUTHORITY FOR OXNARD HARBOR DISTRICT, PORT HUENEME, CALIFORNIA, TO USE CERTAIN NAVY PROPERTY.

(a) JOINT USE AGREEMENT AUTHORIZED.—The Secretary of the Navy may enter into an agreement with the Oxnard Harbor District, Port Hueneme, California, a special district of the State of California (in this section referred to as the ''District''), under which the District may use United States Navy Wharf Number 3 and associated real property comprising up to 25 acres located at the

Naval Construction Battalion Center, Port Hueneme, California (in this section referred to as the ''Center'').

(b) TERM OF AGREEMENT.—The agreement authorized under subsection (a) may be for an initial period of not more than 15 years. Under the agreement, the Secretary shall provide the District with an option to extend the agreement for three additional periods of five years each.

(c) CONDITIONS ON USE.—The agreement authorized under subsection (a) shall require the District—

(1) to suspend operations under the agreement in the event Navy contingency operations are conducted at the Center; and

(2) to use the property covered by the agreement in a manner consistent with Navy operations conducted at the Center.

(d) CONSIDERATION.—(1) As consideration for the use of the property covered by the agreement under subsection (a), the District shall pay to the Navy an amount equal to the fair market rental value of the property, as determined by the Secretary taking into consideration the District's use of the property.

(2) The Secretary may include a provision in the agreement requiring the District—

(A) to pay the Navy an amount (as determined by the Secretary) to cover the costs of replacing at the

Center any facilities vacated by the Navy on account of the agreement or to construct suitable replacement facilities for the Navy; and

(B) to pay the Navy an amount (as determined by the Secretary) for the costs of relocating Navy operations from the vacated facilities to the replacement facilities.

(e) CONGRESSIONAL NOTIFICATION.—The Secretary may not enter into the agreement authorized by subsection (a) until the end of the 21-day period beginning on the date on which the Secretary submits to Congress a report containing an explanation of the terms of the proposed agreement and a description of the consideration that the Secretary expects to receive under the agreement.

(f) USE OF PAYMENT.—(1) In such amounts as is provided in advance in appropriation Acts, the Secretary may use amounts paid under subsection (d)(1) to pay for general supervision, administration, and overhead expenses and for improvement, maintenance, repair, construction, or restoration to the port operations area (or to roads and railways serving the area) at the Center.

(2) In such amounts as is provided in advance in appropriation Acts, the Secretary may use amounts paid under subsection (d)(2) to pay for constructing new facilities, or making modifications to existing facilities, that are

necessary to replace facilities vacated by the navy on account of the agreement under subsection (a) and for relocating operations of the Navy from the vacated facilities to replacement facilities.

(g) CONSTRUCTION BY DISTRICT.—The Secretary may authorize the District to demolish existing facilities located on the property covered by the agreement under subsection (a) and, consistent with the restriction specified in subsection (c)(2), construct new facilities on the property for joint use by the District and the Navy.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the agreement authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. ENVIRONMENTAL EDUCATION AND TRAINING PROGRAM FOR DEFENSE PERSONNEL.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish and conduct an education and training program for members of the Armed Forces and civilian employees of the Department of Defense whose responsibilities include planning or executing the environmental mission of the Department. The Secretary shall conduct the program to ensure that such members and employees obtain and maintain

the knowledge and skill required to comply with existing environmental laws and regulations.

(b) IDENTIFYING ENVIRONMENTAL TRAINING CENTERS.—As part of the program, the Secretary shall identify military facilities that have existing expertise (or the capacity to develop such expertise) in conducting education and training activities in various environmental disciplines. The Secretary may designate such facilities as national environmental training centers and shall encourage the use of such a center by members and employees referred to in subsection (a) who are not under the jurisdiction of the military department operating the center.

SEC. 2853. REPEAL OF RESTRICTION ON LAND TRANSACTIONS RELATING TO PRESIDIO OF SAN FRANCISCO, CALIFORNIA.

Section 2856 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1908) is repealed.

SEC. 2854. REPORT ON USE OF MILITARY INSTALLATIONS IN OKINAWA.

(a) REPORT REQUIRED.—Not later than October 15, 1994, the Secretary of Defense shall submit a report to Congress regarding the United States military presence in Okinawa.

(b) CONTENT OF REPORT.—The report required by this section shall contain the following:

(1) A description and evaluation of United States security needs in Okinawa.

(2) An infrastructure inventory and utilization rate of defense facilities in Okinawa.

(3) An evaluation of the economic and environmental impact that these facilities have on the citizens of Okinawa.

(4) A description of any action that the Secretary of Defense can undertake to affirmatively respond to requests from the Okinawan Prefectural Government for the exchange or return of lands held by the Secretary.

(5) An evaluation of the extent to which the assistance of the Government of Japan is required in order to close United States military installations in Okinawa or exchange or return of lands held by the Secretary in Okinawa.

SEC. 2855. MODIFICATION OF HEIGHT RESTRICTION IN AVIGATION EASEMENT.

(a) MODIFICATION.—Section 6 of the Act of July 2, 1948 (62 Stat. 1229), as added by section 2862 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1805), is

amended by adding at the end the following new sentence: ''In addition, such height restriction shall not apply to the structure proposed to be constructed on a parcel of real property that is within the area conveyed under this Act and is identified as 1110 Santa Rosa Boulevard, Fort Walton Beach, Florida, so long as the proposed structure upon completion does not exceed a height of 155 feet above mean low-water level.''.

(b) INSTRUMENT OF RELEASE.—The Secretary of the Air Force shall execute and file in the appropriate office any instrument necessary to effect the modification of the avigation easement referred to in the amendment made by subsection (a).

SEC. 2856. CONTINUED OPERATION OF MILITARY MEDICAL TREATMENT FACILITY AT K. I. SAWYER AIR FORCE BASE, MICHIGAN.

(a) SENSE OF CONGRESS.—In light of the large number of retired military personnel and their dependents who currently receive health care services at the military medical treatment facility located at K. I. Sawyer Air Force Base, Michigan, which was selected to be closed pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), it is the sense of Congress that the Secretary of Defense and the Secretary of the Air Force should pursue

all practicable options (including transfer of the facility to the jurisdiction of the Department of Veterans Affairs) necessary to keep the facility in operation to serve the health care needs of retired military personnel and their dependents.

(b) RETIRED MILITARY PERSONNEL DEFINED.—For purposes of this section, the term ''retired military personnel'' means members and former members of the uniformed services who—

(1) are entitled to retired or retainer pay, or equivalent pay; and

(2) are eligible to receive medical and dental care in facilities of the uniformed services under section 1074(b) of title 10, United States Code.

SEC. 2857. TECHNICAL AMENDMENT TO CORRECT REFERENCE IN LAND TRANSACTION.

Section 2842(c) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1898) is amended by striking out ''Washington Gas Company'' and inserting in lieu thereof ''American Water Company''.

SEC. 2858. ADDITIONAL EXCEPTION TO PROHIBITION ON STORAGE AND DISPOSAL OF NONDEFENSE TOXIC AND HAZARDOUS MATERIALS AT MILITARY INSTALLATIONS.

Section 2692(b) of title 10, United States Code, is amended—

(1) by striking out ''and'' at the end of paragraph (7);

(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof ''; and''; and

(3) by adding at the end the following new paragraph:

''(9) The treatment and disposal of any material that is not owned by the Department of Defense if the Secretary of the military department concerned determines that the material is required or generated by a private person in connection with the authorized and compatible use by that person of an industrial-type facility of that military department and the Secretary enters into a contract with that person that is consistent with the best interest of national defense and economic and environmental security and is based on mutually agreeable terms.''.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) RESEARCH AND DEVELOPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for research and development in carrying out weapons activities necessary for national security programs in the amount of $1,339,937,000, to be allocated as follows:

(1) For core research and development, $795,251,000, to be allocated as follows:

(A) For operating expenses, $653,341,000.

(B) For capital equipment, $69,420,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years,

and land acquisition related thereto), $72,490,000, to be allocated as follows:

Project GPD–101, general plant projects, various locations, $8,500,000.

Project 95–D–102, CMR upgrades, Los Alamos National Laboratory, New Mexico, $3,300,000.

Project 94–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, $13,000,000.

Project 92–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations, $21,810,000.

Project 90–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $4,900,000.

Project 88–D–106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $20,980,000.

(2) For stockpile stewardship for operating expenses, $152,419,000.

(3) For inertial fusion, $176,473,000, to be allocated as follows:

(A) For operating expenses, $166,755,000.

(B) For capital equipment, $9,718,000.

