Mr. JONES of Georgia, Mr. EMERSON, Mr. BRUCE, Mr. BRYANT, Mr. OWENS of New York, Mr. FISH, Mr. ROE, Mr. MCNULTY, and Mr. MAZZOLI.

H.R. 5155: Mr. SKEEN.

H.R. 5209: Mr. KOPETSKI, Mr. RANGEL, and Mr. TOWNS.

H.R. 5216: Mr. PASTOR.

H.R. 5254: Mr. STAGGERS, Mr. JONES of Georgia, Mr. BREWSTER, Mr. HARRIS, Mr. JENKINS, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.

H.R. 5269: Mr. LAROCCO.

H.J. Res. 107: Mr. RINALDO, Mr. ANDREWS of New Jersey, Mr. LAUGHLIN, and Mr. DELAY.

H.J. Res. 143: Mr. JOHNSON of Texas, Mr. HOLLOWAY, and Mr. DUNCAN.

H.J. Res. 237: Mr. HERTEL, Mr. KILDEE, Mr. PURSELL, Mr. DYMALLY, Mr. GUARINI, and Mr. MCDERMOTT.

H.J. Res. 271: Mr. WALSH, Mr. STARK, Ms. WATERS, Mr. BERMAN, Mr. LIVINGSTON, and Mr. GILLMOR.

H.J. Res. 336: Mrs. BOXER and Mr. HAYES of Illinois.

H.J. Res. 357: Mr. OXLEY.

H.J. Res. 459: Mr. BOUCHER, Mr. BREWSTER, Mr. BROOKS, Mr. DELLUMS, Mr. DOOLITTLE, Mr. ECKART, Mr. FLAKE, Mr. GEJDENSON, Mr. HERTEL, Mr. HUNTER, Mr. JENKINS, Mr. LANTOS, Mr. MANTON, Mr. MCHUGH, Mrs. MORELLA, Mr. MURPHY, Mr. OWENS of Utah, Mr. PAYNE of New Jersey, Mr. PETERSON of Minnesota, Mr. PICKETT, Mr. POSHARD, Mr. SANDERS, Mr. SOLARZ, Mr. SOLOMON, Mrs. UNSOELD, and Mr. WAXMAN.

H.J. Res. 478: Mr. HAYES of Illinois, Mr. LUKEN, Ms. DELAURO, and Ms. MOLINARI.

H.J. Res. 480: Mr. ALLEN, Mr. ARMEY, Mr. BALLENGER, Mr. BARTON of Texas, Mr. BATEMAN, Mr. BOEHNER, Mr. BUNNING, Mr. COMBEST, Mr. CRANE, Mr. CUNNINGHAM, Mr. DANNEMEYER, Mr. DELAY, Mr. DOOLITTLE, Mr. DORNAN of California, Mr. EMERSON, Mr. FRANKS of Connecticut, Mr. HANCOCK, Mr. HANSEN, Mr. HASTERT, Mr. HEFLEY, Mr. HERGER, Mr. HOUGHTON, Mr. HUNTER, Mr. INHOLFE, Mr. JOHNSON of Texas, Mr. LIVINGSTON, Mr. PACKARD, Mr. RHODES, Mr. SMITH of New Jersey, Mr. ZELIFF.

H.J. Res. 495: Mr. VENTO and Mr. PAYNE of Virginia.

H. Con. Res. 42: Mr. BUSTAMANTE.

H. Con. Res. 210: Mr. CAMPBELL of California.

H. Con. Res. 232: Mr. BEREUTER.

H. Con. Res. 246: Mr. KENNEDY, Mr. SISISKY, Mr. TAYLOR of Mississippi, Mr. HOAGLAND, Mr. WATERS, Mr. TRAFICANT, Mr. ANNUNZIO, Mr. CAMPBELL of Colorado, Mr. HEFNER, and Mr. COOPER.

H. Con. Res. 276: Ms. DELAURO, Mr. WOLPE, Mr. ALEXANDER, and Mr. RAY.

H. Con. Res. 282: Mr. COSTELLO, Mr. PASTOR, Mr. SANGMEISTER, and Mr. HOYER.

H. Con. Res. 309: Mr. CONDIT and Mr. OLIN.

H. Con. Res. 316: Mr. LIPINSKI, Mr. ENGEL, Mr. FROST, Mr. RICHARDSON, Mr. FEIGHAN, Mr. GOSS, Mr. WOLPE, Mr. ERDREICH, and Mr. ALEXANDER.

H. Res. 399: Mr. SOLOMON, Mr. JEFFERSON, and Mr. STUMP.

H. Res. 448: Mr. LIPINSKI and Mr. JOHNSON of South Dakota.

H. Res. 472: Mr. ROHRABACHER, Mr. CLINGER, Mr. HANSEN, Mr. PARKER, Mr. POSHARD, and Mr. JAMES.

¶65.36 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1790: Mr. HAYES of Louisiana.

FRIDAY, JUNE 5, 1992 (66)

¶66.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. MONTGOMERY, who laid before the House the following communication:

WASHINGTON, DC,
June 5, 1992.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

¶66.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. MONTGOMERY, announced he had examined and approved the Journal of the proceedings of Thursday, June 4, 1992.

Pursuant to clause 1, rule I, the Journal was approved.

¶66.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

3685. A letter from the Secretary, Department of Agriculture, transmitting a draft proposed legislation to amend the Housing Act of 1949 to provide a Rural Housing Voucher Program; to the Committee on Banking, Finance and Urban Affairs.

3686. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to India, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3687. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 9–222, ''District of Columbia Procurement Practices Act of 1985 Council Contract Approval Procedures Amendment Act of 1992,'' pursuant to D.C. Code, section 1–233(c)(i); to the Committee on the District of Columbia.

3688. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Donald Burnham Ensenat, of Louisiana, to be Ambassador to Brunei Darussalam; Henry Lee Clarke, of California, to be Ambassador to the Republic of Uzbekistan; John Frank Bookout, Jr., of Texas, to be Ambassador to the Kingdom of Saudi Arabia; Edward Hurwitz, of the District of Columbia, to be Ambassador to the Republic of Kyrgyzstan; Joseph Monroe Segars, of Pennsylvania, to be Ambassador of the Republic of Cape Verde, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3689. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report of the inspector general for the period October 1, 1991 through March 31, 1992, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3690. A letter from the Chairman, Federal Housing Finance Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3691. A letter from the Secretary of Labor, transmitting a copy of the semiannual management report for the period October 1, 1991 through March 31, 1992, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

¶66.4 DOD AUTHORIZATION

The SPEAKER pro tempore, Mr. MONTGOMERY, pursuant to House Resolution 474 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes.

The Acting Chairman, Mr. SANGMEISTER, assumed the Chair; and after some time spent therein,

¶66.5 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. DELLUMS:

Strike out sections 232 and 233 (page 39, line 19, through page 43, line 8) and insert in lieu thereof the following:

SEC. 232. STRATEGIC DEFENSE INITIATIVE LIMITATIONS.

(a) REPEAL OF MISSILE DEFENSE ACT OF 1991.—The Missile Defense Act of 1991 (part C of title II of Public 102–190) is repealed.

(b) TERMINATION OF SDIO.—The Secretary of Defense shall terminate the organization within the Department of Defense known as the Strategic Defense Initiative Organization and shall reassign the functions of that organization to the military departments and the Defense Agencies as the Secretary considers appropriate.

(c) SDI FUNCTIONS LIMITED TO BASIC RESEARCH.—Funds appropriated or otherwise made available for the Strategic Defense Initiative for fiscal year 1993 may only be obligated for basic research programs.

(d) FISCAL YEAR 1993 FUNDING.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for fiscal year 1993 for research, development, test, and evaluation, not more than $1,200,000,000 may be obligated for the Strategic Defense Initiative. The amount provided in section 201 for the Defense Agencies is hereby reduced by $1,039,775,000.

It was decided in the negative ..... { Yeas ..... 117 / Nays 248

¶66.6 [Roll No. 168]

AYES—117

Andrews (ME)	Evans	Mazzoli
Applegate	Foglietta	McDermott
Atkins	Ford (TN)	McHugh
AuCoin	Frank (MA)	Mfume
Blackwell	Gejdenson	Mineta
Bonior	Gephardt	Moakley
Boxer	Glickman	Moody
Bruce	Gonzalez	Mrazek
Bryant	Hall (OH)	Murphy
Carper	Hayes (IL)	Nagle
Clay	Hochbrueckner	Neal (MA)
Collins (MI)	Horn	Nowak
Condit	Jacobs	Oberstar
Conyers	Jontz	Obey
Cox (IL)	Kanjorski	Olver
Coyne	Kennedy	Owens (NY)
DeFazio	Kildee	Panetta
Dellums	Kleczka	Pastor
Donnelly	Kopetski	Payne (NJ)
Dooley	Kostmayer	Pease
Dorgan (ND)	LaFalce	Penny
Downey	Leach	Perkins
Durbin	Levin (MI)	Peterson (MN)
Dwyer	Long	Poshard
Early	Lowey (NY)	Rahall
Eckart	Markey	Rangel
Edwards (CA)	Martinez	Reed
Engel	Matsui	Rose
Espy	Mavroules	Roybal

Russo
Sabo
Sanders
Savage
Sawyer
Schroeder
Schumer
Serrano
Shays
Sikorski
Skaggs
Slaughter
Smith (FL)
Solarz
Staggers
Stark
Stokes
Studds
Swift
Synar
Towns
Traficant
Vento
Washington
Waters
Waxman
Weiss
Wheat
Wyden
Yates

NOES—248

Allard
Allen
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Archer
Armey
Aspin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Borski
Boucher
Brewster
Browder
Bunning
Burton
Callahan
Camp
Cardin
Carr
Chandler
Chapman
Clement
Coble
Coleman (MO)
Coleman (TX)
Combest
Cooper
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Darden
Davis
DeLauro
DeLay
Derrick
Dickinson
Dicks
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Ewing
Fascell
Fawell
Fazio
Fish
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Gordon
Goss
Gradison
Grandy
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Henry
Hoagland
Hobson
Holloway
Hopkins
Horton
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (NC)
Kaptur
Kasich
Kennelly
Klug
Kolbe
Kyl
Lagomarsino
Lancaster
Lantos
LaRocco
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Lloyd
Lowery (CA)
Machtley
Manton
Marlenee
Martin
McCandless
McCloskey
McCollum
McCrery
McCurdy
McEwen
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Natcher
Neal (NC)
Nussle
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Petri
Pickett
Pickle
Price
Quillen
Ramstad
Ravenel
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Rowland
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shaw
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Upton
Valentine
Visclosky
Volkmer
Walker
Walsh
Weber
Weldon
Wilson
Wise
Wolf
Wylie
Yatron
Young (FL)
Zeliff
Zimmer

NOT VOTING—69

Abercrombie
Ackerman
Alexander
Anthony
Beilenson
Brooks
Broomfield
Brown
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Clinger
Collins (IL)
Dannemeyer
de la Garza
Dingell
Dixon
Dymally
Feighan
Fields
Flake
Ford (MI)
Gaydos
Gibbons
Green
Hatcher
Hefner
Herger
Hertel
Hubbard
Ireland
Jones (GA)
Kolter
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levine (CA)
Lewis (GA)
Livingston
Luken
McDade
Miller (CA)
Miller (WA)
Mink
Morella
Morrison
Nichols
Oakar
Olin
Patterson
Pelosi
Porter
Pursell
Ray
Rostenkowski
Roth
Scheuer
Thomas (CA)
Torres
Traxler
Unsoeld
Vander Jagt
Vucanovich
Whitten
Williams
Wolpe
Young (AK)

So the amendment was not agreed to.

After some further time,

¶66.7 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. DURBIN:

At the end of title II (page 44, after line 20), insert the following new section:

SEC. 235. STRATEGIC DEFENSE INITIATIVE FUNDING LEVEL.

The amount provided in section 201 for the Defense Agencies and the amount provided in section 232 for the Strategic Defense Initiative are each hereby reduced by $937,500,000.

It was decided in the negative ..... { Yeas ..... 161 / Nays 211

¶66.8 [Roll No. 169]

AYES—161

Abercrombie
Andrews (ME)
Applegate
Atkins
AuCoin
Bennett
Berman
Blackwell
Bonior
Boucher
Boxer
Bruce
Bryant
Cardin
Carper
Carr
Clay
Collins (MI)
Condit
Conyers
Cox (IL)
Coyne
DeFazio
DeLauro
Dellums
Derrick
Donnelly
Dooley
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Engel
Espy
Evans
Fazio
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Goodling
Gordon
Hall (OH)
Hayes (IL)
Hochbrueckner
Horn
Hughes
Jacobs
Jefferson
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kildee
Kleczka
Klug
Kostmayer
LaFalce
LaRocco
Leach
Levin (MI)
Long
Lowey (NY)
Manton
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McDermott
McHugh
Mfume
Mineta
Moakley
Moody
Moran
Mrazek
Murphy
Nagle
Neal (MA)
Neal (NC)
Nowak
Nussle
Oakar
Oberstar
Obey
Olver
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Payne (NJ)
Pease
Penny
Perkins
Peterson (FL)
Peterson (MN)
Poshard
Price
Rahall
Rangel
Reed
Ridge
Rose
Roukema
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Schroeder
Schumer
Sensenbrenner
Serrano
Shays
Sikorski
Skaggs
Slattery
Slaughter
Smith (FL)
Solarz
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Thomas (WY)
Torres
Towns
Traficant
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Wise
Wyden
Yates

NOES—211

Alexander
Allard
Allen
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Archer
Armey
Aspin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Borski
Brewster
Browder
Bunning
Burton
Callahan
Camp
Campbell (CO)
Chandler
Chapman
Clement
Coble
Coleman (MO)
Coleman (TX)
Combest
Cooper
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Darden
Davis
DeLay
Dickinson
Dicks
Doolittle
Dornan (CA)
Dreier
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Ewing
Fascell
Fawell
Fish
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goss
Gradison
Grandy
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Henry
Hoagland
Hobson
Holloway
Hopkins
Horton
Houghton
Hoyer
Huckaby
Hunter
Hutto
Hyde
Inhofe
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Kasich
Kennelly
Kolbe
Kyl
Lagomarsino
Lancaster
Lantos
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Lloyd
Lowery (CA)
Machtley
Martin
McCandless
McCloskey
McCollum
McCrery
McCurdy
McEwen
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Natcher
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pickle
Quillen
Ramstad
Ravenel
Regula
Rhodes
Richardson
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sharp
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swett
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thornton
Torricelli
Upton
Walker
Walsh
Weber
Weldon
Wilson
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—62

Ackerman
Anthony
Beilenson
Brooks
Broomfield
Brown
Bustamante
Byron
Campbell (CA)
Clinger
Collins (IL)
Dannemeyer
de la Garza
Dingell
Dixon
Dymally
Feighan
Fields
Flake
Gaydos
Green
Hatcher
Hefner
Herger
Hertel
Hubbard
Ireland
Jones (GA)
Kolter
Kopetski
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levine (CA)
Lewis (GA)
Livingston
Luken
McDade
Miller (CA)
Miller (WA)
Mink
Morella
Morrison
Nichols
Olin
Patterson
Pelosi
Porter
Pursell
Ray
Rostenkowski
Roth
Scheuer
Thomas (CA)
Traxler
Unsoeld
Vander Jagt
Vucanovich
Whitten
Williams
Wolpe

So the amendment was not agreed to.

After some further time,

¶66.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. ANDREWS of Maine:

Strike out section 141 (page 15, line 18, through page 18, line 19) and insert in lieu thereof the following:

SEC. 141. TERMINATION OF NEW PRODUCTION OF B–2 AIRCRAFT.

(a) PRODUCTION TERMINATION.—Funds appropriated for the Department of Defense for fiscal years after fiscal year 1991 may not be obligated or expended to commerce production of any B–2 aircraft.

(b) AUTHORIZED SCOPE OF B–2 PROGRAM.—Amounts appropriated for the Department of Defense may be expended for the B–2 aircraft program only—

(1) for the completion of production of the 15 deployable B–2 aircraft for which production was commenced with funds appropriated for a fiscal year before fiscal year 1992;

(2) for research, development, test, and evaluation, including flight testing; and

(3) for military construction associated with the deployment of the 15 B–2 aircraft referred to in paragraph (1).

(c) REDUCTION IN FUNDING.—The amount authorized in section 103 for procurement of aircraft for the Air Force is hereby reduced by $2,686,572,000, to be derived from the B–2 aircraft program.

It was decided in the negative ..... { Yeas ..... 162 / Nays 212

¶66.10 [Roll No. 170]

AYES—162

Abercrombie	Jacobs	Perkins
Andrews (ME)	Jefferson	Peterson (MN)
Applegate	Johnson (SD)	Petri
Atkins	Johnston	Poshard
AuCoin	Jontz	Price
Bacchus	Kennedy	Rahall
Bennett	Kennelly	Ramstad
Bereuter	Kildee	Rangel
Berman	Kleczka	Reed
Blackwell	Klug	Richardson
Bonior	Kopetski	Ridge
Boucher	Kostmayer	Riggs
Boxer	LaFalce	Roemer
Bruce	Lantos	Roukema
Campbell (CO)	LaRocco	Russo
Cardin	Leach	Sabo
Clay	Levin (MI)	Sanders
Clement	Lipinski	Sangmeister
Coble	Long	Santorum
Collins (MI)	Lowey (NY)	Savage
Condit	Manton	Sawyer
Conyers	Markey	Schiff
Cox (IL)	Mavroules	Schroeder
Coyne	Mazzoli	Schulze
DeFazio	McCloskey	Schumer
DeLauro	McDermott	Sensenbrenner
Dellums	McHugh	Serrano
Derrick	McNulty	Sharp
Donnelly	Meyers	Shays
Dorgan (ND)	Mfume	Sikorski
Duncan	Mineta	Skaggs
Durbin	Moakley	Slaughter
Early	Moody	Smith (FL)
Edwards (CA)	Mrazek	Snowe
Engel	Murphy	Solarz
Espy	Nagle	Staggers
Evans	Neal (MA)	Stallings
Fish	Nowak	Stark
Flake	Nussle	Stokes
Foglietta	Oakar	Studds
Ford (TN)	Oberstar	Swett
Frank (MA)	Obey	Swift
Gejdenson	Olver	Synar
Gibbons	Orton	Tallon
Gordon	Owens (NY)	Towns
Guarini	Owens (UT)	Traficant
Hall (OH)	Panetta	Traxler
Hayes (IL)	Pastor	Vento
Henry	Payne (NJ)	Visclosky
Holloway	Payne (VA)	Washington
Horn	Pease	Waters
Hughes	Penny	Waxman
Weiss	Wise	Yates
Wheat	Wyden	Zimmer

NOES—212

Allard	Gephardt	Murtha
Allen	Geren	Myers
Anderson	Gilchrest	Natcher
Andrews (NJ)	Gillmor	Neal (NC)
Andrews (TX)	Gilman	Ortiz
Annunzio	Gingrich	Oxley
Archer	Glickman	Packard
Armey	Gonzalez	Pallone
Aspin	Goodling	Parker
Baker	Goss	Paxon
Ballenger	Gradison	Peterson (FL)
Barnard	Grandy	Pickett
Barrett	Gunderson	Pickle
Barton	Hall (TX)	Quillen
Bateman	Hamilton	Ravenel
Bentley	Hancock	Ray
Bevill	Hansen	Regula
Bilbray	Harris	Rhodes
Bilirakis	Hastert	Rinaldo
Bliley	Hayes (LA)	Ritter
Boehlert	Hefley	Roberts
Boehner	Hoagland	Rogers
Borski	Hobson	Rohrabacher
Brewster	Hochbrueckner	Ros-Lehtinen
Browder	Hopkins	Rose
Bryant	Horton	Rowland
Bunning	Houghton	Roybal
Burton	Hoyer	Sarpalius
Callahan	Huckaby	Saxton
Camp	Hunter	Schaefer
Carper	Hutto	Shaw
Carr	Hyde	Shuster
Chandler	Inhofe	Sisisky
Chapman	James	Skeen
Coleman (MO)	Jenkins	Skelton
Coleman (TX)	Johnson (CT)	Slattery
Combest	Johnson (TX)	Smith (IA)
Cooper	Jones (NC)	Smith (NJ)
Costello	Kanjorski	Smith (OR)
Coughlin	Kaptur	Smith (TX)
Cox (CA)	Kasich	Solomon
Cramer	Kolbe	Spence
Crane	Kyl	Spratt
Cunningham	Lagomarsino	Stearns
Darden	Lancaster	Stenholm
Davis	Lewis (CA)	Stump
DeLay	Lewis (FL)	Sundquist
Dickinson	Lightfoot	Tanner
Dicks	Lloyd	Tauzin
Dixon	Lowery (CA)	Taylor (MS)
Dooley	Machtley	Taylor (NC)
Doolittle	Marlenee	Thomas (GA)
Dornan (CA)	Martin	Thomas (WY)
Downey	Martinez	Thornton
Dreier	Matsui	Torres
Dwyer	McCandless	Torricelli
Eckart	McCollum	Upton
Edwards (OK)	McCrery	Valentine
Edwards (TX)	McCurdy	Volkmer
Emerson	McDade	Walker
English	McEwen	Walsh
Erdreich	McGrath	Weber
Ewing	McMillan (NC)	Weldon
Fascell	McMillen (MD)	Wilson
Fawell	Michel	Wolf
Fazio	Miller (OH)	Wylie
Franks (CT)	Molinari	Yatron
Frost	Mollohan	Young (AK)
Gallegly	Montgomery	Young (FL)
Gallo	Moorhead	Zeliff
Gekas	Moran	

NOT VOTING—60

Ackerman	Green	Mink
Alexander	Hammerschmidt	Morella
Anthony	Hatcher	Morrison
Beilenson	Hefner	Nichols
Brooks	Herger	Olin
Broomfield	Hertel	Patterson
Brown	Hubbard	Pelosi
Bustamante	Ireland	Porter
Byron	Jones (GA)	Pursell
Campbell (CA)	Kolter	Roe
Clinger	Laughlin	Rostenkowski
Collins (IL)	Lehman (CA)	Roth
Dannemeyer	Lehman (FL)	Scheuer
de la Garza	Lent	Thomas (CA)
Dingell	Levine (CA)	Unsoeld
Dymally	Lewis (GA)	Vander Jagt
Feighan	Livingston	Vucanovich
Fields	Luken	Whitten
Ford (MI)	Miller (CA)	Williams
Gaydos	Miller (WA)	Wolpe

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. HOYER, assumed the Chair.

When Mr. COX of Illinois, Acting Chairman, pursuant to House Resolution 474, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

Mr. SOLOMON demanded a separate vote on the amendment on page 202, line 23 (the FRANK amendment).

The question being put, viva voce,

Will the House agree to the following amendment on which a separate vote had been demanded?

At the end of title X (page 202, after line 23), insert the following new section:

SEC. . REDUCTIONS FOR ACCELERATED WITHDRAWAL OF UNITED STATES FORCES FROM EUROPE, JAPAN, AND KOREA OR INCREASED HOST-NATION SUPPORT.

(a) OVERALL AUTHORIZATION REDUCTION.—The total amount authorized to be appropriated by this Act for fiscal year 1993 is the sum of the separate authorizations contained in this Act for that fiscal year reduced by $3,500,000.

(b) TROOPS IN EUROPE, JAPAN, AND KOREA.—Reductions in amounts authorized to be appropriated to the Department of Defense to achieve the overall reduction required by subsection (a) may only be made from funds for programs, projects, and activities for the support of United States forces assigned to or stationed in Europe, Japan, or Korea. The effect on those programs, projects, and activities of such reductions in amounts authorized to be appropriated may be accounted for through either or a combination of the following:

(1) Increases in the level of host-nation support.

(2) Accelerated withdrawal of United States forces or equipment assigned to or stationed in Europe, Japan, or Korea.

The SPEAKER pro tempore, Mr. HOYER, announced that the yeas had it.

Mr. SOLOMON demanded a recorded vote on agreeing to said amendment, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 202 / Nays 164

¶66.11 [Roll No. 171]

AYES—202

Abercrombie	Clement	Evans
Allard	Coble	Ewing
Andrews (ME)	Collins (MI)	Fawell
Annunzio	Condit	Flake
Applegate	Conyers	Foglietta
Atkins	Costello	Ford (MI)
AuCoin	Cox (IL)	Ford (TN)
Bacchus	Coyne	Frank (MA)
Ballenger	DeFazio	Frost
Bennett	DeLauro	Gejdenson
Berman	Dellums	Gephardt
Blackwell	Derrick	Gilchrest
Bonior	Dixon	Glickman
Borski	Donnelly	Gonzalez
Boucher	Dooley	Gordon
Boxer	Dorgan (ND)	Goss
Brewster	Downey	Grandy
Bruce	Duncan	Guarini
Bryant	Durbin	Gunderson
Camp	Early	Hall (OH)
Cardin	Eckart	Hayes (IL)
Carper	Edwards (CA)	Henry
Carr	Engel	Hobson
Chapman	English	Hochbrueckner
Clay	Espy	Horn

Hughes
Jacobs
James
Jefferson
Jenkins
Johnson (SD)
Johnston
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Klug
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Leach
Levin (MI)
Lipinski
Lowey (NY)
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McMillen (MD)
McNulty
Mfume
Mineta
Moakley
Mollohan
Moody
Mrazek
Murphy
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oakar
Oberstar
Obey
Olver
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Payne (NJ)
Penny
Perkins
Peterson (FL)
Peterson (MN)
Poshard
Price
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Ridge
Ritter
Roemer
Rohrabacher
Rose
Roukema
Roybal
Sabo
Sanders
Sangmeister
Savage
Sawyer
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shays
Sikorski
Slattery
Slaughter
Smith (FL)
Snowe
Solarz
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Torres
Torricelli
Towns
Traficant
Upton
Vento
Visclosky
Walker
Washington
Waters
Waxman
Weiss
Wheat
Wise
Wyden
Wylie
Yates
Yatron
Zimmer

NOES—164

Allen
Anderson
Andrews (NJ)
Andrews (TX)
Archer
Armey
Aspin
Baker
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Browder
Bunning
Burton
Callahan
Coleman (MO)
Coleman (TX)
Combest
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Darden
Davis
DeLay
Dickinson
Dicks
Doolittle
Dornan (CA)
Dreier
Edwards (OK)
Edwards (TX)
Emerson
Erdreich
Fascell
Fazio
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gibbons
Gillmor
Gilman
Gingrich
Goodling
Gradison
Hall (TX)
Hamilton
Hancock
Hansen
Harris
Hastert
Hefley
Hoagland
Hopkins
Houghton
Hoyer
Huckaby
Hunter
Hutto
Hyde
Inhofe
Johnson (CT)
Johnson (TX)
Jones (NC)
Kasich
Kleczka
Kolbe
Kyl
Lagomarsino
Lancaster
Lewis (CA)
Lewis (FL)
Lightfoot
Lloyd
Long
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McHugh
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Montgomery
Moorhead
Moran
Murtha
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Pease
Petri
Pickett
Pickle
Quillen
Ravenel
Ray
Rhodes
Riggs
Rinaldo
Roberts
Rogers
Ros-Lehtinen
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schulze
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Spratt
Stearns
Stump
Sundquist
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Valentine
Volkmer
Walsh
Weber
Weldon
Whitten
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—68

Ackerman
Alexander
Anthony
Beilenson
Brooks
Broomfield
Brown
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Chandler
Clinger
Collins (IL)
Cooper
Dannemeyer
de la Garza
Dingell
Dwyer
Dymally
Feighan
Fields
Gaydos
Green
Hammerschmidt
Hatcher
Hayes (LA)
Hefner
Herger
Hertel
Holloway
Horton
Hubbard
Ireland
Jones (GA)
Kolter
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levine (CA)
Lewis (GA)
Livingston
Luken
Miller (CA)
Miller (WA)
Mink
Morella
Morrison
Nichols
Olin
Patterson
Pelosi
Porter
Pursell
Roe
Rostenkowski
Roth
Russo
Scheuer
Thomas (CA)
Thornton
Traxler
Unsoeld
Vander Jagt
Vucanovich
Williams
Wolpe

So the amendment was agreed to.

The following amendment, as amended, was then agreed to:

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 1993''.

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

(a) DIVISIONS.—This Act is organized into four 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.

(4) Division D—Defense Reinvestment for Economic Growth.

(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

TITLE I—PROCUREMENT

Subtitle A—Funding Authorizations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense Agencies.
Sec. 105. Defense Inspector General.
Sec. 106. Reserve components.
Sec. 107. Chemical demilitarization program.
Sec. 108. Limitation on shipbuilding and conversion.

Subtitle B—Army Programs

Sec. 111. M–1 Abrams tank program.
Sec. 112. Procurement of AHIP scout helicopters.

Subtitle C—Air Force Programs

Sec. 141. B–2 bomber aircraft program.
Sec. 142. C–135 aircraft program modifications.
Sec. 143. Live-fire survivability testing of C–17 aircraft.
Sec. 144. Correction of fuel leaks on C–17 production aircraft.
Sec. 145. C–17 aircraft program review.
Sec. 146. Post-start ICBM basing plan.

Subtitle D—Chemical Demilitarization Program

Sec. 171. Revision in stockpile elimination deadline.
Sec. 172. Chemical Demilitarization Advisory Commission.
Sec. 173. Alternative disposal program for low-volume sites.
Sec. 174. Revised chemical weapons disposal concept plan.
Sec. 175. Chemical weapons disposal technology consultation and exchange program.
Sec. 176. Technical amendments to section 1412.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorizations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic research and exploratory development.
Sec. 203. Manufacturing technology development.
Sec. 204. Endowment for Defense Industrial Cooperation.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. V–22 Osprey aircraft program.
Sec. 212. Department of Defense Comptroller.
Sec. 213. Extension of prohibition on testing Mid-Infrared Advanced Chemical Laser against an object in space.
Sec. 214. P–3 maritime patrol aircraft modernization program.
Sec. 215. Tactical aviation programs.
Sec. 216. One-year delay in transfer of management responsibility for Navy mine countermeasures program.
Sec. 217. Light Armored Vehicle–105 Millimeter Gun (LAV–105) program.
Sec. 218. Semiconductor cooperative research program.
Sec. 219. Advanced research projects.
Sec. 220. Flexible Computer Integrated Manufacturing Program.
Sec. 221. Superconducting Magnetic Energy Storage Project.
Sec. 222. Restriction on use of funds for nonvalidated biowarfare threats.
Sec. 223. Joint Remotely Piloted Vehicles program.
Sec. 224. Charged Particle Beam program.
Sec. 225. Medical information demonstration program.

Subtitle C—Missile Defense Programs

Sec. 231. Theater Missile Defense Initiative.
Sec. 232. Strategic Defense Initiative funding.
Sec. 233. Revision of the Missile Defense Act of 1991.
Sec. 234. Development and testing of anti-ballistic missile systems or components.

Subtitle D—Joint Research and Development Programs

Sec. 241. Programs with states of former Soviet Union.
Sec. 242. Funding.
Sec. 243. Reports.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorizations of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Humanitarian assistance.

Subtitle B—Limitations

Sec. 311. Prohibition on use of funds to pay for certain patron services at commissary stores.
Sec. 312. Prohibition on the use of certain funds for Pentagon Reservation.
Sec. 313. Prohibition on the use of funds for certain service contracts.