(4) For technology transfer, $215,794,000, to be allocated as follows:

(A) For operating expenses, $209,794,000.

(B) For capital equipment, $6,000,000.

(b) TESTING.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for testing in carrying out weapons activities necessary for national security programs in the amount of $192,300,000, to be allocated as follows:

(1) For testing capabilities and readiness $186,000,000, to be allocated as follows:

(A) For operating expenses, $150,000,000.

(B) For capital equipment, $15,000,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $21,000,000, to be allocated as follows:

Project GPD–101, general plant projects, various locations, $4,000,000.

Project 93–D–102, Nevada support facility, North Las Vegas, Nevada, $17,000,000.

(2) For Marshall Islands dose reconstruction, $6,300,000, to be allocated as follows:

(A) For operating expenses, $5,830,000.

(B) For capital equipment, $470,000.

(c) STOCKPILE SUPPORT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for stockpile support in carrying out weapons activities necessary for national security programs in the amount of $1,605,556,000 to be allocated as follows:

(1) For operating expenses for stockpile support, $1,393,085,000.

(2) For operating expenses for reconfiguration, $94,271,000.

(3) For capital equipment, $12,880,000.

(4) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $105,320,000, to be allocated as follows:

Project 88–D–122, facilities capability assurance program, various locations, $14,820,000.

Project GPD–121, general plant projects, various locations, $1,000,000.

Project 95–D–122, sanitary sewer upgrade Y–12 Plant, Oak Ridge, Tennessee, $2,200,000.

Project 94–D–124, hydrogen fluoride supply system, Oak Ridge Y–12 Plant, Oak Ridge, Tennessee, $6,300,000.

Project 94–D–125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $1,000,000.

Project 94–D–127, emergency notification system, Pantex Plant, Amarillo, Texas, $1,000,000.

Project 94–D–128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, $1,000,000.

Project 93–D–122, life safety upgrades, Y–12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 88–D–123, security enhancements, Pantex Plant, Amarillo, Texas, $15,000,000.

Project 93–D–123, complex–21, various locations, $58,000,000.

(d) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for program direction in carrying out

weapons activities necessary for national security programs in the amount of $154,852,000, to be allocated as follows:

(1) For weapons program direction, operating expenses, $152,498,000.

(2) For capital equipment, $2,354,000.

(e) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (d) reduced by $89,276,000, for use of prior year balances.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) CORRECTIVE ACTIVITIES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for corrective activities in carrying out environmental restoration and waste management activities necessary for national security programs for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) for Project 92–D–403, tank upgrades project, Lawrence Livermore National Laboratory, California, $512,000.

(b) ENVIRONMENTAL RESTORATION.—(1) Funds are hereby authorized to be appropriated to the Department of

Energy for fiscal year 1995 for environmental restoration for operating expenses in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,527,469,000.

(2) The amount authorized to be appropriated pursuant to this subsection is the amount authorized to be appropriated in paragraph (1) reduced by $133,900,000, as a result of the productivity savings initiative.

(c) WASTE MANAGEMENT.—(1) Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $2,852,682,000, to be allocated as follows:

(A) For operating expenses, $2,384,066,000.

(B) For capital equipment, $104,790,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $363,826,000, to be allocated as follows:

Project GPD–171, general plant projects, various locations, $23,542,000.

Project 95–D–401, radiological support facilities, Richland, Washington, $1,585,000.

Project 95–D–402, install permanent electrical service, WIPP, $700,000.

Project 95–D–403, hazardous waste storage facility, AL, $597,000.

Project 95–D–405, industrial landfill V and construction demolition landfill VII, Y12 Plant, Oakridge, Tennessee, $1,000,000.

Project 95–D–406, road 5–01 reconstruction, area 5, Nevada, $2,338,000.

Project 95–D–407, 219–S secondary containment upgrade, Richland, Washington, $2,000,000.

Project 95–D–408, Phase II liquid effluent treatment and disposal, RL, $7,100,000.

Project 94–D–400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 94–D–402, liquid waste treatment system, Nevada Test Site, Nevada, $3,292,000.

Project 94–D–404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $21,373,000.

Project 94–D–406, low-level waste disposal facilities, K–25, Oak Ridge, Tennessee, $6,000,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $17,700,000.

Project 94–D–408, office facilities—200 East, Richland, Washington, $4,000,000.

Project 94–D–411, solid waste operation complex, Richland, Washington, $42,200,000.

Project 94–D–416, solvent storage tanks installation, Savannah River, South Carolina, $1,700,000.

Project 94–D–417, intermediate-level and low-activity waste vaults, Savannah River, South Carolina, $300,000.

Project 93–D–174, plant drain waste water treatment upgrades, Y–12 Plant, Oak Ridge, Tennessee, $1,400,000.

Project 93–D–178, building 374 liquid waste treatment facility, Rocky Flats, Golden, Colorado, $3,300,000.

Project 93–D–181, radioactive liquid waste line replacement, Richland, Washington, $3,300,000.

Project 93–D–182, replacement of cross-site transfer system, Richland, Washington, $14,810,000.

Project 93–D–183, multi-tank waste storage facility, Richland, Washington, $88,605,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River, Aiken, South Carolina, $26,525,000.

Project 92–D–177, tank 101–AZ waste retrieval system, Richland, Washington, $5,000,000.

Project 92–D–188, waste management ES&H, and compliance activities, various locations, $2,846,000.

Project 91–D–171, waste receiving and processing facility, module 1, Richland, Washington, $3,995,000.

Project 90–D–172, aging waste transfer line, Richland, Washington, $3,819,000.

Project 90–D–177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $1,747,000.

Project 90–D–178, TSA retrieval enclosure, ID, $7,594,000.

Project 89–D–173, tank farm ventilation upgrade, Richland, Washington, $300,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River, South Carolina, $18,000,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, California, $5,900,000.

Project 83–D–148, nonradioactive hazardous waste management, Savannah River, South Carolina, $6,000,000.

Project 81–T–105, defense waste processing facility, Savannah River, South Carolina, $45,058,000.

(2) The total amount authorized to be appropriated pursuant to this subsection is the sum of the amounts authorized to be appropriated in paragraph (1) reduced by $160,800,000, as a result of the productivity savings initiative.

(d) TECHNOLOGY DEVELOPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for technology development in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $426,409,000, to be allocated as follows:

(1) For operating expenses, $386,974,000.

(2) For capital equipment, $25,435,000.

(3) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), for Project 95–E–600, Hazardous materials training center, Richland, Washington, $14,000,000.

(e) TRANSPORTATION MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for transportation management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $20,684,000, to be allocated as follows:

(1) For operating expenses, $20,240,000.

(2) For capital equipment, $444,000.

(f) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $84,948,000, to be allocated as follows:

(1) For operating expenses, $83,748,000.

(2) For capital equipment, $1,200,000.

(g) FACILITY TRANSITION AND MANAGEMENT.—(1) Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for facility transition and management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $795,857,000, to be allocated as follows:

(A) For operating expenses, $685,550,000.

(B) For capital equipment, $23,947,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $86,360,000, to be allocated as follows:

Project GPD–171, general plant projects, various locations, $20,495,000.

Project 95–D–453, primary highway route north of the Wye Barricade, Richland, Washington, $2,500,000.

Project 95–D–454, 324 facility compliance/renovation, Richland, Washington, $1,500,000.

Project 95–D–455, Idaho National Engineering Laboratory radio communications upgrade, Idaho National Engineering Laboratory, Idaho, $1,440,000.

Project 95–D–456, Security facilities upgrade, Idaho chemical processing plant, Idaho National Engineering Laboratory, Idaho, $986,000.

Project 94–D–122, underground storage tanks, Rocky Flats, Colorado, $2,500,000.

Project 94–D–401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $5,219,000.

Project 94–D–412, 300 area process sewer piping system upgrade, Richland, Washington, $7,800,000.

Project 94–D–415, Idaho National Engineering Laboratory medical facilities, Idaho National Engineering Laboratory, Idaho, $4,920,000.

Project 94–D–451, infrastructure replacement, Rocky Flats Plant, Golden, Colorado, $10,600,000.

Project 93–D–172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, $7,800,000.

Project 93–D–184, 325 facility compliance/renovation, Richland, Washington, $1,000,000.

Project 93–D–186, 200 area unsecured core area fabrication shop, Richland, Washington, $4,000,000.

Project 92–D–125, Master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, $2,100,000.

Project 92–D–181, INEL fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $6,000,000.

Project 92–D–182, INEL sewer system upgrade, Idaho National Engineering Laboratory, Idaho, $1,900,000.