Subtitle C—Environmental Provisions
Sec. 321. Extension of reimbursement requirement for contractors handling hazardous wastes from defense facilities.
Sec. 322. Extension of prohibition on use of environmental restoration funds for payment of fines and penalties.
Sec. 323. Pilot program for expedited environmental response actions.
Sec. 324. Overseas environmental compliance.
Subtitle D—Defense Business Operations Fund
Sec. 331. Limitations on the use of Defense Business Operations Fund.
Sec. 332. Capital asset subaccount.
Sec. 333. Prohibition on management of commissary funds through Defense Business Operations Fund.
Subtitle E—Depot-Level Activities
Sec. 341. Competitive bidding for tactical missile maintenance.
Sec. 342. Limitations on the performance of depot-level maintenance of materiel.
Sec. 343. Requirement of competition for the performance of workloads previously performed by depot-level activities of the Department of Defense.
Sec. 344. Requirement of comparable offering from private contractor contracts and Department of Defense contracts for contracts offered for competition.
Sec. 345. Expansion of competition pilot program.
Subtitle F—Commissaries and Military Exchanges
Sec. 351. Standardization of certain programs and activities of military exchanges.
Sec. 352. Accountability regarding the financial management and use of nonappropriated funds.
Sec. 353. Demonstration program for the operation of certain commissary stores by nonappropriated fund instrumentalities.
Sec. 354. Repeal of limitations on release of information regarding sales at commissary stores.
Sec. 355. Use of commissary stores by members of the Ready Reserve.
Subtitle G—Other Matters
Sec. 361. Extension of certain guidelines for reductions in the number of civilian positions in the Department of Defense.
Sec. 362. Annual inventory report.
Sec. 363. Transportation of donated military artifacts.
Sec. 364. Subcontracting authority for Air Force and Navy depots.
Sec. 365. Prohibition on payment of severance pay to certain foreign nationals in the Philippines.
Sec. 366. Repeal of limitation on prohibition of payment of certain foreign severance costs.
Sec. 367. Reports on overseas basing.
Sec. 368. Defense burdensharing.
Sec. 369. Consideration of vessel location for the award of layberth contracts for sealift vessels.
Sec. 370. Pilot program to use National Guard medical personnel in areas containing medically underserved populations.
Sec. 371. Authority for the issue of uniforms without charge to members of the Armed Forces.
Sec. 372. Reporting requirement for funding requests for support of sporting events.
Sec. 373. Consideration of community ability to compete for the relocation of finance and accounting activities.
Sec. 374. Program to commemorate World War II.
Sec. 375. Extension of demonstration project for the use of proceeds from the sale of certain lost, abandoned, or unclaimed personal property.
Sec. 376. Army program to promote civilian marksmanship.
Sec. 377. Extension of authority to transfer excess personal property.
TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS
Subtitle A—Active Forces
Sec. 401. End strengths for active forces.
Subtitle B—Reserve Forces
Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserve components.
Sec. 413. Army National Guard force structure allowance.
Subtitle C—Military Training Student Loads
Sec. 421. Authorization of training student loads.
TITLE V—MILITARY PERSONNEL POLICY
Subtitle A—Officer Personnel Policy
Sec. 501. Repeal of requirement concerning initial commissioning of officers.
Sec. 502. Appointment of chiropractors as commissioned officers.
Sec. 503. Clarification of minimum service requirements for certain flight crew positions.
Sec. 504. Authority for temporary promotions of certain Navy lieutenants.
Subtitle B—Reserve Component Matters
Sec. 511. Pilot program for active component support of Reserves.
Sec. 512. Repeal of requirement for removal of full-time Reserve personnel from ROTC duty.
Sec. 513. One-year extension of certain Reserve officer management programs.
Sec. 514. Preference in Guard and Reserve affiliation for voluntarily separated members.
Sec. 515. Technical correction and codification of requirement of baccalaureate degree for appointment or promotion of Reserve officers to grades above first lieutenant or lieutenant (junior grade).
Sec. 516. Disability retired or severance pay for Reserve members disabled while traveling to or from training.
Sec. 517. Service credit for concurrent enlisted active duty service performed by ROTC members while in the Selected Reserve.
Subtitle C—Education and Training
Sec. 521. Prohibition on participation of Reserve personnel in Air Force pilot training courses.
Sec. 522. ROTC scholarships for National Guard.
Sec. 523. Junior Reserve Officers' Training Corps program.
Subtitle D—Miscellaneous
Sec. 531. Authority for military school faculty members and students to accept honoraria for certain scholarly and academic activities.
Sec. 532. Authority of the United States Military Academy to confer the degree of master of arts in leadership development.
Sec. 533. Payment for leave accrued and lost by Korean Conflict prisoners of war.
Sec. 534. Navy Craft of Opportunity (COOP) program.
Sec. 535. Air Reserve technicians.
Sec. 536. Mental Health Evaluations of members of Armed Forces.
Sec. 537. Use of Armed Forces insignia on State license plates.
Sec. 538. Award of Purple Heart to members killed or wounded in action by friendly fire.
TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS
Subtitle A—Pay and Allowances
Sec. 601. Military pay raise for fiscal year 1993.
Subtitle B—Bonuses and Special and Incentive Pays
Sec. 611. Clarification of authority to provide special pay for nonphysician health care providers.
Sec. 612. Extensions of authorities relating to payment of certain bonuses and other special pay.
Subtitle C—Travel and Transportation Allowances
Sec. 621. Temporary increase in the number of days a member may be reimbursed for temporary lodging expenses.
Subtitle D—Health Care Matters
Sec. 631. Improved conversion health policies as part of transitional medical care.
Sec. 632. Correction of omission in delay of increase of CHAMPUS deductibles related to Operation Desert Storm.
Sec. 633. Modification of CHAMPUS Reform Initiative contract.
Sec. 634. Conditions on expansion of CHAMPUS Reform Initiative to other locations.
Sec. 635. Managed health care network for Tidewater region of Virginia.
Sec. 636. Positive incentives under the Coordinated Care Program.
Sec. 637. Reproductive health services in medical facilities of the uniformed services outside the United States.
Sec. 638. Continuation of CHAMPUS coverage for certain Medicare participants.
Sec. 639. Comprehensive home health care services under CHAMPUS.
Sec. 640. Exception from Federal Acquisition Regulation for managed-care delivery and reimbursement model.
Subtitle E—Montgomery GI Bill Amendments
Sec. 641. Opportunity for certain persons to enroll in all-volunteer force educational assistance program.
Sec. 642. Educational assistance for graduate programs for members of the Selected Reserve.
Subtitle F—Miscellaneous
Sec. 651. Provision of temporary foster care services outside the United States for children of members of the Armed Forces.
Sec. 652. Voluntary separation incentive.
Sec. 653. Survivor Benefit Plan annuity.
Sec. 654. Modification to Survivor Benefit Plan open enrollment period.
TITLE VII—ARMY GUARD COMBAT REFORM INITIATIVE
Subtitle A—Deployability Enhancements
Sec. 701. Minimum percentage of prior active-duty personnel.

Sec. 702. Service in Selected Reserve in lieu of active-duty service.
Sec. 703. Preference in filling vacancies for persons separated from active forces.
Sec. 704. Review of officer promotions by commander of associated active duty unit.
Sec. 705. Noncommissioned officer education requirements.
Sec. 706. Transients, trainees, hospitals, and students account.
Sec. 707. Minimum physical deployability standards.
Sec. 708. Physical fitness assessments.
Sec. 709. Dental readiness of members of early deploying units.
Sec. 710. Combat unit training.
Sec. 711. Use of combat simulators.

Subtitle B—Assessment of National Guard Capability

Sec. 721. Deployability rating system.
Sec. 722. Inspections.

Subtitle C—Compatibility of Guard Units with Active Component Units

Sec. 731. Active duty associate unit responsibility.
Sec. 732. Training compatibility.
Sec. 733. Systems compatibility.
Sec. 734. Equipment compatibility.
Sec. 735. Deployment planning reform.
Sec. 736. Qualification for prior-service enlistment bonus.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Assistance Programs

Sec. 801. Codification of section 1207.
Sec. 802. Provisions relating to small disadvantaged businesses and small businesses.
Sec. 803. Clarification of calculation of contract goal.

Subtitle B—Miscellaneous Acquisition Policy Matters

Sec. 811. Repeal of procurement limitation on typewriters.
Sec. 812. Procurement limitation on ball bearings and roller bearings.
Sec. 813. Procurement limitation on fuel cells.
Sec. 814. Expansion and extension of authority under major defense acquisition pilot program.
Sec. 815. Acquisition workforce improvement.
Sec. 816. Certification of contract claims.
Sec. 817. Deadline for report on rights in technical data regulations.
Sec. 818. Limitation on sale of assets of certain defense contractor.
Sec. 819. Requirement to maintain list of persons convicted of defense-contract related felonies.
Sec. 820. Independent cost accounting in the Department of Defense.
Sec. 821. Debarment of persons convicted of fraudulent use of ''Made in America'' labels.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—General Matters

Sec. 901. Vice Chairman of the Joint Chiefs of Staff.
Sec. 902. Consolidation of criminal investigation functions.
Sec. 903. Repeal of requirement that deputies and assistants of the Inspector Generals of the Army and Air Force be officers of the Army or Air Force.
Sec. 904. Report on assignment of special operations forces.
Sec. 905. Fiscal year 1992 roles and missions report of Chairman of the Joint Chiefs of Staff.

Subtitle B—Professional Military Education

Sec. 921. Application of definition of principal course of instruction at the Armed Forces Staff College.
Sec. 922. Professional military education test program for reserve component officers of the Army.
Sec. 923. Support for professional military education.
Sec. 924. Foreign Language Center of the Defense Language Institute.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Closing of appropriation accounts available for indefinite periods.
Sec. 1003. Treatment of certain ''M'' account obligations.

Subtitle B—Naval Vessels and Related Matters

Sec. 1011. East Coast homeports for nuclear-powered aircraft carriers.
Sec. 1012. Prohibition on expansion of San Diego Homeport Area.
Sec. 1013. Transfer of certain vessels.
Sec. 1014. Navy mine countermeasure program.
Sec. 1015. Extension of authority for aviation depots and naval shipyards to engage in defense-related production and services.
Sec. 1016. Revitalization of United States shipbuilding industry.
Sec. 1017. Procurement of ships for the Sealift Program.
Sec. 1018. Requirement to expedite construction of sealift ships.
Sec. 1019. Transfer of obselete vessel.
Sec. 1020. Limitation on overseas ship repairs.
Sec. 1021. Modification of Fast Sealift Program.

Subtitle C—Counter-Drug Activities

Sec. 1031. Support to other agencies for counter-drug activities.
Sec. 1032. Counter-drug detection and surveillance systems plan.
Sec. 1033. Sense of Congress regarding an international effort to limit the supply of illegal narcotics.
Sec. 1034. Report on assistance for drug demand reduction programs.

Subtitle D—Technical Amendments

Sec. 1041. Reorganization of section 101 definitions.
Sec. 1042. Miscellaneous technical and clerical amendments.

Subtitle E—Miscellaneous Matters

Sec. 1051. Use of aircraft safety and accident investigation reports.
Sec. 1052. Survivor notification and access to reports relating to service members who die in the line of duty.
Sec. 1053. Admission of civilians as students at the United States naval postgraduate school.
Sec. 1054. Extension of overseas workload program.
Sec. 1055. Competitive prototype program strategy for development of major defense acquisition systems.
Sec. 1056. Reductions for accelerated withdrawal of United States forces from Europe, Japan, and Korea or increased host-nation support.
Sec. 1057. Reduction in the authorized end strength for the number of military personnel in Europe.
Sec. 1058. Reduction of defense expenditures outside the United States.
Sec. 1059. Nuclear weapons reduction.
Sec. 1060. Volunteers Investing in Peace and Security (VIPS) program.
Sec. 1061. Report on compliance with domestic ship repair law.
Sec. 1062. Limitation on support for United States contractors selling arms overseas.
Sec. 1063. Provision of certain facilities and services of the Department of Defense to certain educational entities.
Sec. 1064. Nuclear safety in Eastern Europe and the former Soviet Union.
Sec. 1065. Report on proliferation of military-based satellites.
Sec. 1066. Sense of Congress regarding the time limitations for consideration of military decorations and awards.
Sec. 1067. Authority for Government of Oman to receive excess defense articles.
Sec. 1068. Designation of United States military physicians as civil surgeons under the Immigration and Nationality Act in connection with the Armed Forces Immigration Adjustment Act of 1991.
Sec. 1069. Provision of supplies and equipment to assist international peacekeeping activities.
Sec. 1070. Burdensharing contributions by Kuwait.
Sec. 1071. Improved national defense control of technology diversions overseas.
Sec. 1072. Reduced enrichment research test reactor.

TITLE XI—NUCLEAR NONPROLIFERATION

Sec. 1101. Short title.
Sec. 1102. Sense of Congress.
Sec. 1103. Report on Department of Defense and Department of Energy nonproliferation activities.
Sec. 1104. Nuclear nonproliferation technology initiative.
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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—Funding Authorizations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Army as follows:

(1) For aircraft, $1,501,259,000.

(2) For missiles, $1,083,110,000.

(3) For weapons and tracked combat vehicles, $736,641,000.

(4) For ammunition, $940,007,000.

(5) For other procurement, $3,157,893,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Navy as follows:

(1) For aircraft, $6,352,167,000.

(2) For weapons, $3,728,950,000.

(3) For shipbuilding and conversion, $6,520,872,000.

(4) For other procurement, $5,828,876,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Marine Corps in the amount of $931,246,000.

(c) NAVY P–3 MARITIME PATROL AIRCRAFT.—(1) Of the amount provided in subsection (a) for procurement of aircraft for the Navy, $35,000,000, shall be available for the procurement of one P–3B maritime patrol aircraft configured with an Airborne Early Warning (AEW) radar system.

(2) The aircraft procured pursuant to this subsection shall be assigned to the commander, United States Atlantic Command for use as a counter-narcotics surveillance asset.

(3) The provisions of section 1032 shall apply to the procurement authorized by this subsection.

(4) Within the amount provided in subsection (a) for procurement of aircraft for the Navy, amounts provided for P–3 aircraft modification programs are hereby reduced as follows:

(A) From the P–3–B/C special projects aircraft modification program, $15,879,000.

(B) From the P–3C Update III block upgrade program, $19,121,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Air Force as follows:

(1) For aircraft, $10,144,817,000.

(2) For missiles, $4,937,540,000.

(3) For other procurement, $8,132,500,000.

SEC. 104. DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Defense Agencies in the amount of $1,883,634,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Inspector General of the Department of Defense in the amount of $800,000.

SEC. 106. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $120,000,000.

(2) For the Air National Guard, $180,000,000.

(3) For the Army Reserve, $22,500,000.

(4) For the Naval Reserve, $122,100,000.

(5) For the Air Force Reserve, $112,200,000.

(6) For the Marine Corps Reserve, $79,000,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1993 for 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), in the amount of $526,400,000.

SEC. 108. LIMITATION ON SHIPBUILDING AND CONVERSION

(a) AMOUNT FOR LHD–1 PROGRAM.—Of the amount provided in section 102 for Shipbuilding and Conversion, Navy, for fiscal year 1993, $70,000,000 shall be available only for the LHD–1 amphibious assault ship program.

(b) FUNDING.—(1) The amount provided in section 102(a)(3) for ''Shipbuilding and Conversion, Navy'' is hereby increased by $70,000,000.

(2) The amount provided in section 102(a)(4) for ''Other Procurement, Navy'' is hereby reduced by $70,000,000.

Subtitle B—Army Programs

SEC. 111. M–1 ABRAMS TANK PROGRAM.

(a) TANK INDUSTRIAL BASE.—None of the funds appropriated for the Army pursuant to this Act or for fiscal year 1991 or 1992 may be used to initiate or implement closure of any portion of the tank industrial base.

(b) FY92 TANK UPGRADE PROGRAM.—(1) Not later than 15 days after the date of the enactment of this Act, the Secretary of Defense shall release to the Army the amount of $225,000,000 appropriated to the Army for fiscal year 1992 for a tank upgrade program.

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall obligate the funds appropriated for the Army for fiscal year 1992 and directed to be released to the Army in accordance with paragraph (1) to initiate a program to remanufacture M1 tanks to the M1A2 configuration.

(c) REPEAL OF PRIOR YEAR PROVISIONS.—Section 111 of Public Law 102–190 (105 Stat. 1303) and section 142 of Public Law 101–510 (104 Stat. 1503) are repealed.

SEC. 112. PROCUREMENT OF AHIP SCOUT HELICOPTERS.

The prohibition in section 133(a)(2) of Public Law 101–189 (103 Stat. 1383) does not apply to the obligation of funds in amounts not to exceed $250,000,000 for the procurement of not more than 36 OH–58D AHIP Scout aircraft from funds appropriated for fiscal year 1993 pursuant to section 101.

Subtitle C—Air Force Programs

SEC. 141. B–2 BOMBER AIRCRAFT PROGRAM.

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated pursuant to section 103 for the Air Force for fiscal year 1993 for procurement of aircraft, not more than $2,686,572,000 may be obligated for procurement for B–2 bomber aircraft.

(b) B–2 BUYOUT AND TERMINATION.—The funds referred to in subsection (a) may be ob-

ligated only for the purpose of completing procurement for the B–2 bomber aircraft program and paying all termination costs under the B–2 program.

(c) LIMITATION ON NUMBER OF B–2 AIRCRAFT.—A total of not more than 20 deployable B–2 bomber aircraft may be procured.

(d) LIMITATION ON OBLIGATION OF FUNDS.—None of the funds referred to in subsection (a) may be obligated unless and until—

(1) the Secretary of Defense submits to the congressional defense committees—

(A) the reports and certifications required by section 131 of Public Law 102–190 (105 Stat. 1306);

(B) the report under subsection (e); and

(C) the report under subsection (f);

(2) the Comptroller General reviews and evaluates the reports under subsections (e) and (f) and submits to the congressional defense committees a report on the results of that review and evaluation; and

(3) after the submission of the reports and certifications required by section 131 of Public Law 102–190 and the reports required under paragraphs (1) and (2), there is enacted an Act authorizing the obligation of such funds for the procurement of B–2 bomber aircraft.

(e) REPORT ON LOW OBSERVABILITY AND SURVIVABILITY.—A report of the Secretary of Defense referred to in subsection (d)(1)(B) is a report submitted to the congressional defense committees that includes the following:

(1) The assessment by the Secretary of Defense of the extent to which the B–2 aircraft will meet its original low observability (including radar cross section) operational performance objectives, including objectives which were not fulfilled in a B–2 flight test in July 1991.

(2) A full description of the information upon which the assessment required by paragraph (1) is based, including all relevant flight test data.

(3) A full description of any actions planned to improve the B–2 aircraft's low observability capabilities beyond the capabilities that have been demonstrated in flight testing by the date of the submission of the report required by this subsection, and the associated costs and benefits.

(4) A quantitative assessment by the Secretary of Defense of the survivability of the B–2 aircraft in executing in the future its primary mission as a penetrating nonnuclear bomber, as compared to the survivability of the B–2 aircraft as a penetrating nonnuclear bomber if it were to meet all of its original radar cross section operational performance objectives.