Project 92–D–186, steam system rehabilitation, phase II, Richland, Washington, $5,600,000.

(2) The total amount authorized to be appropriated pursuant to this subsection is the sum of the amounts authorized to be appropriated in paragraph (1) reduced by $5,000,000, as a result of the productivity savings initiative.

(h) PRIOR YEAR BALANCES.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in sub-

sections (a) through (g) reduced by $240,300,000, for use of prior year balances.

SEC. 3103. NUCLEAR MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS.

(a) MATERIALS SUPPORT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for materials support in carrying out nuclear materials support necessary for national security programs in the amount of $910,255,000, to be allocated as follows:

(1) For reactor operations, $163,634,000.

(2) For processsing of nuclear materials, $410,468,000.

(3) For supporting services, $167,776,000.

(4) For capital equipment, $52,427,000.

(5) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $59,950,000, to be allocated as follows:

Project 95–D–154, Health physics site support facility, Savannah River, South Carolina, $2,000,000.

Project 93–D–147, domestic water system upgrade, Phases I and II, Savannah River, South Carolina, $11,300,000.

Project 93–D–148, replace high-level drain lines, Savannah River, South Carolina, $2,700,000.

Project 93–D–152, environmental modification for production facilities, Savannah River, South Carolina, $2,900,000.

Project 92–D–143, health protection instrument calibration facility, Savannah River, South Carolina, $3,000,000.

Project 90–D–149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, $5,000,000.

Project GPD–146, general plant projects, various locations, $21,000,000.

Project 95–D–155, upgrade site road infrastructure, Savannah River, South Carolina, $750,000.

Project 95–D–156, radio trunking system, Savannah River, South Carolina, $2,100,000.

Project 95–D–157, D–area powerhouse life extension, Savannah River, South Carolina, $4,000,000.

Project 92–D–150, operations support facilities, Savannah River, South Carolina, $2,000,000.

Project 92–D–153, engineering support facility, Savannah River, South Carolina, $3,200,000.

(6) For program direction, $56,000,000.

(b) OTHER DEFENSE PROGRAMS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for other defense programs in carrying out nuclear materials support and other defense programs necessary for national security programs in the amount of $691,204,000, to be allocated as follows:

(1) For verification and control technology, $352,102,000, to be allocated as follows:

(A) For operating expenses, $336,229,000.

(B) For capital equipment, $15,873,000.

(2) For nuclear safeguards and security, $85,816,000, to be allocated as follows:

(A) For operating expenses, $82,421,000.

(B) For capital equipment, $3,395,000.

(3) For security investigations, $38,827,000.

(4) For security evaluations, $14,780,000.

(5) For the Office of Nuclear Safety, $24,679,000, to be allocated as follows:

(A) For operating expenses, $24,629,000.

(B) For capital equipment, $50,000.

(6) For worker and community transition, $125,000,000.

(7) For fissile material control and disposition, $50,000,000.

(c) NAVAL REACTORS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for naval reactors in carrying out nuclear materials support and other defense programs necessary for national security programs in the amount of $730,651,000, to be allocated as follows:

(1) For naval reactors development, $698,651,000, to be allocated as follows:

(A) For operating expenses:

(i) For plant development, $146,700,000.

(ii) For reactor development, $348,951,000.

(iii) For reactor operation and evaluation, $136,000,000.

(iv) For program direction, $18,800,000.

(B) For capital equipment, $28,200,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $20,000,000, to be allocated as follows:

Project GPN–101, general plant projects, various locations, $6,200,000.

Project 95–D–200, laboratory systems and hot cell upgrades, various locations, $2,400,000.

Project 95–D–201, Advanced test reactor radioactive waste system upgrades, Idaho National Engineering Laboratory, Idaho, $700,000.

Project 93–D–200, Engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $7,900,000.

Project 92–D–200, laboratories facilities upgrades, various locations, $2,800,000.

(2) For enrichment materials for operating expenses, $32,000,000.

(d) ADJUSTMENTS.—The total amount that may be appropriated pursuant to this section is the sum of the

amounts authorized to be appropriated in subsections (a), (b), and (c) reduced by—

(1) $40,000,000, for recovery of overpayment to the Savannah River Pension Fund; and

(2) $343,406,000, for use of prior year balances for materials support and other defense programs.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $129,430,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 102 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, the Congress.

(b) REPORT; COMPUTATION OF DEADLINE FOR SUBMISSION.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which the Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed $2,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to the Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the ac-

tion and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same time period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY; LIMITATIONS.—(1) Except as provided in paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to

this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same time period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(3) The authority provided by this section to transfer authorizations—

(A) may only be used to provide funds for items that have a higher priority than the items from which the funds are transferred; and

(B) may not be used to provide authority for an item that has been denied funds by the Congress.

(c) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Congress of transfers made under the authority of this section.

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary of Energy may carry out advance planning and construction design (including architectural and engineering serv-

ices) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In the case of any project in which the total estimated cost for advance planning and design exceeds $300,000, the Secretary shall notify the congressional defense committees in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such planning and design must be specifically authorized by law.

SEC. 3126. REQUIREMENT OF CONCEPTUAL DESIGN FOR REQUEST OF CONSTRUCTION FUNDS.

(a) REQUIREMENT OF CONCEPTUAL DESIGN.—The Secretary of Energy may not make a request to the Congress for funds for a construction project which is in support of national security programs of the Department of Energy until the Secretary submits to the congressional defense committees a conceptual design for that project.

(b) EXCEPTION.—The requirement of subsection (a) does not apply to emergency planning, design, and construction activities under section 3127.

SEC. 3127. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy defense activity construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b) does not apply to emergency planning, design, and construction activities conducted under this section.

(d) REPORT.—The Secretary of Energy shall promptly report to the congressional defense committees any exercise of authority under this section.

SEC. 3128. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3129. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses, plant projects, and capital equipment may remain available until expended.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. STOCKPILE STEWARDSHIP RECRUITMENT AND TRAINING PROGRAM.

(a) CONDUCT OF PROGRAM.—(1) As part of the stockpile stewardship program established in section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (42 U.S.C. 2121 note), the Secretary of Energy shall conduct a stockpile stewardship recruitment and training program at the Sandia National Laboratories, the Lawrence Livermore National Laboratory, and the Los Alamos National Laboratory.

(2) The recruitment and training program shall be conducted in coordination with the Chairman of the Nuclear Weapons Council established in section 179 of title 10, United States Code, and the directors of the laboratories referred to in paragraph (1).

(b) SUPPORT OF DUAL-USE PROGRAMS.—(1) As part of the recruitment and training program, the directors of the laboratories referred to in subsection (a)(1) may hire undergraduate students, graduate students, and postdoctoral fellows and sponsor research conducted by such individuals for military or nonmilitary dual-use programs related to nuclear weapons stockpile stewardship.

(2) Of amounts appropriated to the Secretary of Energy pursuant to section 3101(a)(1) for weapons activities for core research and development and allocated by the Secretary for education initiatives, $5,000,000 shall be made available for carrying out paragraph (1). The amount made available under this paragraph shall be allocated equally among the laboratories referred to in subsection (a)(1).

(c) ESTABLISHMENT OF RETIREE CORPS.—As part of the training and recruitment program, the Secretary, in coordination with the directors of the laboratories referred to in subsection (a)(1), shall establish a retiree corps for the laboratories under which the directors shall hire on a part-time basis retired scientists who have expertise in the re-

search and development of nuclear weapons to provide appropriate assistance on nuclear weapons issues, to contribute relevant information to be archived, and to help to provide training to other scientists.

(d) REPORT.—(1) Not later than February 1, 1995, the Secretary of Energy shall submit to the congressional defense committees a report on the personnel demographic trends at the laboratories referred to in subsection (a)(1) and on actions taken by the Department of Energy to remedy identified shortfalls in various skill areas.

(2) The report shall be prepared in coordination with the Chairman of the Nuclear Weapons Council and the directors of the laboratories. Information included in the report shall be aggregated and compiled into statistical categories.

(3) The report shall include the following:

(A) An inventory of the weapons-related tasks that the laboratories need to perform to support their nuclear weapons responsibilities.

(B) An inventory of the skills necessary to complete the weapons-related tasks referred to in subparagraph (A).

(C) For each laboratory, a specification of the number of scientists needed in each skill area to perform such tasks.

(D) A statement of the number of scientists in each skill area at each laboratory, by age.

(E) An assessment of which skill areas are understaffed.

(F) A statement of the number of scientists entering the weapons program at each laboratory, and their skill areas.

(G) A statement of the number of full-time equivalent personnel with weapon skills, their distribution by skill and, for each such skill, their distribution by age.

(H) A statement of the number of scientists retiring from the weapons program and the skill areas in which they worked in the year preceding their retirement.

(I) Based on the information contained in subparagraphs (A) through (H), a projection of what areas will become understaffed in the five years following the date of the submission of the report.

(J) A statement of alternatives for retaining and recruiting scientists for the weapons programs at the laboratories in order to preserve a sufficient skill base and to fulfill stockpile stewardship responsibilities.

(K) The recommendations of the Secretary for implementing any of the alternatives referred to in subparagraph (J).

SEC. 3132. DEFENSE INERTIAL CONFINEMENT FUSION PROGRAM.

Of the funds authorized to be appropriated by this title to the Department of Energy for fiscal year 1995, $176,473,000 shall be available for the defense inertial confinement fusion program, of which—

(1) not less than $20,765,000 shall be available for program activities at the University of Rochester, Rochester, New York; and

(2) not less than $8,750,000 shall be available for program activities at the Naval Research Laboratory, Washington, District of Columbia.

SEC. 3133. PAYMENT OF PENALTIES.

The Secretary of Energy may pay to the Hazardous Substances Response Trust, from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3102, stipulated civil penalties assessed under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.) in amounts as follows:

(1) $50,000, assessed against the Fernald Environmental Management Project, Ohio, under such Act.

(2) $50,000, assessed against the Portsmouth Gaseous Diffusion Plant, Ohio, under such Act.

SEC. 3134. WATER MANAGEMENT PROGRAMS.

From funds authorized to be appropriated pursuant to section 3102 to the Department of Energy for environmental restoration and waste management activities, the Secretary of Energy may reimburse the cities of Westminster, Broomfield, Thornton, and Northglenn, in the State of Colorado, $11,415,000 for the cost of implementing water management programs. Reimbursements for the water management programs shall not be considered a major Federal action for purposes of section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

SEC. 3135. WORKER PROTECTION AT NUCLEAR WEAPONS FACILITIES.

Of the funds authorized to be appropriated by this title to the Department of Energy for fiscal year 1995 for waste management activities for environmental restoration and waste management activities necessary for national security programs, $11,000,000 shall be available to carry out activities authorized under section 3131 of the National De-

fense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 42 U.S.C. 7274d), relating to worker protection at nuclear weapons facilities.

SEC. 3136. WORKER HEALTH AND PROTECTION.

Of amounts appropriated to the Department of Energy for fiscal year 1995 pursuant to section 3101 for weapons activities for operating expenses, $2,500,000 shall be available for activities relating to the Hanford health information network established pursuant to the authority set forth in section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1834).

SEC. 3137. LIMITATION ON USE OF PROGRAM DIRECTION FUNDS.

The Secretary of Energy may not obligate more than 50 percent of the funds appropriated pursuant to this title for fiscal year 1995 for operating expenses for program direction in carrying out environmental restoration and waste management activities necessary for national security programs until the Secretary submits to the Congress the reports required to be submitted under subsections (a) and (d) of section 3153 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1950) in the year during which that fiscal year ends.

SEC. 3138. LIMITATION ON USE OF FUNDS FOR NEW CONSTRUCTION PROJECTS.

The Secretary of Energy may not obligate or expend funds appropriated for a new construction project until the Secretary has approved a conceptual design for that project. In this section, the term ''new construction project'' means a construction project necessary for national security programs of the Department of Energy for which funds were initially requested for fiscal year 1995.

SEC. 3139. LIMITATION ON USE OF FUNDS FOR SPECIAL ACCESS PROGRAMS.

None of the funds appropriated or otherwise made available to the Department of Energy for fiscal year 1995 pursuant to this title may be obligated for a limited access program or special access program until the Secretary of Energy submits to the congressional defense committees the report required under section 93 of the Atomic Energy Act of 1954 (42 U.S.C. 2122a).

SEC. 3140. PROHIBITION ON PREFINANCING.

The Secretary of Energy may not set aside funds appropriated to the Secretary for national security programs for any fiscal year for the purpose of retaining personnel of the Department of Energy in the event that there is a lapse of funds appropriated for such purpose for the following fiscal year.

SEC. 3141. INTERNATIONAL CENTER FOR APPLIED RESEARCH.

(a) ESTABLISHMENT.—(1) The Secretary of Energy shall establish an International Center for Applied Research to promote the following activities:

(A) The application in the United States of hydrogen technology research derived from tritium production.

(B) The development of beneficial uses of nuclear materials.

(C) The research and development of innovative methods for the treatment and disposal of nuclear materials.

(D) The development of specifications for the decommissioning of nuclear materials.

(E) The research and development of any technologies that the Secretary considers appropriate and that are likely to be commercialized.

(2) The Center shall be established at a Department of Energy nuclear weapon production facility at which the Secretary has successfully demonstrated environmental technologies as part of the Integrated Demonstration for Volatile Organic Compounds Program conducted by the Secretary.

(3) The Center shall be operated by a nonprofit entity established by State statute to accomplish economic develop-

ment through applied science and technology that, as determined by the Secretary—

(A) has demonstrated successful management of diverse teams of organizations who have technical experience in industrial research and development of high technology programs; and

(B) has available facilities adjacent to the Department of Energy nuclear weapon production facility to carry out the activities of the Center.

(b) AVAILABILITY OF FUNDS.—Of amounts authorized to be appropriated in section 3101(c), $12,000,000 shall be available to establish the Center referred to in subsection (a).

SEC. 3142. LIMITATION ON STUDY OR RELOCATION OF TRITIUM-RELATED ACTIVITIES AND OPERATIONS.

None of the funds appropriated or otherwise made available to the Department of Energy for fiscal year 1995 pursuant to this title may be used to study or relocate tritium-related activities and operations from the Mound Plant, Ohio, to a facility other than a weapons production facility having demonstrated tritium production and handling experience as recommended by the Department's independent consultants that reviewed the ''Nonnuclear Reconfiguration Cost Effectiveness Report'' of January 1993.

Subtitle D—Other Matters

SEC. 3151. ACCOUNTING PROCEDURES FOR DEPARTMENT OF ENERGY FUNDS.

The Secretary of Energy shall establish procedures to account for the use of funds, in each fiscal year beginning with fiscal year 1995, for the performance of the programs and activities of the Department of Energy for which funds are appropriated for national security programs of the Department of Energy. The procedures shall account for funds appropriated for such programs and activities which are not used for the purpose for which such funds were appropriated. The procedures shall provide for an accounting of all encumbered funds, unencumbered funds, unobligated funds, costed funds, and uncosted obligations of the Department of Energy in each such fiscal year.

SEC. 3152. APPROVAL FOR CERTAIN NUCLEAR WEAPONS ACTIVITIES.

(a) APPROVAL BY NUCLEAR WEAPONS COUNCIL.—Subsection (d) of section 179 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10); and

(2) by inserting after paragraph (7) the following new paragraph (8):

''(8) Coordinating and approving activities conducted by the Department of Energy for the study, development, production, and retirement of nuclear warheads, including concept definition studies, feasibility studies, engineering development, hardware component fabrication, warhead production, and warhead retirement.''.

(b) REPORT.—Such section is further amended by adding at the end the following new subsection:

''(e) ANNUAL REPORT.—(1) Each fiscal year, before the preparation of the annual budget request of the Department of Energy, the Chairman of the Council shall submit to the Secretary of Energy a report on the following:

''(A) The effectiveness and efficiency of the Council, and of the deliberative and decisionmaking processes used by the Council, in carrying out the responsibilities described in subsection (d).

''(B) A description of all activities conducted by the Department of Energy during that fiscal year, or planned to be conducted by the Department of Energy during the next fiscal year, for the study, development, production, and retirement of nuclear warheads and that have been approved by the Council, including a description of—

''(i) the concept definition activities and feasibility studies conducted or planned to be conducted by the Department of Energy;

''(ii) the schedule for completion of each such activity or study; and

''(iii) the degree to which each such activity or study is consistent with United States policy for new nuclear warhead development or warhead modifications and with established or projected military requirements.

''(2) Each fiscal year, at the same time as the submission of the President's budget, the Secretary of Energy shall submit the report referred to in paragraph (1), in classified form, to the Committees on Armed Services and Appropriations of the Senate and House of Representatives.''.

(c) TECHNICAL AMENDMENT.—Subsections (a)(3) and (b) of such section are amended by striking out ''appointed'' each place it appears and inserting in lieu thereof ''designated''.