(f) REPORT ON COST OF PROGRAM FOR 20 B–2 AIRCRAFT.—A report of the Secretary of Defense referred to in subsection (d)(1)(C) is a report submitted to the congressional defense committees that describes the total acquisition costs associated with a B–2 program resulting in 20 deployable aircraft, including all costs associated with research, development, test, and evaluation and procurement (including all planned modifications and retrofits, tooling, preplanned product improvements, support equipment, interim contractor support, initial spares, any Government liability associated with termination, and other Government costs).

(g) DEFINITION.—For the purposes of this section, the term ''deployable aircraft'' means all B–2 bomber aircraft other than two nonflying structural test assets and one test aircraft, none of which may be made operational.

SEC. 142. C–135 AIRCRAFT PROGRAM MODIFICATIONS.

(a) PROGRAM AUTHORIZATION.—Of the amount authorized to be appropriated in section 103 for procurement of aircraft for the Air Force, $526,674,000 shall be available for the modification of C–135 aircraft.

(b) REENGINING KITS.—Of the amount authorized in subsection (a), $440,300,000 shall be available for the procurement of reengining kits, from which one squadron of KC–135E aircraft shall be modified to the KC–135R configuration for the Air Force Reserve or the Air National Guard.

SEC. 143. LIVE-FIRE SURVIVABILITY TESTING OF C–17 AIRCRAFT.

(a) APPLICABILITY OF EXISTING LAW.—The C–17 transport aircraft shall be considered to be a covered system for purposes of survivability testing under section 2366 of title 10, United States Code.

(b) AUTHORITY FOR RETROACTIVE WAIVER.—The Secretary of Defense may exercise the waiver authority in subsection (c) of such section with respect to the application of the survivability tests of that section to the C–17 transport aircraft notwithstanding that such program has entered full-scale engineering development.

(c) REPORT REQUIREMENT.—If the Secretary of Defense submits a certification under subsection (c) of such section that live-fire testing of the C–17 system under section 2366 of title 10, United States Code, would be unreasonably expensive or impractical, the Secretary of Defense shall require that sufficiently large and realistic components and subsystems that could affect the survivability of the C–17 system be made available for any alternative live-fire test program.

(d) FUNDING.—The funds required to carry out any alternative live fire testing program for the C–17 aircraft system shall be made available from amounts appropriated for the C–17 program for fiscal year 1993.

SEC. 144. CORRECTION OF FUEL LEAKS ON C–17 PRODUCTION AIRCRAFT.

(a) CERTIFICATION OF CONTRACTOR CORRECTION UNDER WARRANTY.—The Secretary of the Air Force shall (except as otherwise provided under subsection (b)) certify to the congressional defense committees that the repair of the fuel leaks on production C–17 aircraft will be carried out by the contractor (under the warranty provisions of the production contract for such aircraft) at no additional cost to the Government and with no additional consideration to the contractor for production aircraft under the C–17 program by reason of the repair of the C–17 fuel leaks.

(b) ALTERNATIVE TO CERTIFICATION.—If the Secretary of Defense is unable to make the certification referred to in subsection (a), the Secretary—

(1) shall carry out the repair of the fuel leaks at an Air Logistics Center in the continental United States; and

(2) shall submit to the congressional defense committees a report notifying the committees that the Secretary is unable to make such a certification and setting forth a schedule for conducting the repair of the fuel leaks pursuant to paragraph (1).

SEC. 145. C–17 AIRCRAFT PROGRAM REVIEW.

(a) IN GENERAL.—The Secretary of Defense may not award the Lot V production contract for C–17 aircraft until—

(1) the Secretary convenes a special Defense Acquisition Board to review the C–17 aircraft program;

(2) the special Defense Acquisition Board submits a report to the Secretary on the program, including its report on the matters described in subsection (b); and

(3) the Secretary submits the report of the board, including the material referred to in subsection (b), to the congressional defense committees.

(b) MATTERS TO BE INCLUDED IN REVIEW.—The review conducted by the special Defense Acquisition Board shall include—

(1) an assessment of the adequacy of the requirements for such aircraft by the Joint Requirements Oversight Council (JROC);

(2) a cost-and-operational-effectiveness analysis of the C–17 program by the Assistant Secretary of Defense for Program Analysis and Evaluation; and

(3) an affordability assessment of the program, performed by the Assistant Secretary of Defense for Program Analysis and Evaluation.

SEC. 146. POST-START ICBM BASING PLAN.

(a) CONGRESSIONAL VIEWS ON MIRVS.—The Congress—

(1) supports the President's call to negotiate removal of all multiple independently targeted re-entry vehicle (MIRV) warheads from intercontinental ballistic missiles (ICBMs); and

(2) encourages the President to move as quickly as possible in negotiations to terminate the Peacekeeper ICBM program and to reduce the number of warheads on the Minuteman III ICBMs from three to one.

(b) LIMITATION ON REDEPLOYMENT OF MINUTEMAN III ICBMS.—Funds authorized to be appropriated for fiscal year 1993 or any preceding fiscal year in this or any other Act may not be obligated or expended for the redeployment or transfer of operationally deployed Minuteman III missiles from one Air Force ICBM base to another unless and until the Secretary of the Defense submits to Congress a plan for restructuring the ICBM and bomber forces of the United States described in subsection (c).

(c) REVISED FORCE STRUCTURE PLAN FOR ICBMS AND STRATEGIC BOMBERS.—The plan referred to in subsection (b) shall be consistent with the terms of the Strategic Arms Reduction Treaty (START) signed by the United States and the Soviet Union. The plan shall include the following:

(1) A description of the size and makeup of the strategic nuclear force triad and the rationale for the proposed decisions.

(2) A discussion of the force structure options that were considered in developing the plan, and in particular, a discussion of which options are consistent with the President's proposed plan for an ICBM force from which all MIRV'd warheads have been removed.

(3) For each option discussed under paragraph (2), a statement of the location at which strategic bombers and Minuteman III ICBMs would be deployed and the number of each such system at each location, including the number of ICBM warheads deployed at each location

(4) The cost of each such option, including—

(A) the costs of transferring bomber and missile assets from one operating location to another;

(B) military construction costs associated with such a transfer;

(C) the costs of the conversion of silos from the Minuteman II and Peacekeeper configurations to the Minuteman III configuration; and

(D) the operations and maintenance costs or savings, by operating base, under each option.

(5) A discussion of factors other than cost, such as survivability (either through dispersal or silo hardness) or target achievability, which underlay each of the options.

(6) A discussion of the potential advantages or cost savings associated with dual basing of strategic bombers and ICBMs.

(7) In the case of any base which currently has a missile wing which the plan proposes to disestablish or move to another base, plans for the disposition of that base or the transfer of the remaining functions or missions at that base, together with a statement of the costs associated with any such change.

(8) A timetable for the initiation of the START drawdown and deadlines for the per-

formance of certain activities, such as silo conversion or missile redeployments, which would occur under the plan in order to meet warhead sub-limits established under the START Treaty.

(d) CONFORMING REPEALER.—Section 153(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1313) is repealed.

Subtitle D—Chemical Demilitarization Program

SEC. 171. REVISION IN STOCKPILE ELIMINATION DEADLINE.

(a) IN GENERAL.—Subsection (b) of section 1412 of Public Law 99–145 (50 U.S.C. 1521) is amended to read as follows:

''(b) DATE FOR COMPLETION.—The Secretary of Defense shall carry out the destruction of the stockpile in accordance with a schedule adopted by the Secretary consistent with diplomatic and treaty obligations of the United States.''.

SEC. 172. CHEMICAL DEMILITARIZATION ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Chemical Demilitarization Advisory Commission''.

(b) DUTIES.—(1) The Commission shall determine which technologies are specifically appropriate as alternatives to incineration for use for an alternative disposal program in disposing of the lethal chemical agents and munitions in the stockpile referred to in section 1412(a)(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(a)(1)) at each of the three low-volume sites.

(2) For purposes of this section, the term ''low-volume site'' means a chemical weapons storage site at which there is stored less than 5 percent of the total United States stockpile of unitary chemical weapons.

(c) REPORT.—(1) Not later than January 1, 1994, the Commission shall submit to the Secretary of Defense and the Congress a report on its determinations.

(2) The report shall include the following for each of the alternative technologies referred to in subsection (b):

(A) The estimated development costs, construction costs, operation costs, and dismantling costs related to the use of such alternative technology for disposing of the chemical agents and munitions referred to in subsection (b).

(B) An estimated schedule for completing the disposal of such agents and munitions using such alternative technology.

(C) A comparison of the public health and safety risks associated with the use of that alternative technology for disposing of such agents and munitions and—

(i) the public health and safety risks associated with the use of incineration for disposing of such agents and munitions; and

(ii) the public health and safety risks associated with the use of each of the other such alternative technologies for disposing of such agents and munitions.

(d) MEMBERSHIP.—(1) The Commission shall be composed of 12 members who represent interested parties in the matters within the responsibility of the Commission.

(2) Of the 12 members—

(A) one shall be a representative of the Department of the Army who shall be designated by the President;

(B) one shall be a representative of the Federal Emergency Management Agency who shall be designated by the President;

(C) one shall be a representative of the Environmental Protection Agency who shall be designated by the President;

(D) three shall be representatives of State governments, one from each of the States in which the low-volume sites are located, who have responsibilities related to matters of the Commission and who shall be appointed by their respective Governors; and

(E) six shall be appointed jointly by the Speaker of the House of Representatives, majority leader of the Senate, minority leader of the House of Representatives, and minority leader of the Senate from among private citizens, of whom—

(i) three shall be citizens from each of the affected areas who possess a distinguished technical, legal, academic, or business background, an affected area being defined as that area within a 50-mile radius of a low-volume site;

(ii) two shall be representatives of the academic community who are specifically distinguished experts in the technical matters relating to the commission; and

(iii) one shall be a representative of an environmental organization who possesses outstanding technical experience in the matters relating to the Commission.

(e) CHAIRMAN.—The Speaker of the House of Representatives shall designate the chairman of the Commission from among the members of the Commission.

(f) MEETINGS.—(1) The Commission shall meet at the call of the chairman. The first meeting shall be held not later than January 30, 1993.

(2) A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the responsibilities of the Commission. Upon request of the chairman of the Commission, the head of such department or agency shall furnish the requested information to the Commission.

(h) PAY AND EXPENSES.—(1) Each member of the Commission who is not an officer or employee of the Federal Government shall, subject to the availability of appropriations, be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(i) STAFF.—(1) The chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) Any Federal Government employee may be detailed to the Commission without reimbursement. Such a detail shall be without interruption or loss of civil service status or privilege for the detailed employee.

(4) The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(j) CONFLICTS OF INTEREST.—For a period of five years after the termination of the Commission, no corporation, partnership, or other organization in which a member of the Commission, a spouse of a member of the Commission, or a natural or adopted child of a member of the Commission has an ownership interest may be awarded—

(1) a contract related to the disposal of lethal chemical agents or munitions in the stockpile referred to in section 1412(a)(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(a)(1)); or

(2) a subcontract under such a contract.

(k) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits its report under subsection (c).

SEC. 173. ALTERNATIVE DISPOSAL PROGRAM FOR LOW-VOLUME SITES.

(a) REQUIREMENT FOR ALTERNATIVE PROGRAM.—As part of the requirement of section 1412(a) of Public Law 99–145 to carry out the destruction of the United States stockpile of lethal chemical agents and munitions, the Secretary of Defense shall develop a chemical weapons disposal program for low-volume sites that is an alternative program to the baseline chemical weapons disposal program. In developing the alternative disposal program, the Secretary shall make the determinations of the Chemical Demilitarization Advisory Committee a central consideration. The Secretary shall carry out the disposal of chemical weapons at any of the low-volume sites at which the use of an alternative program is determined by the Secretary either to be significantly safer or more cost-effective than the use of the baseline program. In addition, the Secretary may carry out the disposal of chemical weapons at sites other than low-volume sites in accordance with an alternative program (rather than the baseline program) after notifying Congress of the Secretary's intent to do so.

(b) DEFINITION.—For purposes of this section, the term ''baseline chemical weapons disposal program'' means the chemical stockpile demilitarization program provided under section 1412 of Public Law 99–145 (50 U.S.C. 1521).

(c) CRITERIA FOR DEVELOPMENT OF ALTERNATIVE PROGRAM.—In developing the alternative program, the Secretary of Defense shall—

(1) ensure that cost-effectiveness, public safety, and the protection of the environment are the principal criteria upon which the Secretary's decision are based; and

(2) consider all possible technical and programmatic disposal alternatives.

(d) APPLICABILITY OF CERTAIN PROVISIONS OF SECTION 1412.—Subsections (c), (e), (f), and (g) of section 1412 of Public Law 99–145 (50 U.S.C. 1521) shall apply to this section and to activities under this section in the same manner as if this section were part of that section 1412.

SEC. 174. REVISED CHEMICAL WEAPONS DISPOSAL CONCEPT PLAN.

(a) REVISED PLAN.—The Secretary of Defense shall submit to Congress a revised chemical weapons disposal concept plan incorporating the requirements of section 173 and reflecting the revised stockpile disposal schedule developed under section 1412(b) of Public Law 99–145 (50 U.S.C. 1521), as amend-

ed by section 171. In developing the revised concept plan, the Secretary should consider, to the maximum extent practicable, revisions to the program and program schedule that capitalize on the changes to the chemical demilitarization schedule required by the amendment made by section 171 by reducing cost and decreasing program risk.

(b) MATTERS TO BE INCLUDED.—The revised concept plan should include—

(1) revised life-cycle cost estimates and schedules; and

(2) a detailed description of the facilities, technology, and operating procedures proposed under the alternative disposal program under section 173.

(c) APPLICABILITY OF CERTAIN PROVISIONS OF SECTION 1412.—Subsection (c) of section 1412 of Public Law 99–145 (50 U.S.C. 1521) shall apply to the revised concept plan in the same manner as if this section were part of that section 1412.

(d) SUBMISSION OF REVISED PLAN.—The revised concept plan shall be submitted not later than 180 days after the date on which the Chemical Demilitarization Advisory Commission submits its report under section 172.

(e) OBLIGATIONAL LIMITATION.—No funds may be obligated for procurement, or for facilities planning and design, for a chemical weapons disposal facility at a site under consideration for the alternative program under section 173 until the Secretary of Defense submits the plan required by subsection (a).

SEC. 175. CHEMICAL WEAPONS DISPOSAL TECHNOLOGY CONSULTATION AND EXCHANGE PROGRAM.

It is the sense of Congress that the Secretary of Defense, in consultation with the Secretary of State, should establish a program with other nations that are anticipated to be signatories to an international agreement or treaty banning chemical weapons under which consultation and exchange concerning chemical weapons disposal technology could be enhanced. Such a program shall be used to facilitate the exchange of technical information and advice concerning the disposal of chemical weapons among signatory nations and to further the development of safer, more cost-effective methods for the disposal of chemical weapons.

SEC. 176. TECHNICAL AMENDMENTS TO SECTION 1412.

Section 1412 of Public Law 99–145 (50 U.S.C. 1521) is amended as follows:

(1) Subsection (a) is amended—

(A) by striking out ''(1)'' before ''Notwithstanding any other provision of law,''; and

(B) by striking out paragraph (2).

(2) Subsection (c) is amended by striking out ''subsection (a)(1)'' and inserting in lieu thereof ''subsection (a)''.

(3) Subsection (g) is amended—

(A) in paragraph (1), by striking out ''paragraph (4)'' and inserting in lieu thereof ''paragraph (3)'';

(B) by striking out paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2) and in that paragraph striking out ''report other than the first one'' and inserting in lieu thereof ''such report''; and

(D) by redesignating paragraph (4) as paragraph (3).

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorizations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces for research, development, test, and evaluation as follows:

(1) For the Army, $5,481,133,000.

(2) For the Navy, $8,827,296,000.

(3) For the Air Force, $14,259,587,000.

(4) For the Defense Agencies, $9,816,833,000, of which—

(A) $261,707,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and

(B) $12,983,000 is authorized for the Director of Operational Test and Evaluation.

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

(a) FISCAL YEAR 1993.—Of the amounts authorized to be appropriated by section 201, $4,359,346,000 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. MANUFACTURING TECHNOLOGY DEVELOPMENT.

(a) FISCAL YEAR 1993.—Of the amounts authorized to be appropriated by section 201, $265,587,000 shall be available for, and may be obligated only for, manufacturing technology development as follows:

(1) For the Army, $41,203,000.

(2) For the Navy, $80,384,000.

(3) For the Air Force, $115,000,000.

(4) For the Defense Logistics Agency, $29,000,000.

(b) PROGRAM AUTHORITY.—The Director, Defense Research and Engineering shall be responsible for the conduct of the manufacturing technology development program and shall consult with the Assistant Secretary of Defense (Production and Logistics) in the development of the national defense manufacturing plan.

(c) REPEAL OF LIMITATION ON AUTHORIZED PROJECTS.—Subsection (d) of section 2513 of title 10, United States Code, is repealed.