SEC. 3153. STUDY OF FEASIBILITY OF CONDUCTING CERTAIN ACTIVITIES AT THE NEVADA TEST SITE, NEVADA.

Not later than March 1, 1995, the Secretary of Energy shall submit to the Congress a report on the feasibility of

conducting the following activities at the Nevada Test Site, Nevada:

(1) The demilitarization of large rocket motor and conventional ordnance.

(2) Disarmament and demilitarization, generally.

(3) The conduct of experiments that assist in monitoring compliance with international agreements on the nonproliferation of nuclear weapons.

(4) The provision of support to the Department of Energy nuclear weapons complex.

(5) The conduct of programs for the Department of Energy and the Department of Defense to develop simulator technologies for nuclear weapons design and effects, including advanced hydrodynamic simulators, inertial confinement fusion test facilities, and nuclear weapons effects simulators (such as the Decade and Jupiter simulators).

(6) The conduct of the stockpile stewardship program established pursuant to section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (107 Stat. 1946; Public Law 103–160).

(7) Experiments related to the non-proliferation of nuclear weapons, including experiments with re-

spect to disablement, nuclear forensics, sensors, and verification and monitoring.

SEC. 3154. REPORT ON WASTE STREAMS GENERATED BY NUCLEAR WEAPONS PRODUCTION CYCLE.

(a) REPORT.—Not later than March 31, 1995, the Secretary of Energy shall submit to the Congress a report that contains a description of all waste streams generated during each step of the complete cycle of production and disposition of nuclear weapon components by the Department of Energy. The description for each such step shall be based on a unit of analysis that is appropriate for that step. The report shall include an estimate of the volume of waste generated per unit of analysis and an analysis of the toxicity of each waste stream.

(b) DEFINITIONS.—In this section:

(1) The term ''waste stream'' means waste materials the storage, treatment, or disposition of which is regulated under Federal law, except that such term does not include usable source materials and usable special nuclear materials.

(2) The terms ''source material'' and ''special nuclear material'' have the meaning given such terms in section 11(z) and (aa), respectively, of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z), (aa)).

SEC. 3155. RELEASE OF CERTAIN RESTRICTED DATA.

Subsection (f) of section 142 of the Atomic Energy Act of 1954 (42 U.S.C. 2162(f)) is amended by adding at the end the following: ''This subsection does not preclude the President from releasing to a degree and in a manner which is more limited than a public release of such data any Restricted Data which is exchanged with a member state of the Commonwealth of Independent States pursuant to a bilateral exchange of such data.''.

SEC. 3156. DESIGNATION OF MARILYN LLOYD SCHOLARSHIP AND FELLOWSHIP PROGRAM.

(a) DESIGNATION.—Section 3132(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 7274e) is amended by adding at the end the following: ''The scholarship and fellowship program shall be known as the 'Marilyn Lloyd Scholarship and Fellowship Program'.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 3, 1995.

SEC. 3157. REPORT ON ECONOMIC REDEVELOPMENT AND CONVERSION ACTIVITIES RESULTING FROM RECONFIGURATION OF DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

(a) IN GENERAL.—Not later than March 1, 1995, the Secretary of Energy shall submit to the Congress information on economic redevelopment and conversion activities

that, in the determination of the Secretary, may result from the reconfiguration of the Department of Energy nuclear weapons complex. The Secretary may submit the information in a report or submit the programmatic environmental impact statement referred to in section 3145(c) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1949) and include the information in that statement.

(b) CONTENTS.—The information referred to in subsection (a) shall include the following:

(1) An analysis of the existing condition and capabilities of the facilities of the nuclear weapons complex.

(2) A description of the technologies and processes at such facilities that have the potential to be developed in collaboration with private industry, State, local, or tribal governments, institutions of higher education, or non-profit organizations.

(3) An estimate of the costs associated with economic redevelopment and conversion activities as a result of the reconfiguration of the nuclear weapons complex.

(4) A description of how the Secretary will coordinate with local interests regarding such activities.

SEC. 3158. PROHIBITION ON DISCLOSURE OF CERTAIN INFORMATION ON EXPOSURE TO RADIATION RELEASED FROM HANFORD NUCLEAR RESERVATION.

Section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1834) is amended by adding at the end the following new subsection:

"(d) PROHIBITION ON DISCLOSURE OF EXPOSURE INFORMATION.—(1) Except as provided in paragraph (2), a person (including the Secretary of Energy, an officer or employee of a State, or any other person participating in or receiving assistance under a program established under this section) may not disclose to the public any information obtained through the program that identifies a person who may have been exposed to radiation released from the Hanford Nuclear Reservation or that identifies a person participating in any of the programs developed under this section. Information prohibited from disclosure under this subsection shall include—

"(A) the name, address, and telephone number of a person requesting information referred to in subsection (b)(1);

"(B) the name, address, and telephone number of a person who has been referred to a health care professional under subsection (b)(2);

''(C) the name, address, and telephone number of a person who has been registered and monitored pursuant to subsection (b)(3);

''(D) information that identifies the person from whom information referred to in this paragraph was obtained under the program or any other third party involved with, or identified, by any such information so obtained; and

''(E) any other personal or medical information that identifies a person or party referred to in subparagraphs (A) through (D).

''(2) Information referred to in paragraph (1) may be disclosed to the public if the person identified by the information, or the person's legal representative, has consented in writing to the disclosure.

''(3) The States of Washington, Oregon, and Idaho shall establish procedures for carrying out this subsection, including procedures governing the disclosure of information under paragraph (2).''.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1995, $18,000,000 for the operation of the Defense Nuclear

Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. CONDITIONS ON AUTHORITY TO DISPOSE OF CERTAIN STRATEGIC AND CRITICAL MATERIALS.

Section 3302(f) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2649) is amended by striking out ''before October 1, 1994.'' and inserting in lieu thereof the following: ''until after the President certifies to Congress that—

''(1) there is a reliable domestic source for the adequate and timely production of these materials; and

''(2) such source can be called upon in times of a national emergency or a significant mobilization of the Armed Forces.''.

SEC. 3302. REJECTION OF CHANGE IN STOCKPILING PRINCIPLES.

(a) ESTABLISHMENT OF PRINCIPLES.—Section 2(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a(c)) is amended—

(1) in paragraph (2), by striking out ''Before October 1, 1994, the quantities'' and inserting in lieu thereof ''The quantities''; and

(2) by striking out paragraph (3).

(b) BIENNIAL REPORT ON STOCKPILE REQUIREMENTS.—Section 14(b) of such Act (50 U.S.C. 98h–5(b)) is amended—

(1) in the second sentence, by striking out ''Before October 1, 1994, such assumptions'' and inserting in lieu thereof ''Such assumptions''; and

(2) by striking out the third sentence.

SEC. 3303. LIMITATIONS ON THE DISPOSAL OF CHROMITE AND MANGANESE ORES.

(a) PREFERENCE FOR DOMESTIC UPGRADING.—In offering to enter into agreements pursuant to any provision of law for the disposal of chromite and manganese ores of metallurgical grade from the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c), the President shall give a right of first refusal on all such offers to domestic ferroalloy upgraders.

(b) DOMESTIC FERROALLOY UPGRADER DEFINED.—For purposes of this section, the term ''domestic ferroalloy upgrader'' means a company or other business entity that, as determined by the President—

(1) is engaged in operations to upgrade chromite or manganese ores of metallurgical grade or is capable of engaging in such operations; and

(2) conducts a significant level of its research, development, engineering, and upgrading operations in the United States.

(c) APPLICATION OF SECTION.—The requirements specified in subsection (a) shall apply during fiscal year 1995.

SEC. 3304. CONDITIONAL PROHIBITION ON PROPOSED DISPOSAL OF ZINC FROM NATIONAL DEFENSE STOCKPILE.

(a) PROHIBITION.—Except as provided in subsection (b), the President may not proceed with the disposal from the National Defense Stockpile of any portion of the 75,000 short tons of zinc that was proposed for disposal in the annual materials plan submitted to Congress under section 11(b) of such Act (50 U.S.C. 98h–2) in March 1994.

(b) EXCEPTION.—Subsection (a) shall not apply to the disposal of zinc from the National Defense Stockpile if the President certifies to Congress before proceeding with such disposal that any such disposal would not cause any undue disruption of the usual markets of producers, processors, and consumers of zinc.

(c) DEFINITION.—For purposes of this section, the term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

SEC. 3305. SPECIAL PROGRAM FOR CONVERSION OF LOW CARBON FERRO CHROMIUM TO HIGH PURITY ELECTROLYTIC CHROMIUM METAL.

(a) REQUIRED UPGRADING.—During each of the fiscal years 1995 and 1996, the President shall obtain bids from domestic producers of high purity electrolytic chromium metal for the conversion of low carbon ferro chromium held in the National Defense Stockpile. On the basis of such bids, the President shall award contracts for the conversion of such chromium into high purity electrolytic chromium metal for inclusion in the National Defense Stockpile.

(b) QUANTITIES TO BE UPGRADED.—Contracts awarded under subsection (a) shall provide for the addition of not less than 500 short tons of high purity electrolytic chromium metal to the National Defense Stockpile during each of the fiscal years covered by subsection (a).

(c) USE OF BARTER.—The President shall carry out this section only through the use of the barter authority provided to the President under section 6(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(c)) for the management of the National Defense Stockpile.

(d) DEFINITION.—For purposes of this section, the term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

TITLE XXXIV—CIVIL DEFENSE

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated $129,658,000 for fiscal year 1995 for the purpose of carrying out title VI of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), as added by section 3402.

SEC. 3402. TRANSFER OF FEDERAL CIVIL DEFENSE ACT OF 1950 TO THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT.

(a) INCLUSION AS ADDITIONAL TITLE.—The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended—

(1) by redesignating title VI as title VII;

(2) by redesignating sections 601, 602, 603, and 604 as sections 701, 702, 703, and 704, respectively; and

(3) by inserting after title V the following new title VI:

"TITLE VI—FEDERAL CIVIL DEFENSE

"SEC. 601. DECLARATION OF POLICY.

"The purpose of this title is to provide a system of civil defense for the protection of life and property in the United States from hazards and to vest responsibility for civil defense jointly in the Federal Government and the several States and their political subdivisions. The Congress recognizes that the organizational structure established jointly by the Federal Government and the several States and their political subdivisions for civil defense purposes can be effectively utilized to provide relief and assistance to people in areas of the United States struck by a hazard. The Federal Government shall provide necessary direction, coordination, and guidance and shall provide necessary assistance as authorized in this title.

"SEC. 602. DEFINITIONS.

"In this title:

"(1) The term 'hazard' means an emergency or disaster resulting from—

"(A) a natural disaster; or

"(B) an accidental or man-caused event, including a civil disturbance and an attack-related disaster.

"(2) The term 'attack-related disaster' means any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner by sabotage or by the use of bombs, shellfire, or nuclear, radiological, chemical, bacteriological, or biological means or other weapons or processes.

"(3) The term 'natural disaster' means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, or other catastrophe in any part of the United States which causes, or which may cause, substantial damage or injury to civilian property or persons.

"(4) The term 'civil defense' means all those activities and measures designed or undertaken to minimize the effects of a hazard upon the civilian population, to deal with the immediate emergency conditions which would be created by the hazard, and to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by the hazard. Such term shall include the following:

"(A) Measures to be undertaken in preparation for anticipated hazards (including the establishment of appropriate organizations, operational plans, and supporting agreements, the recruitment and training of personnel, the conduct of research, the procurement and stockpiling of necessary materials and supplies, the provision of suitable warning systems, the construction or preparation of shelters, shelter areas, and control centers, and, when appropriate, the nonmilitary evacuation of civil population).

"(B) Measures to be undertaken during a hazard (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities, the evacuation of personnel to shelter areas, the control of traffic and panic, and the control and use of lighting and civil communications).

"(C) Measures to be undertaken following a hazard (including activities for fire fighting, rescue, emergency medical, health and sanitation services, monitoring for specific dangers of special weapons, unexploded bomb reconnaissance, essential debris clearance, emergency welfare

measures, and immediately essential emergency repair or restoration of damaged vital facilities).

''(5) The term 'organizational equipment' means equipment determined by the Director to be necessary to a civil defense organization, as distinguished from personal equipment, and of such a type or nature as to require it to be financed in whole or in part by the Federal Government. Such term does not include those items which the local community normally utilizes in combating local disasters except when required in unusual quantities dictated by the requirements of the civil defense plans.

''(6) The term 'materials' includes raw materials, supplies, medicines, equipment, component parts and technical information and processes necessary for civil defense.

''(7) The term 'facilities', except as otherwise provided in this title, includes buildings, shelters, utilities, and land.

''(8) The term 'Director' means the Director of the Federal Emergency Management Agency.

''(9) The term 'neighboring countries' includes Canada and Mexico.

''(10) The term 'State' includes interstate civil defense authorities established under section 611(g).

"SEC. 603. ADMINISTRATION OF TITLE.

''This title shall be carried out by the Director of the Federal Emergency Management Agency.

"Subtitle A—Powers and Duties

"SEC. 611. DETAILED FUNCTIONS OF ADMINISTRATION.

''The Director is authorized, in order to carry out the policy described in section 601 to perform the following functions:

''(a) Prepare national plans and programs for the civil defense of the United States, making such use of plans and programs previously initiated by the National Security Resources Board as is feasible; sponsor and direct such plans and programs; and request such reports on State plans and operations for civil defense as may be necessary to keep the President, Congress, and the several States advised of the status of civil defense in the United States.

''(b) Delegate, with the approval of the President, to the several departments and agencies of the Federal Government appropriate civil defense responsibilities and review and coordinate the civil defense activities of the departments and agencies with each other and with the activities of the States and neighboring countries.

"(c) Make appropriate provision for necessary civil defense communications and for dissemination of warnings to the civilian population of a hazard.

"(d) Study and develop civil defense measures designed to afford adequate protection of life and property, including research and studies as to the best methods of treating the effects of hazards, developing shelter designs and materials for protective covering or construction, and developing equipment or facilities and effecting the standardization thereof to meet civil defense requirements.

"(e) Conduct or arrange, by contract or otherwise, for training programs for the instruction of civil defense officials and other persons in the organization, operation, and techniques of civil defense; conduct or operate schools or including the payment of travel expenses, in accordance with subchapter I of chapter 57 of title 5, United States Code, and the Standardized Government Travel Regulations, and per diem allowances, in lieu of subsistence for trainees in attendance or the furnishing of subsistence and quarters for trainees and instructors on terms prescribed by the Director; and provide instructors and training aids as deemed necessary. The terms prescribed by the Director for the payment of travel ex-

penses and per diem allowances authorized by this subsection shall include a provision that such payment shall not exceed ½ of the total cost of such expenses. Not more than one national civil defense college and three civil defense technical training schools shall be established under the authority of this subsection. The Director is authorized to lease real property required for the purpose of carrying out the provisions of this subsection, but shall not acquire fee title to property unless specifically authorized by law.

"(f) Publicly disseminate appropriate civil defense information by all appropriate means.

"(g) Assist and encourage the States to negotiate and enter into interstate civil defense compacts; review the terms and conditions of such proposed compacts in order to assist, to the extent feasible, in obtaining uniformity therein and consistency with the national civil defense plans and programs; assist and coordinate the activities thereunder; and aid and assist in encouraging reciprocal civil defense legislation by the States which will permit the furnishing of mutual aid for civil defense purposes in the event of a hazard which cannot be adequately met or controlled by a State or political subdivision thereof threatened with or experiencing a hazard. A copy of each such

civil defense compact shall be transmitted promptly to the Senate and the House of Representatives. The consent of Congress shall be granted to each such compact, upon the expiration of the first period of 60 calendar days of continuous session of the Congress following the date on which the compact is transmitted to it; but only if, between the date of transmittal and expiration of such 60-day period, there has not been passed a concurrent resolution stating in substance that the Congress does not approve the compact. Nothing in this subsection shall be construed as preventing Congress from withdrawing at any time its consent to any such compact.

"(h) Procure by condemnation or otherwise, construct, lease, transport, store, maintain, renovate or distribute materials and facilities for civil defense, with the right to take immediate possession thereof. Facilities acquired by purchase, donation, or other means of transfer may be occupied, used, and improved for the purposes of this title, prior to the approval of title by the Attorney General as required by section 355 of the Revised Statutes (40 U.S.C. 255). The Director shall report not less often than quarterly to the Congress all property acquisitions made pursuant to this subsection. The Director is authorized to

lease real property required for the purpose of carrying out the provisions of this subsection, but shall not acquire fee title to property unless specifically authorized law. The Director is authorized to procure and maintain under this subsection radiological instruments and detection devices, protective masks, and gas detection kits, and distribute the same by loan or grant to the States for civil defense purposes, under such terms and conditions as the Director shall prescribe.