SEC. 204. ENDOWMENT FOR DEFENSE INDUSTRIAL COOPERATION.

(a) SUPPORT FOR ENDOWMENT FOR DEFENSE INDUSTRIAL COOPERATION.—The amount provided in section 201 for the Defense Agencies is hereby increased by $10,000,000, to be available for the United States share of the initial capitalization of a United States-Israel Endowment for Defense Industrial Cooperation with the following objectives:

(1) To promote and support joint defense industrial activities of mutual benefit to the United States and Israel.

(2) To promote and support joint commercialization of defense technologies of mutual benefit to the United States and Israel.

(3) To strengthen a mutually beneficial defense trade program between the United States and Israel.

(b) OFFSETTING REDUCTION.—The amount provided in section 201 for the Navy is hereby reduced by $10,000,000, to be derived from funds for advanced submarine system development.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. V–22 OSPREY AIRCRAFT PROGRAM.

(a) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201 or otherwise made available for research development, test, and evaluation for the Navy for fiscal year 1993, the sum of $755,000,000 may be used only for development, manufacture, and operational test of three production representative V–22 Osprey aircraft in addition to the three V–22 production representative V–22 aircraft for which funds were authorized and appropriated for fiscal year 1992. The amount authorized for fiscal year 1993 and the amounts authorized and appropriated for preceding years for the V–22 aircraft may be used only for the development, manufacture, and operational testing of a total of six production representative aircraft for operational testing.

(b) REQUIREMENT FOR FUTURE YEAR FUNDING.—The Secretary of Defense shall program for and include in future defense budget requests those funds necessary to complete development, manufacture, and operational testing of six production representative V–22 aircraft.

SEC. 212. DEPARTMENT OF DEFENSE COMPTROLLER.

During each month beginning after the date of the enactment of this Act that the Department of Defense has failed to obligate all funds appropriated for the V–22 Osprey aircraft program in accordance with the requirements of this Act, the total number of employees of the United States and members of the Armed Forces assigned or detailed to provide support functions for the Comptroller of the Department of Defense (in his capacity as Comptroller, as Chief Financial Officer of the Department of Defense, or in any other capacity) may not exceed 95 percent of the total number of such employees and members as of the last day of the preceding month.

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 1993 unless such testing is specifically authorized by law.

SEC. 214. P–3 MARITIME PATROL AIRCRAFT MODERNIZATION PROGRAM.

(a) OBLIGATION OF FISCAL YEAR 1992 FUNDS.—Unless the funds appropriated for fiscal year 1992 for the Navy for a program to adapt an upgraded propulsion plant and provide airframe payload and endurance improvements in the P–3 aircraft have been obligated by the date of the enactment of this Act, the Secretary of the Navy shall, not later than 60 days after the date of the enactment of this Act, obligate the funds provided for fiscal year 1992 for this purpose.

(b) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201 or otherwise made available for research development, test, and evaluation for the Navy for fiscal year 1993, the sum of $90,000,000 shall be made available for continuation of the program to adapt an upgraded propulsion plant and provide airframe payload and endurance improvements in the P–3 maritime patrol aircraft.

(c) REQUIREMENT FOR CONTINGENCY FUNDS.—The Secretary of Defense shall program for and include in future Defense budget requests those funds necessary to complete the P–3 modernization program as approved by the Defense Acquisition Board.

SEC. 215. TACTICAL AVIATION PROGRAMS.

(a) PROGRAM AUTHORIZATIONS.—Of the funds authorized to be appropriated pursuant to section 201 or otherwise made available for research, development, test, and evaluation for the Navy for fiscal year 1993—

(1) $740,583,000 shall be available only for the A–(X) medium attack aircraft program; and

(2) $598,589,000 shall be available only for development of the FA–18E/F aircraft.

(b) A–(X) AIRCRAFT PROGRAM ACQUISITION STRATEGY AND PROGRAM MANAGEMENT.—(1) The Secretary of Defense shall restructure the acquisition strategy for the A–(X) aircraft program to provide for development, demonstration, and validation of at least two prototypes for each of the two most promising proposals received from concept exploration. In restructuring such acquisition strategy, the Secretary shall require—

(A) that the prototype designs for such aircraft—

(i) shall be limited to stealth technology that is considered to be ''current generation'' technology; and

(ii) shall, to the maximum extent feasible, use technologies for engines, radar, and avionics that are derived from the F–117, A–12, B–2, or F–22 aircraft programs;

(B) that the aircraft design to be used for the program be selected through the use of competitive procedures; and

(C) that the demonstration and validation phase be structured to be completed, and the selection of the aircraft design to be used for the program to be made, no later than 1996.

(2) The Secretary of Defense shall direct—

(A) that the A–(X) program shall be managed by a joint Navy and Air Force program office;

(B) that operational considerations of the Navy and the Air Force shall be included in a single statement of operational requirements for the A–(X) aircraft;

(C) that the Navy and Air Force establish before October 1, 1992, whether the A–(X) is to be a subsonic or supersonic aircraft; and

(D) that both the Navy and the Air Force shall participate in the source selection for the program.

(b) FA–18E/F AIRCRAFT PROGRAM ACQUISITION STRATEGY.—(1) The Secretary of Defense shall restructure the acquisition strategy for the FA–18E/F aircraft program to provide for at least two prototype aircraft for demonstration and validation of the aircraft design. The demonstration and validation phase shall be structured to be completed no later than 1996.

(2) During fiscal year 1993, the Secretary may not proceed with the FA–18E/F aircraft program into the Engineering and Manufacturing Development (EMD) phase.

(c) PROGRAM SCHEDULE.—The Secretary of Defense may not proceed with either the A–(X) aircraft program or the FA–18E/F program beyond the demonstration/validation phase until both programs have completed the demonstration/validation phase.

SEC. 216. ONE-YEAR DELAY IN TRANSFER OF MANAGEMENT RESPONSIBILITY FOR NAVY MINE COUNTERMEASURES PROGRAM.

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

SEC. 217. LIGHT ARMORED VEHICLE–105 MILLIMETER GUN (LAV–105) PROGRAM.

(a) REINSTATEMENT OF LAV–105 PROGRAM.—Unless the development program for the Light Armored Vehicle–105 millimeter Gun (LAV–105) has been reinstated and the funds appropriated for that program for fiscal year 1992 have been obligated by the date of the enactment of this Act, the Secretary of the Navy, not later than 60 days after the date of the enactment of this Act—

(1) shall reinstate the program for engineering and manufacturing systems development of the LAV–105; and

(2) shall obligate the funds provided for fiscal year 1992 for development and evaluation of the LAV–105 prototype.

(b) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201 or otherwise made available for research, development, test, and evaluation for the Navy for fiscal year 1993, the sum of $14,700,000 shall be used only for completion of the development and operational testing of the LAV–105 vehicle.

SEC. 218. SEMICONDUCTOR COOPERATIVE RESEARCH PROGRAM.

(a) AUTHORIZATION LEVEL.—Of the amounts authorized to be appropriated pursuant to section 201, $100,000,000 shall be available to continue the Semiconductor Cooperative Research program under part F of title II of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1068 et seq.; 15 U.S.C. 4601 et seq.)

(b) PROGRAM CONDITIONS.—The terms and conditions set forth in such part shall apply with respect to the use of funds referred to in subsection (a).

(c) RESTRICTIONS.—Of the amount authorized to be appropriated for such program for fiscal year 1993, not less than $10,000,000 shall be used to address environmentally safe manufacturing methods.

SEC. 219. ADVANCED RESEARCH PROJECTS.

Section 2371 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) The Secretary of Defense, in carrying out research projects through the Defense Advanced Research Projects Agency, and the Secretary of each military department, in carrying out research projects, may permit the director of any federally funded research and development center to enter into cooperative research and development agreements with any person, any agency or instrumentality of the United States, any unit of State or local government, and any other entity under the authority granted by section 11 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a). Technology may be transferred to a non-Federal party to such an agreement consistent with the provisions of sections 10 and 11 of such Act (15 U.S.C. 3710, 3710a).''.

SEC. 220. FLEXIBLE COMPUTER INTEGRATED MANUFACTURING PROGRAM.

(a) Of the amounts authorized to be appropriated pursuant to section 201, $12,500,000 shall be available only to the Secretary of Defense to implement a Rapid Acquisition of Manufactured Parts program at the Philadelphia Naval Shipyard.

(b)(1) The amount provided in section 201 for the Defense Agencies is hereby increased by $11,500,000, to be available only to continue the Rapid Acquisition of Manufactured Parts Test and Integration Facility program within the Naval Supply Systems Command.

(2) The amount provided in section 201 for the Air Force, the amount provided in section 203 for manufacturing technology development, and the amount provided in section 203(3) for the Air Force are each hereby reduced by $11,500,000.

SEC. 221. SUPERCONDUCTING MAGNETIC ENERGY STORAGE PROJECT.

(a) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 201, $50,000,000 shall be available for, and may be obligated only for, the Superconducting Magnetic Energy Storage Project.

(b) RESTRICTIONS.—No funds authorized to be appropriated pursuant to section 201 may be obligated by the Defense Nuclear Agency other than funds designated for the Superconducting Magnetic Energy Storage Project except with the written authorization of the Secretary of Defense until—

(1) all existing requirements established by law pertaining to that project have been complied with; or

(2) the Secretary of Defense submits to the congressional defense committees a detailed explanation as to why those requirements established by law have not been complied with.

SEC. 222. RESTRICTION ON USE OF FUNDS FOR NONVALIDATED BIOWARFARE THREATS.

(a) PROHIBITION.—None of the funds appropriated pursuant to authorizations in this Act may be obligated or expended for product development or for research, development, test, and evaluation of medical countermeasures against biowarfare threat agents that have not been validated by the Armed Forces Medical Intelligence Center in conjunction with the national intelligence community.

(b) DEFINITION.—For purposes of subsection (a), a validated biowarfare threat agent is a biological agent that the national intelligence community has assessed as being developed or produced for weaponization purposes.

SEC. 223. JOINT REMOTELY PILOTED VEHICLES PROGRAM.

(a) FUNDING.—Within the amount provided in section 201 for the Defense Agencies—

(1) the amount provided for Joint Remotely Piloted Vehicles is hereby increased $25,000,000; and

(2) the amount provided for the Balanced Technology Initiative is hereby reduced by $25,000,000.

(b) MEDIUM-RANGE UNMANNED AERIAL VEHICLES.—Of the amount provided for the Joint Remotely Piloted Vehicles program (as modified by subsection (a)) within the amount provided under section 201 for the Defense Agencies, the sum of $68,200,000 may be obligated only for medium-range unmanned aerial vehicles.

SEC. 224. CHARGED PARTICLE BEAM PROGRAM.

(a) FUNDING.—Of the amount provided in section 201 for the Defense Agencies—

(1) the amount provided for the Defense Advanced Research Projects Agency is hereby increased by $6,000,000, to be available for the Charged Particle Beam program; and

(2) the amount provided for Advanced Launch Systems (program element 0604408F) is hereby reduced by $6,000,000.

(b) GEOGRAPHIC INFORMATION SYSTEMS PROGRAM.—(1) Of the amount provided for modeling and simulation within the amount provided in section 201 for the Army, $450,000 shall be available for a grant awarded through the use of competitive procedures to an institution of higher education to purchase research equipment in the area of geographic information research, including digital mapping and remote sensing analysis.

(2) The Secretary of the Army shall select an institution for award of a grant under subsection (a) based on requirements that the institution—

(A) is a comprehensive institution with special emphasis on science and mathematics;

(B) is a Department of Defense map depository;

(C) is located within 50 miles of a United States military installation;

(D) is situated in a remote area with a wide variety of terrain and vegetation with access to United States Forest and National Park land; and

(E) is located in a region with distinct four-season climate, including extended winter snow cover.

SEC. 225. MEDICAL INFORMATION DEMONSTRATION PROGRAM.

(a) DEMONSTRATION PROGRAM.—The amount provided in section 201 for the Defense Agencies is hereby increased by $15,000,000, to be available for a grant awarded through the use of competitive procedures to a medical college to provide facilities that will allow access to educational and research data through electronic networks to facilities clinical decisionmaking.

(b) QUALIFICATIONS.—The Secretary of Defense shall select an institution for award of the grant under subsection (a) based on the requirements that the institution—

(1) already has established or is in the process of establishing a health information technology center that has a collection of computer networks that links educational, commercial, government, and military institutions worldwide;

(2) has an existing statewide ethics network that has access to the complete Medline data base;

(3) can make use of an already existing computerized clinical information abstraction tool to explore the feasibility of performing quality of care review for ambulatory care; and

(4) has provided consulting support to the Health Care Financing Administration on hospital mortality and other quality assurance-related research.

(c) COST-SHARING REQUIREMENTS.—The grant under this section should be available for initial construction of a facility to house the processing equipment, the Federal share of which may not exceed 50 percent of the total cost.

(d) OFFSETTING REDUCTION.—The amount provided in section 201 for the Navy is hereby reduced by $15,000,000, to be derived from funds for advanced submarine system development.

Subtitle C—Missile Defense Programs

SEC. 231. THEATER MISSILE DEFENSE INITIATIVE.

(a) ESTABLISHMENT OF THEATER MISSILE DEFENSE INITIATIVE.—The Secretary of Defense shall establish a Theater Missile Defense Initiative office within the Department of Defense. All theater and tactical missile defense activities of the Department of Defense (including all programs, projects, and activities formerly associated with the Theater Missile Defense program element of the Strategic Defense Initiative) shall be carried out under the Theater Missile Defense Initiative.

(b) FUNDING FOR FISCAL YEAR 1993.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1993, not more than $997,725,000 may be obligated for activities of the Theater Missile Defense Initiative, of which not less than $90,000,000 shall be made available for exploration of promising concepts for naval theater missile defense.

(c) REPORT.—When the President's budget for fiscal year 1994 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) setting forth the allocation by the Secretary of funds appropriated for the Theater Missile Defense Initiative for fiscal year 1993, and the proposed allocation for fiscal year 1994, shown for each program, project, and activity;

(2) describing an updated master plan for the Theater Missile Defense Initiative that includes (A) a detailed consideration of plans for theater and tactical missile defense doctrine, training, tactics, and force structure, and (B) a detailed acquisition strategy which includes a consideration of acquisition and life-cycle costs through the year 2005 for the programs, projects, and activities associated with the Theater Missile Defense Initiative;

(3) assessing the possible near-term contribution and cost-effectiveness for theater missile defense of exoatmospheric capabilities, to include at a minimum a consideration of—

(A) the use of the Navy's Standard missile combined with a kick stage rocket motor and lightweight exoatmospheric projectile (LEAP); and

(B) the use of the Patriot missile combined with a kick stage rocket motor and LEAP.

(d) EFFECTIVE DATE.—The provisions of subsections (a), (b), and (c) shall be implemented not later than 90 days after the date of the enactment of this Act.

SEC. 232. STRATEGIC DEFENSE INITIATIVE FUNDING.

(a) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1993, not more than $3,239,775,000 may be obligated for the Strategic Defense Initiative.

(b) SPECIFIC AMOUNTS FOR THE PROGRAM ELEMENTS.—Of the amount described in subsection (a)—

(1) not more than $2,134,755,000 shall be available for programs, projects, and activities within the Limited Defense System program element;

(2) no funds shall be available for programs, projects, and activities within the Space-Based Interceptors program element;

(3) not more than $528,300,000 shall be available for programs, projects, and activities within the Other Follow-On Systems program element; and

(4) not more than $576,720,000 shall be available for programs, projects, and activities within the Research and Support Activities program element.

(c) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Strategic Defense Initiative for fiscal year 1993. The report shall specify the amount of such funds allocated for each program, project, and activity of the Strategic Defense Initiative and shall list each Strategic Defense Initiative program, project, and activity under the appropriate program element.

(d) TRANSFER AUTHORITIES.—

(1) IN GENERAL.—Before the submission of the report required under subsection (c) and notwithstanding the limitations set forth in subsection (b), the Secretary of Defense may transfer funds among the program elements named in subsection (b).

(2) LIMITATION.—The total amount that may be transferred to or from any program element named in subsection (b)—

(A) may not exceed 10 percent of the amount provided in such subsection for the program element from which the transfer is made; and

(B) may not result in an increase of more than 10 percent of the amount provided in such subsection for the program element to which the transfer is made.

(3) MERGER AND AVAILABILITY.—Amounts transferred pursuant to paragraph (1) shall be merged with and be available for the same purposes as the amounts to which transferred.

SEC. 233. REVISION OF THE MISSILE DEFENSE ACT OF 1991.

(a) MISSILE DEFENSE GOALS OF THE UNITED STATES.—Section 232 of the Missile Defense Act of 1991 (part C of title II of Public Law 102–190; 105 Stat. 1321) is amended in subsection (a)—

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

(2) by striking out ''(a)'' and all that follows through the end of paragraph (1) and inserting in lieu thereof the following:

''(a) MISSILE DEFENSE GOAL.—It is a goal of the United States to—

''(1) maintain compliance with the ABM Treaty, including any protocol or amendment thereto, and not develop, test, or deploy any ballistic missile defense system, or component thereof, in violation of the treaty, as modified by any protocol or amendment thereto;

''(2) deploy an anti-ballistic missile system that is capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles, which may include space-based sensors and additional deployment sites if authorized by Congress and permitted by the ABM Treaty, as modified by any protocol or amendment thereto;''.