"(i) Make financial contributions, on the basis of programs or projects approved by the Director, to the States for civil defense purposes, including the procurement, construction, leasing, or renovating of materials and facilities. Such contributions shall be made on such terms or conditions as the Director shall prescribe, including the method of purchase, the quantity, quality, or specifications of the materials or facilities, and such other factors or care or treatment to assure the uniformity, availability, and good condition of such materials or facilities. No contributions shall be made under this subsection for the procurement of land or for the purchase of personal equipment for State or local civil defense workers. The amounts authorized to be contributed by the Director

to each State for organizational equipment shall be equally matched by such State from any source it determines is consistent with its laws. Financial contributions to the States for shelters and other protective facilities shall be determined by taking the amount of funds appropriated or available to the Director for such facilities in each fiscal year and apportioning such funds among the States in the ratio which the urban population of the critical target areas (as determined by the Director, after consultation with the Secretary of Defense) in each State, at the time of the determination, bears to the total urban population of the critical target areas of all of the States. The amounts authorized to be contributed by the Director to each State for such shelters and protective facilities shall be equally matched by such State from any source it determines is consistent with its laws and, if not matched within a reasonable time, the Director may reallocate same to other States under the formula described in the preceding sentence. The value of any land contributed by any State or political subdivision thereof shall be excluded from the computation of the State share under this subsection. The amounts paid to any State under this subsection shall be expended solely in carrying out the purposes

set forth herein and in accordance with State civil defense programs or projects approved by the Director. The Director shall make no contribution toward the cost of any program or project for the procurement, construction, or leasing of any facility which (1) is intended for use, in whole or in part, for any purpose other than civil defense, and (2) is of such kind that upon completion it will, in the judgment of the Director, be capable of producing sufficient revenue to provide reasonable assurance of the retirement or repayment of such cost; except that (subject to the preceding sentences of this subsection) the Director may make a contribution to any State toward that portion of the cost of the construction, reconstruction, or enlargement of any facility which the Director determines to be directly attributable to the incorporation in such facility of any feature of construction or design not necessary for the principal intended purpose thereof but which is, in the judgment of the Director necessary for the use of such facility for civil defense purposes. The Director shall report not less often than annually to Congress all contributions made pursuant to this subsection. All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the as-

sistance of any contribution of Federal funds made by the Director under this subsection shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (commonly known as the Davis-Bacon Act (40 U.S.C. 276a–276a–5)), and every such employee shall receive compensation at a rate not less than one and ½ times the basic rate of pay of the employee for all hours worked in any workweek in excess of eight hours in any workday or 40 hours in the workweek, as the case may be. The Director shall make no contribution of Federal funds without first obtaining adequate assurance that these labor standards will be maintained upon the construction work. The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.), and section 2 of the Act of June 13, 1934 (40 U.S.C. 276(c)).

''(j) Arrange for the sale or disposal of materials and facilities found by the Director to be unnecessary or unsuitable for civil defense purposes in the same manner as provided for excess property under the Federal Property and Administrative Services Act of

1949 (40 U.S.C. 471 et seq.). Any funds received as proceeds from the sale or other disposition of such materials and facilities shall be covered into the Treasury as miscellaneous receipts.

"SEC. 612. MUTUAL AID PACTS BETWEEN SEVERAL STATES AND NEIGHBORING COUNTRIES.

''The Director shall give all practicable assistance to States in arranging, through the Department of State, mutual civil defense aid between the States and neighboring countries.

"SEC. 613. IDENTITY INSIGNIA.

''The Director may prescribe insignia, arm bands, and other distinctive articles (including designs previously covered under Letters Patent which were assigned to the United States and held by the Office of Civilian Defense created by Executive Order Numbered 8757 issued May 20, 1941) which may be manufactured for or possessed or worn by persons engaged in civil defense activities pursuant to rules and regulations for the manufacture, possession, or wearing thereof established by the Director. The manufacture, possession, or wearing of any such insignia, arm band, or other distinctive article otherwise than in accordance with such rules and regulations shall be unlawful and shall subject such person to a fine of not more than $1,000 or imprisonment of not more than one year, or both.

"SEC. 614. CONTRIBUTIONS FOR PERSONNEL AND ADMINISTRATIVE EXPENSES.

"(a) GENERAL AUTHORITY.—To further assist in carrying out the purposes of this title, the Director may make financial contributions to the States (including interstate civil defense authorities established pursuant to section 611(g)) for necessary and essential State and local civil defense personnel and administrative expenses, on the basis of approved plans (which shall be consistent with the national plan for civil defense approved by the Director) for the civil defense of the States. The financial contributions to the States under this section shall not exceed ½ of the total cost of such necessary and essential State and local civil defense personnel and administrative expenses.

"(b) PLAN REQUIREMENTS.—Plans submitted under this section shall—

"(1) provide, pursuant to State law, that the plan shall be in effect in all political subdivisions of the State and be mandatory on them and be administered or supervised by a single State agency;

"(2) provide that the State shall share the financial assistance with that provided by the Federal Government under this section from any source determined by it to be consistent with State law;

"(3) provide for the development of State and local civil defense operational plans, pursuant to standards approved by the Director;

"(4) provide for the employment of a full-time civil defense director, or deputy director, by the State;

"(5) provide that the State shall make such reports in such form and content as the Director may require; and

"(6) make available to duly authorized representatives of the Director and the Comptroller General, books, records, and papers necessary to conduct audits for the purposes of this section.

"(c) TERMS AND CONDITIONS.—The Director shall establish such other terms and conditions as the Director considers necessary and proper to carry out this section.

"(d) APPLICATION OF OTHER PROVISIONS.—In carrying out this section, the provisions of section 611(g) and 621(h) shall apply.

"(e) ALLOCATION OF FUNDS.—For each fiscal year concerned, the Director shall allocate to each State, in accordance with regulations and the total sum appropriated hereunder, amounts to be made available to the States for the purposes of this section. Regulations governing allocations to the States under this subsection shall give due regard to (1) the criticality of the target and support areas

and the areas which may be affected by hazards with respect to the development of the total civil defense readiness of the Nation, (2) the relative state of development of civil defense readiness of the State, (3) population, and (4) such other factors as the Director shall prescribe. The Director may reallocate the excess of any allocation not utilized by a State in a plan submitted hereunder. Amounts paid to any State or political subdivision under this section shall be expended solely for the purposes set forth herein.

"(f) SUBMISSION OF PLAN.—In the event a State fails to submit a plan for approval as required by this section within 60 days after the Director notifies the States of the allocations hereunder, the Director may reallocate such funds, or portions thereof, among the other States in such amounts as, in the judgment of the Director will best assure the adequate development of the civil defense capability of the Nation.

"(g) ANNUAL REPORTS.—The Director shall report annually to the Congress all contributions made pursuant to this section.

"SEC. 615. REQUIREMENT FOR STATE MATCHING FUNDS FOR CONSTRUCTION OF EMERGENCY OPERATING CENTERS.

"Notwithstanding any other provision of this title, funds appropriated to carry out this title may not be used

for the purpose of constructing emergency operating centers (or similar facilities) in any State unless such State matches in an equal amount the amount made available to such State under this title for such purpose.

"SEC. 616. USE OF FUNDS TO PREPARE FOR AND RESPOND TO HAZARDS.

''Funds made available to the States under this title may be used by the States for the purposes of preparing for hazards and providing emergency assistance in response to hazards. Regulations prescribed to carry out this section shall authorize the use of civil defense personnel, materials, and facilities supported in whole or in part through contributions under this title for civil defense activities and measures related to hazards.

"Subtitle B—General Provisions

"SEC. 621. ADMINISTRATIVE AUTHORITY.

''For the purpose of carrying out the powers and duties assigned to the Director under this title, the Director may exercise the following administrative authorities:

''(a) Employ civilian personnel for duty in the United States, including the District of Columbia, or elsewhere, subject to the civil-service laws, and to fix the compensation of such personnel in accordance with subchapter III of chapter 51 and chapter 53 of title 5, United States Code.

"(b) Employ not more than 100 such part-time or temporary advisory personnel (including not to exceed 25 subjects of the United Kingdom and the Dominion of Canada) as are deemed necessary in carrying out the provisions of this title. Persons holding other offices or positions under the United States for which they receive compensation, while serving as members of such committees, shall receive no additional compensation for such service. Other members of such committees and other part-time or temporary advisory personnel so employed may serve without compensation or may receive compensation at a rate not to exceed $50 for each day of service, as determined by the Director.

"(c) Utilize the services of Federal agencies and, with the consent of any State or local government, accept and utilize the services of State and local civil agencies; establish and utilize such regional and other offices as may be necessary; utilize such voluntary and uncompensated services by individuals or organizations as may from time to time be needed; and authorize the States to establish and organize such individuals and organizations into units to be known collectively as the United States Civil Defense Corps. The members of such corps shall not be deemed by

reason of such membership to be appointees or employees of the United States.