(b) DEPLOYMENT DATE.—(1) Section 233(b)(2) of such Act (105 Stat. 1322) is amended by striking out ''or by fiscal year 1996''.

(2) Section 236(a) of such Act (105 Stat. 1323) is amended by striking out ''by fiscal year 1996''.

(c) BRILLIANT PEBBLES.—Section 234(a) of such Act is amended by striking out '', including Brilliant Pebbles,''.

(d) ELIMINATION OF THEATER MISSILE DEFENSE PROGRAM ELEMENT FROM SDI.—(1) Section 235(a) of such Act is amended by striking out paragraph (2) and renumbering accordingly.

(2) Section 236 of such Act is amended by striking out subsection (b) and redesignating accordingly.

SEC. 234. DEVELOPMENT AND TESTING OF ANTI-BALLISTIC MISSILE SYSTEMS OR COMPONENTS.

(a) USE OF FUNDS.—

(1) LIMITATION.—Funds appropriated to the Department of Defense for fiscal year 1993, or otherwise made available to the Department of Defense from any funds appropriated for fiscal year 1993 or for any fiscal year before 1993, may not be obligated or expended—

(A) for any development or testing of anti-ballistic missile systems or components except for development and testing consistent with the development and testing described in the May 1991 SDIO Report; or

(B) for the acquisition of any material or equipment (including any long lead materials, components, piece parts, 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 development and testing described in the May 1991 SDIO Report.

(2) EXCEPTION.—The limitation under paragraph (1) shall not apply to funds transferred to or for the use of the Strategic Defense Initiative for fiscal year 1993 if the transfer is made in accordance with section 1001 of this Act.

(b) DEFINITION.—In this section, the term ''May 1991 SDIO Report'' means the report entitled, ''1991 Report to Congress on the Strategic Defense Initiative,'' dated May 16, 1991, prepared by the Strategic Defense Initiative Organization and submitted to certain committees of the Senate and House of Representatives by the Secretary of Defense pursuant to section 224 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1398; 10 U.S.C. 2431).

Subtitle D—Joint Research and Development Programs

SEC. 241. PROGRAMS WITH STATES OF FORMER SOVIET UNION.

The Congress encourages the Secretary of Defense to participate actively in joint research and development programs with the independent states of the former Soviet Union, including participation through any nongovernmental foundation established for this purpose. To that end, the Secretary of Defense may spend not to exceed $25,000,000 during fiscal year 1993 for support, technical cooperation, in-kind assistance, and other activities with the following purposes:

(1) To advance defense conversion by funding civilian collaborative research and development projects between scientists and engineers in the United States and in the independent states of the former Soviet Union.

(2) To assist the establishment of a market economy in the independent states of the former Soviet Union by promoting, identifying, and partially funding joint research, development, and demonstration ventures between United States businesses and scientists, engineers, and entrepreneurs in those independent states.

(3) To provide a mechanism for scientists, engineers, and entrepreneurs in the independent states of the former Soviet Union to develop an understanding of commercial business practices by establishing linkages to United States scientists, engineers, and businesses.

(4) To provide access for United States businesses to sophisticated new technologies, talented researchers, and potential new markets within the independent states of the former Soviet Union.

(5) To provide productive research and development opportunities within the independent states of the former Soviet Union that offer scientists and engineers alternatives to emigration and help prevent proliferation of weapons technologies and the dissolution of the technological infrastructure of those states.

SEC. 242. FUNDING.

(a) FUNDING FOR FISCAL YEAR 1993.—(1) There is hereby authorized to be appropriated for fiscal year 1993 for the purposes of carrying out this section, in addition to any other amounts authorized to be appropriated by this Act, $25,000,000.

(2) The amount provided in section 104 for procurement for the Defense Agencies is hereby reduced by $25,000,000.

(b) DETERMINATION BY DIRECTOR OF OMB.—No funds may be obligated during fiscal year 1993 for the program under this section unless expenditures for that program during fiscal year 1993 have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 243. REPORTS.

Not later than 30 days after the end of each quarter of fiscal years 1993 and 1994, the Secretary of Defense shall transmit to the Congress a report on the activities carried out under this section. Each report shall set forth the following:

(1) Amounts spent for such activities and the purposes for which they were spent.

(2) A description of the participation of the Department of Defense, and the participation of other government agencies in such activities.

(3) A description of the activities for which the funds were spent.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorizations of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1993 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, $13,581,406,000.

(2) For the Navy, $18,271,494,000.

(3) For the Marine Corps, $1,557,300,000.

(4) For the Air Force, $15,437,134,000.

(5) For the Defense Agencies, $9,563,094,000.

(6) For the Army Reserve, $991,219,000.

(7) For the Naval Reserve, $852,700,000.

(8) For the Marine Corps Reserve, $75,950,000.

(9) For the Air Force Reserve, $1,214,823,000.

(10) For the Army National Guard, $2,216,700,000.

(11) For the Air National Guard, $2,551,924,000.

(12) For the National Board for the Promotion of Rifle Practice, $2,700,000.

(13) For the Defense Inspector General, $218,900,000.

(14) For Drug Interdiction and Counter-Drug Activities, Defense, $1,263,400,000.

(15) For the Court of Military Appeals, $5,900,000.

(16) For Environmental Restoration, Defense, $901,200,000, and, to the extent provided in appropriations Acts, an additional $612,000,000 to be derived by transfer.

(17) For Humanitarian Assistance, $13,000,000.

(18) For the Defense Health Program, $9,089,424,000.

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

(20) For support for the 1993 World University Games, $6,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

There is hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for the Defense Business Operations Fund, $16,600,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1993 from the Armed Forces Retirement Home Trust Fund the sum of $62,728,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. HUMANITARIAN ASSISTANCE.

(a) PURPOSE.—(1) Funds appropriated pursuant to the authorization in section 301(a)(17) for humanitarian assistance shall be used for the purpose of providing transportation of humanitarian aid for the people of Afghanistan and Cambodia, and for other humanitarian purposes worldwide.

(2) Of the funds authorized to be appropriated for fiscal year 1993 pursuant to such section for such purpose, not more than $3,000,000 shall be available for distribution of humanitarian relief supplies to displaced persons or refugees who are noncombatants, including those affiliated with the Cambodian non-Communist resistance, at or near the border between Thailand and Cambodia.

(b) AUTHORITY TO TRANSFER FUNDS.—The Secretary of Defense may transfer to the Secretary of State not more than $3,000,000 of the funds appropriated pursuant to such section for fiscal year 1993 for humanitarian assistance, other than the funds described in subsection (a)(2), to provide for—

(1) the payment of administrative costs incurred in providing the transportation described in subsection (a); and

(2) the purchase or other acquisition of transportation assets for the distribution of humanitarian relief supplies in the country of destination.

(c) TRANSPORTATION UNDER DIRECTION OF THE SECRETARY OF STATE.—Transportation for humanitarian relief provided with funds appropriated pursuant to such section for humanitarian assistance shall be provided under the direction of the Secretary of State.

(d) MEANS OF TRANSPORTATION TO BE USED.—Transportation for humanitarian relief provided with funds appropriated pursuant to such section for humanitarian assistance shall be provided by the most economical commercial or military means available, unless the Secretary of State determines that it is in the national interest of the United States to provide transportation other than by the most economical means available. The means used to provide such transportation may include the use of aircraft and personnel of the reserve components of the Armed Forces. Nothing in this section shall be construed as waiving the requirements of section 2631 of title 10, United States Code and sections 901(b) and 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b) and 1241f).

(e) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to such section for humanitarian assistance shall remain available until expended, to the extent provided in appropriation Acts.

(f) REPORTS TO CONGRESS.—(1) The Secretary of Defense shall submit (at the times specified in paragraph (2)) to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report on the provision of humanitarian assistance under the humanitarian relief laws specified in paragraph (4).

(2) A report required by paragraph (1) shall be submitted—

(A) not later than 60 days after the date of the enactment of this Act;

(B) not later than June 1, 1993; and

(C) not later than June 1 of each year thereafter until all funds available for humanitarian assistance under the humanitarian relief laws specified in paragraph (4) have been obligated.

(3) A report required by paragraph (1) shall contain (as of the date on which the report is submitted) the following information:

(A) The total amount of funds obligated for humanitarian relief under the humanitarian relief laws specified in paragraph (4).

(B) The number of scheduled and completed flights for purposes of providing humanitarian relief under the humanitarian relief laws specified in paragraph (4).

(C) A description of any transfer (including to whom the transfer is made) of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of title 10, United States Code.

(4) The humanitarian relief laws referred to in paragraphs (1), (2), and (3) are the following:

(A) This section.

(B) Section 304 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1290).

(C) Section 303 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1525).

(D) Section 304 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1409).

(E) Section 303 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 1948).

(F) Section 331 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1078).

(G) Section 305 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 617).

Subtitle B—Limitations

SEC. 311. PROHIBITION ON USE OF FUNDS TO PAY FOR CERTAIN PATRON SERVICES AT COMMISSARY STORES.

Section 2484 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) Funds available to the Department of Defense may not be used to pay a commissary bagger for the performance of commissary bagger services.

''(2) In this subsection:

''(A) The term 'commissary bagger' means an individual licensed by the commander of a military installation to provide commissary bagger services.

''(B) The term 'commissary bagger services' means bagger services and other similar patron services provided at a commissary store for which compensation is usually provided through tips.''.

SEC. 312. PROHIBITION ON THE USE OF CERTAIN FUNDS FOR PENTAGON RESERVATION.

(a) PROHIBITION.—(1) None of the funds appropriated to the Department of Defense for

fiscal year 1993 may be used to contribute to the Pentagon Reservation Maintenance Fund for any purpose other than for the actual and necessary day-to-day operation (including health and safety requirements) of the Pentagon reservation.

(2) None of the funds appropriated pursuant to authorizations provided in this Act or any other Act may be transferred to the Pentagon Reservation Maintenance Fund for the purpose of renovation.

(b) REPORT.—Not later than December 31, 1992, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a revised renovation program for the Pentagon Reservation. Such program shall—

(1) provide for the renovation of only those areas of the Pentagon directly concerned with health and safety; and

(2) reduce the total overall cost of the renovation.

SEC. 313. PROHIBITION ON THE USE OF FUNDS FOR CERTAIN SERVICE CONTRACTS.

(a) PROHIBITION.—Except as provided in subsection (b), the Secretary of Defense may not enter into any contract for the performance of a commercial activity in any case in which the contract results from a cost comparison study conducted by the Department of Defense under Office of Management and Budget Circular A–76 or any successor administrative regulation or policy (hereinafter in this section referred to as OMB Circular A–76).

(b) EXCEPTIONS FOR CERTAIN CONTRACTS.—Subsection (a) shall not apply to—

(1) a contract to be carried out at a location outside the United States at which members of the Armed Forces would have to be used for the performance of an activity described in subsection (a) at the expense of unit readiness; or

(2) a contract (or the renewal of a contract) for the performance of an activity under contract on September 30, 1992.

(c) TERMINATION OF ONGOING COST COMPARISON STUDIES.—The Secretary of Defense shall terminate all cost comparison studies being conducted on the date of the enactment of this Act under OMB Circular A–76 in contemplation of a contract subject to subsection (a).

Subtitle C—Environmental Provisions

SEC. 321. EXTENSION OF REIMBURSEMENT REQUIREMENT FOR CONTRACTORS HANDLING HAZARDOUS WASTES FROM DEFENSE FACILITIES.

Section 2708(b)(1) of title 10, United States Code, is amended by striking out ''fiscal year 1992'' and inserting in lieu thereof ''fiscal years 1992 and 1993''.

SEC. 322. EXTENSION OF PROHIBITION ON USE OF ENVIRONMENTAL RESTORATION FUNDS FOR PAYMENT OF FINES AND PENALTIES.

None of the funds appropriated for fiscal year 1993 pursuant to the authorization for the Environmental Restoration, Defense, account provided in section 301 may be used for the payment of a fine or penalty imposed against the Department of Defense unless the act or omission for which the fine or penalty is imposed arises out of activities funded by the account.

SEC. 323. PILOT PROGRAM FOR EXPEDITED ENVIRONMENTAL RESPONSE ACTIONS.

(a) ESTABLISHMENT.—The Secretary shall establish a pilot program to expedite the performance of on-site environmental response actions at—

(1) military installations scheduled for closure under the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 102 Stat. 2623);

(2) military installations scheduled for closure under the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510; 104 Stat. 1485); and

(3) facilities for which the Secretary is responsible for response actions under the Defense Environmental Restoration Program established in section 2701 of title 10, United States Code.

(b) SELECTION OF INSTALLATIONS AND FACILITIES.—(1) For participation in the pilot program, the Secretary shall select—

(A) 2 military installations referred to in subsection (a)(1);

(B) 2 military installations referred to in subsection (a)(2); and

(C) not less than 5 facilities referred to in subsection (a)(3) with respect to each military department.

(2) The selections under paragraph (1) shall be made not later than 60 days after the date of the enactment of this Act.

(3) The installations and facilities selected under paragraph (1) shall be representative of—

(A) the different types of response actions required for facilities under the Defense Environmental Restoration Program and for military installations scheduled for closure under the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 102 Stat. 2623) and the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510; 104 Stat. 1485); and

(B) the different sizes of such response actions to provide, to the maximum extent possible, opportunities for the full range of business sizes to enter into contracts with the Department of Defense and prime contractors to perform response actions under the pilot program.

(c) EXECUTION OF PROGRAM.—Subject to subsection (d) and to the maximum extent possible, the Secretary shall, in order to eliminate redundant tasks and to accelerate response actions, use the authorities granted in existing law to carry out the pilot program, including—

(1) the development and use of innovative contracting techniques;

(2) the use of all reasonable and appropriate methods to expedite necessary Federal and State administrative decisions, agreements, and concurrences; and

(3) the use (including any necessary request for the use) of existing authorities to assure that response actions under the pilot program are conducted expeditiously, with particular emphasis on interim responses and removal actions.

(d) PROGRAM PRINCIPLES.—The Secretary shall carry out the pilot program consistent with the following principles:

(1) Activities of the pilot program shall be carried out subject to and in accordance with the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended, and any other applicable Federal and State laws and regulations.

(2) The use of competitive procedures to select the contractors.

(3) The consideration, in addition to cost, of the experience and ability of the contractors as a factor to be evaluated in the selection of the contractors.

(e) DEFINITIONS.—In this section:

(1) The term ''response action'' has the same meaning given the term ''response'' in section 2707(1) of title 10, United States Code.

(2) The term ''Secretary'' means the Secretary of Defense.

SEC. 324. OVERSEAS ENVIRONMENTAL COMPLIANCE.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that in carrying out environmental restoration activities at military installations outside the United States, the President should seek to shift the burden of paying for such restoration to the nation in which the installation is located.

(b) REPORT.—The Secretary of Defense shall include in each Report on Allied Contributions to the Common Defense prepared under section 1003 of Public Law 98–525 information, in classified and unclassified form, describing the efforts undertaken and the progress made by the President in carrying out subsection (a) during the period covered by the report.

Subtitle D—Defense Business Operations Fund

SEC. 331. LIMITATIONS ON THE USE OF DEFENSE BUSINESS OPERATIONS FUND.

(a) EXTENSION OF LIMITATION ON PERIOD OF MANAGEMENT.—Section 316(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1290) is amended—

(1) by striking out ''April 15, 1993'' and inserting in lieu thereof ''April 15, 1994''; and

(2) by inserting ''(in this section referred to as the 'Fund')'' before the period at the end of the first sentence.

(b) SEPARATE ACCOUNTING, REPORTING, AND AUDITING OF FUNDS AND ACTIVITIES.—Section 316 of such Act is amended by adding at the end the following new subsection:

''(c) SEPARATE ACCOUNTING, REPORTING, AND AUDITING OF FUNDS AND ACTIVITIES.—For purposes of accounting, financial reporting, and auditing, the Secretary of Defense shall maintain—

''(1) the separate identity of each fund and activity managed through the Fund that (before the establishment of the Fund) was managed as a separate fund or activity; and

''(2) separate records for each function for which payment is made through the Fund and which (before the establishment of the Fund) was paid directly through appropriations, including the separate identity of the appropriation account used to pay for the performance of the function.''.

(c) IMPLEMENTATION OF DBOF.—Such section is further amended by adding at the end the following new subsections:

''(d) IMPLEMENTATION OF THE FUND.—The Secretary of Defense shall implement the Fund in three phases (referred to in this section as 'milestones') as follows:

''(1) MILESTONE I.—Not later than September 30, 1992, the Secretary of Defense shall—

''(A) substantially complete the development of the policies of the Department of Defense governing the operations of the Fund;

''(B) identify the interim systems requirements of the Fund; and

''(C) prepare an evaluation report on the adequacy of the skills and resources devoted to the Fund and its related systems.