"(d) Notwithstanding any other provision of law, accept gifts of supplies, equipment, and facilities and utilize or distribute such gifts for civil defense purposes in accordance with the provisions of this title.

"(e) Reimburse any Federal agency for any of its expenditures or for compensation of its personnel and utilization or consumption of its materials and facilities under this title to the extent funds are available.

"(f) Purchase such printing, binding, and blankbook work from public, commercial, or private printing establishments or binderies as the Director considers necessary upon orders placed by the Public Printer or upon waivers issued in accordance with section 504 of title 44, United States Code.

"(g) Prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this title and perform any of the powers and duties provided by this title through or with the aid of such officials of the Federal Emergency Management Agency as the Director may designate.

"(h) When, after reasonable notice and opportunity for hearing to the State or other person, the Director finds that there is a failure to expend funds

in accordance with the regulations, terms, and conditions established under this title for approved civil defense plans, programs, or projects, notify such State or person that further payments will not be made to the State or person from appropriations under this title (or from funds otherwise available for the purposes of this title for any approved plan, program, or project with respect to which there is such failure to comply) until the Director is satisfied that there will no longer be any such failure. Until so satisfied, the Director shall either withhold the payment of any financial contribution to such State or person or limit payments to those programs or projects with respect to which there is substantial compliance with the regulations, terms, and conditions governing plans, programs, or projects hereunder. As used in this subsection, the term 'person' means the political subdivision of any State or combination or group thereof, any interstate civil defense authority established pursuant to subsection 611(g), or any person, corporation, association, or other entity of any nature whatsoever, including instrumentalities of States and political subdivisions.

"SEC. 622. EXEMPTION FROM CERTAIN PROHIBITIONS.

''The authority granted in subsections (b) and (c) of section 621 shall be exercised in accordance with regulations of the President, who may also provide by regulation for the exemption of persons employed or whose services are utilized under the authority of such subsections from the operation of sections 203, 205, 207, 208, and 209 of title 18 of the United States Code.

"SEC. 623. SECURITY REGULATIONS.

''(a) ESTABLISHMENT.—The Director shall establish such security requirements and safeguards, including restrictions with respect to access to information and property as the Director considers necessary.

''(b) LIMITATIONS ON EMPLOYEE ACCESS TO INFORMATION.—No employee of the Federal Emergency Management Agency shall be permitted to have access to information or property with respect to which access restrictions have been established under this section, until it shall have been determined that no information is contained in the files of the Federal Bureau of Investigation or any other investigative agency of the Government indicating that such employee is of questionable loyalty or reliability for security purposes, or if any such information is so disclosed, until the Federal Bureau of Investigation shall have conducted a full field investigation concerning such person and a re-

port thereon shall have been evaluated in writing by the Director.

"(c) NATIONAL SECURITY POSITIONS.—No employee of the Federal Emergency Management Agency shall occupy any position determined by the Director to be of critical importance from the standpoint of national security until a full field investigation concerning such employee shall have been conducted by the Director of the Office of Personnel Management and a report thereon shall have been evaluated in writing by the Director. In the event such full field investigation by the Director of the Office of Personnel Management develops any data reflecting that such applicant for a position of critical importance is of questionable loyalty or reliability for security purposes, or if the Director for any other reason shall deem it to be advisable, such investigation shall be discontinued and a report thereon shall be referred to the Director for evaluation in writing. Thereafter the Director may refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation by such Bureau. The result of such latter investigation by such Bureau shall be furnished to the Director for action.

"(d) EMPLOYEE OATHS.—Each Federal employee of the Federal Emergency Management Agency, except the subjects of the United Kingdom and the Dominion of Canada

specified in section 621(b), shall execute the loyalty oath or appointment affidavits prescribed by the Director of the Office of Personnel Management. Each person other than a Federal employee who is appointed to serve in a State or local organization for civil defense shall before entering upon duties, take an oath in writing before a person authorized to administer oaths, which oath shall be substantially as follows:

'I, , do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

'And I do further swear (or affirm) that I do not advocate, nor am I a member or an affiliate of any organization, group, or combination of persons that advocates the overthrow of the Government of the United States by force or violence; and that during such time as I am a member of (name of civil defense organization), I will not advocate nor become a member or an affiliate of any organization, group, or combination of persons that advocates the

overthrow of the Government of the United States by force or violence.'

After appointment and qualification for office, the director of civil defense of any State, and any subordinate civil defense officer within such State designated by the director in writing, shall be qualified to administer any such oath within such State under such regulations as the director shall prescribe. Any person who shall be found guilty of having falsely taken such oath shall be punished as provided in section 1621 of title 18, United States Code.

"SEC. 624. UTILIZATION OF EXISTING FACILITIES.

''In performing duties under this title, the Director shall—

''(1) cooperate with the various departments and agencies of the Federal Government;

''(2) utilize, to the maximum extent, the existing facilities and resources of the Federal Government and, with their consent, the facilities and resources of the States and political subdivisions thereof, and of other organizations and agencies; and

''(3) refrain from engaging in any form of activity which would duplicate or parallel activity of any other Federal department or agency unless the Director, with the written approval of the President, shall

determine that such duplication is necessary to accomplish the purposes of this title.

"SEC. 625. ANNUAL REPORT TO CONGRESS.

''The Director shall annually submit a written report to the President and Congress covering expenditures, contributions, work, and accomplishments of the Federal Emergency Management Agency pursuant to this title, accompanied by such recommendations as the Director shall deem appropriate.

"SEC. 626. APPLICABILITY OF TITLE.

''The provisions of this title shall be applicable to the United States, its States, Territories and possessions, and the District of Columbia, and their political subdivisions.

"SEC. 627. AUTHORIZATION OF APPROPRIATIONS AND TRANSFERS OF FUNDS.

''There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title. Funds made available for the purposes of this title may be allocated or transferred for any of the purposes of this title, with the approval of the Bureau of the Budget, to any agency or government corporation designated to assist in carrying out this title. Each such allocation or transfer shall be reported in full detail to the Congress within thirty days after such allocation or transfer.

"SEC. 628. ATOMIC ENERGY ACT OF 1946.

''Nothing in this title shall be construed to amend or modify the provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

"SEC. 629. FEDERAL BUREAU OF INVESTIGATION.

''Nothing in this title shall be construed to authorize investigations of espionage, sabotage, or subversive acts by any persons other than personnel of the Federal Bureau of Investigation.

"SEC. 630. SEPARABILITY.

''If any provision of this title or the application of such provision to any person or circumstances shall be held invalid, the remainder of the title, and the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

"SEC. 631. APPLICABILITY OF REORGANIZATION PLAN NUMBERED 1.

''The applicability of Reorganization Plan Numbered 1 of 1958 (23 F.R. 4991) shall extend to any amendment of this title except as otherwise expressly provided in such amendment.''.

(b) CONFORMING REPEAL.—The Act entitled ''An Act to authorize a Federal civil defense program, and for other purposes.'', approved January 12, 1951 (50 U.S.C. App. 2251 et seq.), is repealed.

(c) CONFORMING AMENDMENTS.—(1) Section 202(c) of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5132(c)) is amended by striking ''section 201(c) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281(c)),'' and inserting ''section 611(c) of this Act''.

(2) The undesignated paragraph under the heading ''CIVIL DEFENSE PROCUREMENT FUND'' in chapter XI of the Third Supplemental Appropriation Act, 1951 (50 U.S.C. App. 2264; 65 Stat. 61) is repealed.

(3) Section 813(d) of the Agricultural Act of 1970 (7 U.S.C. 1427a(d)) is amended by striking out ''the provisions of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251–2297).'' and inserting in lieu thereof ''title VI of The Robert T. Stafford Disaster Relief and Emergency Assistance Act.''.

TITLE XXXV—NAVAL PETROLEUM RESERVES

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy $199,456,000 for fiscal year 1995 for the purpose of carry out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title). Funds

appropriated pursuant to such authorization shall remain available until expended.

SEC. 3502. PRICE REQUIREMENT ON SALE OF CERTAIN PETROLEUM DURING FISCAL YEAR 1995.

During fiscal year 1995, any sale of any part of the United States share of petroleum produced from Naval Petroleum Reserves Numbered 1, 2, and 3 shall be made at the price prescribed by section 7430(b)(2)(A) of title 10, United States Code.

Attest:

Clerk.

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S 2182 EAH——3

S 2182 EAH——4

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