''(2) MILESTONE II.—Not later than March 1, 1993, the Secretary of Defense shall—

''(A) develop performance measures, and corresponding performance goals, for each business area of the Fund; and

''(B) prepare a report that—

''(i) specifies the status of interim systems efforts, including efforts to improve the accuracy of information in the Fund systems;

''(ii) specifies whether the Department of Defense has selected a standard cost accounting system, and prepared an implementation plan (with milestone dates) for installing the system at the Fund's activities; and

''(iii) identifies specific tangible benefits resulting from the operation of the Fund, including, if applicable, the reduced costs of providing goods and services and the improvement of the efficiency of Fund operations.

''(3) MILESTONE III.—Not later than September 30, 1993, the Secretary of Defense shall conduct a field test of the standard cost accounting system selected by the Secretary for the Fund.

''(e) USE OF CERTAIN ACCOUNTING STANDARDS.—The Secretary of Defense shall take actions to achieve the milestones prescribed

in subsection (d) and otherwise to implement the Fund consistent with—

''(1) generally accepted accounting principles;

''(2) accounting principles, standards, and requirements generally applicable to Federal agencies;

''(3) internal accounting and administrative control standards prescribed by the Comptroller General; and

''(4) the amendments made by the Chief Financial Officers Act of 1990 (Public Law 101–576; 104 Stat. 2838) and related requirements prescribed by the Office of Management and Budget.''.

(d) MONITORING AND EVALUATION BY THE COMPTROLLER GENERAL; REPORTS.—Such section is further amended by adding after subsection (e), as added by subsection (c), the following new subsection:

''(f) MONITORING AND EVALUATION BY THE COMPTROLLER GENERAL; REPORTS.—

''(1) MONITORING AND EVALUATION.—The Comptroller General shall monitor and evaluate the progress of the Department of Defense in achieving the milestones prescribed in subsection (d) and in implementing the Fund, including the development of policies, performance measures, and actions to improve the Fund's systems.

''(2) REPORTS.—

''(A) REPORT ON THE NONACHIEVEMENT OF MILESTONES BY THE DEPARTMENT OF DEFENSE.—If the Comptroller General determines, pursuant to the monitoring and evaluation conducted under paragraph (1), that the Department of Defense has not achieved any of the milestones prescribed in subsection (d), the Comptroller General shall submit to the Congress, as soon as practicable, a report containing the findings, conclusions, and recommendations of the Comptroller General with respect to the nonachievement of the milestone.

''(B) FINAL REPORT.—Not later than April 30, 1994, the Comptroller General shall submit to the Congress a report containing the findings and conclusions of the Comptroller General pursuant to the monitoring and evaluation conducted under paragraph (1) and any recommendations for administrative or legislative action that the Comptroller General considers to be appropriate.''.

SEC. 332. CAPITAL ASSET SUBACCOUNT.

(a) USE OF SUBACCOUNT FOR CAPITAL ASSETS DEPRECIATION CHARGES.—Amounts for capital assets charges under the Defense Business Operations Fund shall include amounts for charges for depreciation on capital assets, set in accordance with generally accepted accounting principles. Amounts charged for depreciation shall be credited to a separate capital asset subaccount established within the Fund. The subaccount shall be available only for the payment of outlays for capital assets for the Fund.

(b) AWARD OF CONTRACTS.—The Secretary of Defense may award contracts for capital assets of the Fund in advance of the availability of funds in the subaccount, to the extent provided for in appropriations Acts.

(c) ANNUAL REPORT.—The Secretary of Defense shall submit to the congressional defense committees each year, at the same time that the President submits a budget to the Congress under section 1105 of title 31, United States Code, a report that specifies—

(1) the opening balance of the subaccount as of the beginning of the fiscal year in which the report is submitted;

(2) the estimated amounts to be credited to the subaccount in the fiscal year in which the report is submitted;

(3) the estimated amounts of outlays to be paid out of the subaccount in the fiscal year in which the report is submitted;

(4) the estimated balance of the subaccount at the end of the fiscal year in which the report is submitted; and

(5) a statement of how much of the estimated balance at the end of the fiscal year in which the report is submitted will be needed to pay outlays in the immediately following fiscal year that are in excess of the amount to be credited to the subaccount in the immediately following fiscal year.

(d) AUTHORIZATION.—There is hereby authorized to be appropriated to the Fund subaccount for fiscal years 1993 and 1994 such sums as may be necessary to pay, during fiscal year 1993 and until April 15, 1994, outlays for capital assets in excess of the amount otherwise available in the subaccount.

(e) DEFINITIONS.—For purposes of this section:

(1) The term ''capital assets'' means the following capital assets that have a development or acquisition cost of not less than $15,000:

(A) Minor construction projects financed by the Fund pursuant to section 2805(c)(1) of title 10, United States Code.

(B) Automatic data processing equipment, software, other equipment, and other capital improvements.

(2) The term ''Fund'' means the Defense Business Operations Fund.

SEC. 333. PROHIBITION ON MANAGEMENT OF COMMISSARY FUNDS THROUGH DEFENSE BUSINESS OPERATIONS FUND.

(a) PROHIBITION.—Section 316(b)(3) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1290) is amended by striking out ''the Defense Commissary Agency,''.

(b) CONFORMING AMENDMENTS.—Section 8121(a) of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 105 Stat. 1204) is amended—

(1) by striking out clause (2); and

(2) by redesignating clauses (3) through (5) as clauses (2) through (4), respectively.

Subtitle E—Depot-Level Activities

SEC. 341. COMPETITIVE BIDDING FOR TACTICAL MISSILE MAINTENANCE.

If the Secretary of Defense takes action to consolidate at a single location the performance of depot-level tactical missile maintenance by employees of the Department of Defense, the Secretary shall select the depot to perform the tactical missile maintenance through the use of competitive procedures. Any depot-level activity of the Department of Defense that is engaged in tactical missile maintenance on the date of the enactment of this Act shall be eligible to compete for such selection.

SEC. 342. LIMITATIONS ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL.

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

''(a) PERCENTAGE LIMITATION.—The Secretary of a military department and the Secretary of Defense, with respect to the Defense Agencies, may not contract for the performance by non-Governmental personnel of more than 40 percent of the depot-level maintenance workload with respect to each type of materiel or equipment, including ships, aircraft, ordinance, supply, and land forces, for each of the military departments and the Defense Agencies.''.

(b) CONFORMING AMENDMENT.—Section 2466(c) of such title is amended by striking out ''The Secretary of the Army, with respect to the Department of the Army, and the Secretary of the Air Force, with respect to the Department of the Air Force,'' and inserting in lieu thereof ''The Secretary of a military department and the Secretary of Defense, with respect to the Defense Agencies,''.

(c) REPORT.—Section 2466(e) of such title is amended—

(1) by inserting ''(1)'' after ''REPORTS.—''; and

(2) by adding at the end the following:

''(2) Not later than January 15, 1994, the Secretary of each military department and the Secretary of Defense, with respect to the Defense Agencies, shall jointly submit to Congress a report described in paragraph (1).''.

SEC. 343. REQUIREMENT OF COMPETITION FOR THE PERFORMANCE OF WORKLOADS PREVIOUSLY PERFORMED BY DEPOT-LEVEL ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

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

''§ 2469. Contracts to perform workloads previously performed by depot-level activities of the Department of Defense: requirement of competition

''The Secretary of Defense or the Secretary of a military department may not change the performance of a depot-level maintenance workload that is being performed by a depot-level activity of the Department of Defense to performance by a private contractor or by another department, agency, or activity of the Department of Defense unless, prior to the selection of the private contractor, department, agency, or activity, the Secretary uses competitive procedures for the selection.''.

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

''2469. Contracts to perform workloads previously performed by depot-level activities of the Department of Defense: requirement of competition.''.

SEC. 344. REQUIREMENT OF COMPARABLE OFFERING FROM PRIVATE CONTRACTOR CONTRACTS AND DEPARTMENT OF DEFENSE CONTRACTS FOR CONTRACTS OFFERED FOR COMPETITION.

(a) COMPETITION REQUIREMENT.—Chapter 146 of title 10, United States Code, as amended by section 343, is amended by adding at the end the following new section:

''§ 2470. Contracts offered for competition: requirement of comparable offering from private contractor contracts and Department of Defense contracts

''(a) REQUIREMENT.—In offering for competition contracts for the performance of depot-level maintenance workloads, the Secretary of a military department or the Secretary of Defense shall offer contracts for the performance of workloads that are being performed by private contractors at least to the same extent as such Secretary offers contracts for the performance of workloads that are being performed by depot-level activities of the Department of Defense.

''(b) APPLICABILITY.—(1) Contracts offered for competition under subsection (a) are contracts that are not required to be performed by employees of the Department of Defense under section 2466 of this title.

''(2) The requirement described in subsection (a) shall apply to contracts for the performance of workloads with respect to each type of materiel or equipment, including ships, aircraft, ordnance, supply, and land forces, for each of the military departments and the Defense Agencies.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as

amended by section 343(b), is amended by adding at the end the following new item:

''2470. Contracts offered for competition: requirement of comparable offering from private contractor contracts and Department of Defense contracts.''.

SEC. 345. EXPANSION OF COMPETITION PILOT PROGRAM.

Section 314(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1337) is amended by striking out the third sentence and inserting in lieu thereof the following: ''The program may not involve more than 20 percent of depot-level maintenance workload with respect to each type of materiel or equipment, including ships, aircraft, ordnance, supply and land forces, for the Department of the Army and the Department of the Air Force that is not required to be performed by employees of the Department of Defense pursuant to the limitations contained in section 2466 of title 10, United States Code.''.

Subtitle F—Commissaries and Military Exchanges

SEC. 351. STANDARDIZATION OF CERTAIN PROGRAMS AND ACTIVITIES OF MILITARY EXCHANGES.

(a) STANDARDIZATION OF EXCHANGES.—The Secretary of Defense shall standardize among the military departments the following programs and activities of the military exchanges of the military departments:

(1) Accounting (including account titles and item descriptions).

(2) Financial reporting formats.

(3) Automatic data processing and telecommunications data in order to facilitate the transfer of information among military exchanges.

(b) TIME AND MANNER.—The standardization of programs and activities required by subsection (a) shall be completed not later than October 1, 1993, and shall be carried out in the most efficient manner practicable.

(c) REPORT.—Not later than March 31, 1993, the Secretary of Defense shall submit to the Congress a report on other programs and activities of the military exchanges that the Secretary determines can be economically and efficiently managed through standardization or consolidation under a single nonappropriated fund instrumentality.

SEC. 352. ACCOUNTABILITY REGARDING THE FINANCIAL MANAGEMENT AND USE OF NONAPPROPRIATED FUNDS.

(a) REGULATION OF EXPENDITURE OF NAFI FUNDS.—Chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2491. Nonappropriated fund instrumentalities: financial management and use of nonappropriated funds

''(a) REGULATION OF MANAGEMENT AND USE OF NONAPPROPRIATED FUNDS.—The Secretary of Defense shall prescribe regulations governing—

''(1) the purposes for which nonappropriated funds of a nonappropriated fund instrumentality may be expended; and

''(2) the financial management of such funds to prevent waste, loss, or unauthorized use.

''(b) PENALTIES FOR VIOLATIONS.—(1) A civilian employee of the Department of Defense who is paid from nonappropriated funds and who commits a substantial violation of the regulations prescribed under subsection (a) shall be subject to the same penalties as a civilian employee of the Department of Defense who is paid from appropriated funds is subject to under the provisions of Federal law that govern the misuse of appropriations.

''(2) A member of the armed forces who violates a regulation prescribed under subsection (a) shall be punished as a court-martial may direct.

''(3) The Secretary of Defense shall prescribe regulations to carry out this subsection.

''(c) NOTIFICATION OF VIOLATIONS.—(1) A civilian employee of the Department of Defense (whether paid from nonappropriated funds or from appropriated funds) or a member of the armed forces whose duties include the obligation of nonappropriated funds shall notify the Secretary of Defense of information which the person reasonably believes evidences—

''(A) a violation by another person of any law, rule, or regulation regarding the management of such funds; or

''(B) other mismanagement or gross waste of such funds.

''(2) The Secretary of Defense shall designate civilian employees of the Department of Defense or members of the armed forces to receive a notification described in paragraph (1) and ensure the prompt investigation of the validity of information provided in the notification.

''(d) PROTECTION OF CONFIDENTIALITY.—The Secretary shall prescribe regulations to protect the confidentiality of a person making a notification under subsection (c).''.

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

''2491. Nonappropriated fund instrumentalities: financial management of nonappropriated funds.''.

SEC. 353. DEMONSTRATION PROGRAM FOR THE OPERATION OF CERTAIN COMMISSARY STORES BY NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) ESTABLISHMENT OF DEMONSTRATION PROGRAM.—(1) The Secretary of Defense shall establish a demonstration program to determine the feasibility of continuing the operation of commissary stores at military bases scheduled for closure.

(2) Under the program referred to in paragraph (1), the Secretary of Defense shall select nonappropriated fund instrumentalities to operate commissary stores located at military installations referred to in subsection (b).

(b) COVERED MILITARY INSTALLATIONS.—Subsection (a) shall apply to commissary stores located at Carswell Air Force Base and the Presidio of San Francisco.

(c) PROGRAM REQUIREMENT.—(1) Commissary stores operated under the program established in this section shall be operated in accordance with section 2484 of title 10, United States Code, relating to the payment of costs by the Department of Defense in connection with the operation of commissary stores.

(2) Subject to section 2484 of title 10, United States Code, the Secretary of Defense may authorize a transfer of goods and supplies of, and funds made available to, the Defense Commissary Agency to the nonappropriated fund instrumentalities selected under subsection (a)(2) for the purpose of operating combined exchange and commissary stores under the program, including the construction, renovation, and daily operation of the combined stores.

(d) PERIOD OF DEMONSTRATION PROGRAM.—A nonappropriated fund instrumentality selected under subsection (a)(2) shall operate the commissary store facilities referred to in subsection (b) for the period beginning on the date of the selection of the nonappropriated fund instrumentality and ending on the date of the expiration of the period referred to in subsection (e).

(e) REPORT.—Not later than the expiration of the one-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit to the Congress a report on the implementation of the demonstration program. The report shall include the findings, conclusions, and recommendations of the Secretary, including a recommendation with respect to whether similar programs should be carried out at other military installations.

(f) DEFINITION.—In this section, the term ''nonappropriated fund instrumentality'' means an instrumentality of the United States under the jurisdiction of the Department of the Army or the Department of the Air Force (including the Army and Air Force Exchange Service) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

SEC. 354. REPEAL OF LIMITATIONS ON RELEASE OF INFORMATION REGARDING SALES AT COMMISSARY STORES.

(a) REPEAL OF LIMITATIONS.—Section 2487 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 147 of that title is amended by striking out the item relating to section 2487.

SEC. 355. USE OF COMMISSARY STORES BY MEMBERS OF THE READY RESERVE.

(a) IN GENERAL.—Section 1063(a) of title 10, United States Code, is amended to read as follows:

''(a) ELIGIBILITY OF MEMBERS OF READY RESERVE.—(1) A member of the Ready Reserve who satisfactorily completes 50 or more points creditable under section 1332(a)(2) of this title in a calendar year shall be eligible to use commissary stores of the Department of Defense. The Secretary concerned shall authorize the member to have 12 days of eligibility for any calendar year that the member qualifies for eligibility under this subsection.

''(2) Paragraph (1) shall apply without regard to whether, during the calendar year, the member receives compensation for the duty or training performed by the member or performs active duty for training.''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to the completion of reserve points beginning in calendar year 1992.

(c) CONFORMING AMENDMENTS.—(1) The heading of section 1063 of such title is amended to read as follows:

"§ 1063. Period for use of commissary stores: eligibility for members of the Ready Reserve".

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

''1063. Period for use of commissary stores: eligibility for members of the Ready Reserve.''.

Subtitle G—Other Matters

SEC. 361. EXTENSION OF CERTAIN GUIDELINES FOR REDUCTIONS IN THE NUMBER OF CIVILIAN POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) EXTENSION OF GUIDELINES.—Section 1597 of title 10, United States Code, is amended to read as follows:

"§ 1597. Civilian positions: guidelines for reductions

''(a) REQUIREMENT OF GUIDELINES FOR REDUCTIONS IN CIVILIAN POSITIONS.—Any reductions in the number of civilian positions of the Department of Defense shall be carried out in accordance with the guidelines established pursuant to subsection (b).

''(b) GUIDELINES.—The Secretary of Defense shall establish guidelines for the manner in which reductions in the number of ci-

vilian positions of the Department of Defense are made. The guidelines shall include procedures for reviewing civilian positions for reductions according to the following order:

''(1) Positions filled by foreign national employees overseas.

''(2) All other positions filled by civilian employees overseas.

''(3) Overhead, indirect, and administrative positions in headquarters or field operating agencies in the United States.

''(4) Direct operating or production positions in the United States.

''(c) MASTER PLAN.—(1) The Secretary of Defense shall include in the materials submitted to Congress in support of the budget request for the Department of Defense for each fiscal year a civilian positions master plan described in paragraph (2) for the Department of Defense as a whole and for each military department, Defense Agency, and other principal component of the Department of Defense.

''(2) The master plan referred to in paragraph (1) for a fiscal year shall include the information described in paragraph (3). Such information shall include information for each of the two fiscal years immediately preceding such fiscal year and projected information for such fiscal year and each of the two fiscal years immediately following such fiscal year.

''(3) The information referred to in paragraph (2) is the following:

''(A) A profile of the levels of civilian positions sufficient to establish and maintain a baseline for tracking annual accessions and losses of civilian positions and to provide for the analysis of trends in the levels of civilian positions within the Department of Defense as a whole and for each military department, major subordinate command of each military department, Defense Agency, and other principal component of the Department of Defense. The profile shall include information for the following:

''(i) The total number of civilian employees.

''(ii) Of the total number of civilian employees, the number of civilian employees in the United States, the number of civilian employees overseas, and the number of foreign national employees overseas.

''(iii) Of the total number of civilian employees at the end of each fiscal year covered by the master plan, the number of full-time employees, the number of part-time employees, and the number of temporary and on-call employees.

''(iv) Accessions and losses of civilian positions, shown in the aggregate and by the number of full-time employees, the number of part-time employees, and the number of temporary and on-call employees.

''(v) The number of losses of civilian positions, by appropriation account, due to reductions in force, furloughs, or functional transfers or other significant transfers of work away from the military department, defense agency, or other component.

''(vi) The extent to which accessions and losses of civilian positions are due to functional transfers or competitive actions that are related to the Defense Management Review Initiatives of the Secretary of Defense.

''(B) For industrial-type and commercial-type activities funded through the Defense Business Operations Fund, information that indicates the following:

''(i) Annual trends in the amount of funded workload for each activity, based upon the average number of months of accumulated, funded workload to be performed, or projected to be performed, by the activity.

''(ii) The extent to which such workload is funded by funds that are appropriated from appropriation accounts and managed through the Defense Business Operations Fund.

''(C) Information that indicates trends in the extent to which the military department, defense agency, or other component enters into contracts with persons outside of the Department of Defense, rather than uses civilian positions, to perform work for the military department, defense agency or other component.

''(D) Information that indicates the extent to which the Defense Management Review Initiatives and other productivity enhancement programs of the Department of Defense significantly affect the number of losses of civilian positions, particularly administrative and management positions.

''(d) EXCEPTIONS.—The Secretary of Defense may permit a variation from the guidelines established under subsection (b) or a master plan prepared under subsection (c) if the Secretary determines that such variation is critical to the national security. The Secretary shall immediately notify the Congress of any such variation and the reasons for such variation.

''(e) INVOLUNTARY REDUCTIONS OF CIVILIAN POSITIONS.—The Secretary of Defense may not implement any involuntary reduction or furlough of civilian positions in a military department, defense agency, or other component of the Department of Defense until the expiration of the 45-day period beginning of the date on which the Secretary submits to Congress a report setting forth the reasons why such reductions or furloughs are required and a description of any change in workload or positions requirements that will result from such reductions or furloughs.''.

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

''1597. Civilian positions: guidelines for reductions.''.

SEC. 362. ANNUAL INVENTORY REPORT.

(a) ANNUAL REPORT.—Subsection (a) of section 2891 of title 10, United States Code, is amended by striking out ''for each of fiscal years 1989, 1990, and 1991'' and inserting in lieu thereof ''for each fiscal year''.

(b) CONTENT OF REPORT.—Subsection (b) of such section is amended by adding at the end the following new paragraphs:

''(9) A summary description of the circumstances surrounding cases determined by the Secretary of Defense to be major theft cases that occurred during the fiscal year preceding the fiscal year in which the report is submitted, including any case involving a loss in an amount greater than $1,000,000 or a loss of sensitive or classified items.

''(10) The value, and an analysis, of in-transit losses that occurred during the fiscal year preceding the fiscal year in which the report is submitted.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect with respect to fiscal year 1992.

SEC. 363. TRANSPORTATION OF DONATED MILITARY ARTIFACTS.

Section 2572(d)(2) of title 10, United States Code, is amended by inserting before the period the following: '', except for expenses associated with the demilitarization, preparation, and handling of the item that is the subject of the loan or gift and any ground transportation of the item in the continental United States on a military vehicle''.

SEC. 364. SUBCONTRACTING AUTHORITY FOR AIR FORCE AND NAVY DEPOTS.

Section 2208(j) of title 10, United States Code, is amended by striking out ''The Secretary'' and all that follows through ''facility'' and inserting in lieu thereof ''The Secretary of a military department may authorize a working capital funded industrial facility of that department''.

SEC. 365. PROHIBITION ON PAYMENT OF SEVERANCE PAY TO CERTAIN FOREIGN NATIONALS IN THE PHILIPPINES.

(a) PROHIBITION.—Funds available to the Department of Defense may not be used to pay severance pay to a foreign national employed by the Department of Defense in the Republic of the Philippines if the discontinuation of the employment of the foreign national is the result of the termination of basing rights of the United States military in the Republic of the Philippines.

(b) PROHIBITION ON ALLOWANCE OF CERTAIN SEVERANCE PAY AS CONTRACT COSTS.—Funds available to the Department of Defense may not be used to pay the costs of severance pay paid by a contractor to a foreign national employed by the contractor under a defense service contract in the Philippines if the discontinuation of the employment of the foreign national is the result of the termination of basing rights of the United States military in the Philippines.

SEC. 366. REPEAL OF LIMITATION ON PROHIBITION OF PAYMENT OF CERTAIN FOREIGN SEVERANCE COSTS.

Section 311(b)(3)(B) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1412) is repealed.

SEC. 367. REPORTS ON OVERSEAS BASING.

(a) ANNUAL REPORT ON OVERSEAS BASING.—The Secretary of Defense shall, not later than March 31 of each year, submit to the Committees on Armed Services of the Senate and House of Representatives, either separately or as part of another relevant report, a report that specifies—

(1) the basing plan for United States military forces outside the United States;

(2) the status of closures of United States military installations located outside the United States;

(3) the schedule for the negotiation of such closures;

(4) the potential savings to the United States resulting from such closures;

(5) the potential amount of receipts from residual value negotiations; and

(6) efforts to achieve host nation offsets for United States military forces remaining in the host nation.

(b) REPORT ON BUDGET IMPLICATIONS OF OVERSEAS BASING AGREEMENTS.—The Secretary of Defense shall submit to the congressional defense committees a report on the Federal budget implications of a basing agreement entered into between the United States and a foreign nation with respect to United States military forces outside the United States. Any report required under this subsection shall be submitted in advance of the signing of the agreement.

SEC. 368. DEFENSE BURDENSHARING.

(a) DEFENSE BURDENSHARING AGREEMENTS.—The President shall consult with the foreign nations described in subsection (b) to achieve an agreement on defense burdensharing with each such nation under which such nation shall, by September 30, 1994—

(1) assume an increased share of the costs to the United States with respect to United States military installations in the foreign nation to include—

(A) all labor, utilities, and services;

(B) all military construction projects and real property maintenance;

(C) all leasing requirements associated with United States military presence; and

(D) all environmental restoration activities;

(2) relieve United States military forces of all tax liability incurred on a United States military installation located in the nation under the laws of the nation and locality where the military installation is located; and

(3) ensure that goods and services furnished to United States military forces are provided at minimum cost and without imposition of user fees.

(b) COVERED NATIONS.—The foreign nations referred to in subsection (a) are each member nation of the North Atlantic Treaty Organization (other than the United States) and the Republic of Korea.

(c) FUNDING LIMITATIONS.—(1)(A) Of amounts made available to the Department of Defense for fiscal year 1993 for operation and maintenance for overseas basing activities, the amount that may be obligated to conduct overseas basing activities shall be reduced by the amount specified in subparagraph (B). The amount specified in subparagraph (B) shall be reallocated for operation and maintenance activities at military installations located inside the United States.

(B) The amount referred to in subparagraph (A) is the amount that equals the greater of—

(i) five percent of the amounts made available to the Department of Defense for fiscal year 1993 for operation and maintenance for overseas basing activities; or

(ii) the amount that represents the savings to the United States achieved as a result of agreements reached under subsection (a).

(2)(A) Of amounts made available to the Department of Defense for fiscal year 1994 for operation and maintenance for overseas basing activities, the amount that may be obligated for overseas basing activities shall be reduced by the amount specified in subparagraph (B). The amount specified in subparagraph (B) shall be reallocated for operation and maintenance activities at military installations located inside the United States.

(B) The amount referred to in subparagraph (A) is the amount that equals the greater of—

(i) ten percent of the amounts made available to the Department of Defense for fiscal year 1994 for operation and maintenance for overseas basing activities; or

(ii) the amount that represents the savings to the United States achieved as a result of agreements reached under subsection (a).

SEC. 369. CONSIDERATION OF VESSEL LOCATION FOR THE AWARD OF LAYBERTH CONTRACTS FOR SEALIFT VESSELS.

(a) CONSIDERATION OF VESSEL LOCATION IN THE AWARD OF LAYBERTH CONTRACTS.—As a factor in the evaluation of bids and proposals for the award of contracts to layberth sealift vessels of the Department of the Navy, the Secretary of the Navy shall include the location of the vessels, including whether the vessels should be layberthed at locations—

(1) where members of the Armed Forces are likely to be loaded onto the vessels; and

(2) which maximize the ability of the vessels to meet mobility and training needs of the Department of Defense.

(b) ESTABLISHMENT OF LOCATION AS A MAJOR CRITERION.—In the evaluation of bids and proposals referred to in subsection (a), the Secretary of the Navy shall give the same level of consideration to the location of the vessels as the Secretary gives to other major factors established by the Secretary.

(c) APPLICABILITY.—Subsection (a) shall apply to any solicitation for bids or proposals issued after the end of the 120-day period beginning on the date of the enactment of this Act.

SEC. 370. PILOT PROGRAM TO USE NATIONAL GUARD MEDICAL PERSONNEL IN AREAS CONTAINING MEDICALLY UNDERSERVED POPULATIONS.

(a) PILOT PROGRAM.—The Secretary of Defense shall enter into an agreement with the Governors of the States of Tennessee, Florida, and Ohio to carry out a pilot program during fiscal year 1993 to improve the provision of health care to medically underserved populations in those States through the use of medical personnel of the National Guard and the Reserves.

(b) FUNDING ASSISTANCE.—Under the agreement, the Secretary of Defense shall provide funds for the pay, allowances, clothing, subsistence, travel, and related expenses of personnel of the National Guard and the Reserves participating in the pilot program and for medical supplies and equipment to be used to provide health care to medically underserved populations. Of the funds authorized to be appropriated for fiscal year 1993 for operation and maintenance under this title, not more than $1,500,000 may be used by the Secretary to provide funding under the agreements.

(c) SERVICE OF PARTICIPANTS.—Service by National Guard and Reserve personnel in the pilot program shall be counted toward the annual training required under section 270 of title 10, United States Code, and section 502 of title 32, United States Code.

(d) REPORT.—The Secretary of Defense shall, not later than January 1, 1994, submit to the Congress a report on the effectiveness of the pilot program and any recommendations of the Secretary with respect to the pilot program.

SEC. 371. AUTHORITY FOR THE ISSUE OF UNIFORMS WITHOUT CHARGE TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—(1) Chapter 45 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 776. Issue of uniform without charge

"(a) ISSUE OF UNIFORM.—The Secretary concerned may issue a uniform, without charge, to any of the following members:

"(1) A member who is being repatriated after being held as a prisoner of war.

"(2) A member who is being treated at or released from a medical treatment facility as a consequence of being wounded or injured during military hostilities.

"(3) A member who, as a result of the member's duties, has unique uniform requirements.

"(4) Any other member, if the Secretary concerned determines, under exceptional circumstances, that the issue of the uniform to that member would significantly benefit the morale and welfare of the member and be advantageous to the armed force concerned.

"(b) RETENTION OF UNIFORM AS A PERSONAL ITEM.—Notwithstanding section 771a of this title, a uniform issued to a member under this section may be retained by the member as a personal item.".

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

"776. Issue of uniform without charge.".

SEC. 372. REPORTING REQUIREMENT FOR FUNDING REQUESTS FOR SUPPORT OF SPORTING EVENTS.

The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives, before a request for or expenditure of funds to provide Department of Defense support for a sporting event (such as the Olympics, the Pan American Games, the World Cup Games, or the World University Games) a report that contains—

(1) an assessment of the need for such support, including an assessment of potential security threats;

(2) recommendations of the Secretary for the type of assistance required to meet such need; and

(3) an estimate of and justification for the projected expenditures of the Department of Defense.

SEC. 373. CONSIDERATION OF COMMUNITY ABILITY TO COMPETE FOR THE RELOCATION OF FINANCE AND ACCOUNTING ACTIVITIES.

(a) CONSIDERATION OF FACTORS.—In evaluating and selecting communities as sites for the relocation of financial and accounting activities under the management of the Defense Finance Accounting Service, the Secretary of Defense shall ensure that consideration is provided to the ability of States and communities to compete for the relocation based upon their relative size and potential to make offers of incentives for the relocation.

(b) REPORT.—The Secretary of Defense shall, with respect to the relocation described in subsection (a) and not later than February 28, 1993, submit to the Committees on Armed Services of the Senate and House of Representatives a report on the advisability of using competitive procedures among communities to acquire property (through lease or otherwise) and other incentives without providing reimbursement to the community for such property or support.

SEC. 374. PROGRAM TO COMMEMORATE WORLD WAR II.

(a) IN GENERAL.—The Secretary of Defense may, during fiscal years 1992 through 1995, conduct a program to commemorate the 50th anniversary of World War II and to coordinate, support, and facilitate other such commemoration programs and activities of the Federal Government, State and local governments, and other persons.

(b) USE OF FUNDS.—During fiscal years 1992 through 1995, funds appropriated for operation and maintenance, Defense Agencies appropriations, of the Department of Defense shall be available to conduct the program referred to in subsection (a).

(c) PROGRAM ACTIVITIES.—The program referred to in subsection (a) may include activities and ceremonies—

(1) to provide the people of the United States with a clear understanding and appreciation of the lessons and history of World War II;

(2) to thank and honor veterans of World War II and their families;

(3) to pay tribute to the sacrifices and contributions made on the homefront by the people of the United States;

(4) to foster an awareness in the people of the United States that World War II was the central event of the 20th century that defined the postwar world;

(5) to highlight advances in technology, science, and medicine related to military research conducted during World War II;

(6) to inform wartime and postwar generations of the contributions of the United States military to the Nation;

(7) to recognize the contributions and sacrifices made by World War II allies of the United States; and

(8) to highlight the role of the United States military, then and now, in maintaining world peace through strength.

(d) AUTHORITY OF THE SECRETARY.—(1) The Secretary of Defense may, in accordance with regulations prescribed by the Secretary, authorize the manufacture, reproduction, use, sale, or distribution of logos, trademarks, seals, and similar items for the program referred to in subsection (a), and grant exclusive or nonexclusive licenses for such purposes.

(2) The Secretary may, in furtherance of the program referred to in subsection (a) and in accordance with regulations prescribed by the Secretary, grant exclusive or nonexclusive licenses for any copyrighted material for which the Secretary holds an exclusive license or owns the copyright as transferred through assignment, bequest, or otherwise. Notwithstanding any other provision of law, any proceeds received as a result

of these activities shall be deposited into the account established by subsection (e).

(e) ESTABLISHMENT OF ACCOUNT.—(1) There is established in the Treasury an account to be known as the ''Department of Defense 50th Anniversary of World War II Commemoration Account'' which shall be administered by the Secretary of Defense as a single account. There shall be deposited into the account all proceeds derived from activities described in subsection (d).

(2) The Secretary may use the funds in the account established in paragraph (1), except that the funds may be used only for the purpose of conducting the program referred to in subsection (a).

(3) Not later than 60 days after the termination of the authority of the Secretary to conduct the commemoration program referred to in subsection (a), the Secretary shall transmit to the Committees on Armed Services of the Senate and House of Representatives a report containing an accounting of all the funds deposited into and expended from the account or otherwise expended under this section, and of any amount remaining in the account. Unobligated funds which remain in the account after termination of the authority of the Secretary under this section shall be held in the account until transferred by law after the Committees receive the report.

(f) PROVISION OF VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the program referred to in subsection (a).

(2) A person providing voluntary services under this subsection shall be considered to be an employee of the Federal Government for the purpose of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries, and to be an employee of the Federal Government for the purpose of chapter 176 of title 28, United States Code, relating to tort claims. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of such services.

(3) The Secretary of Defense may provide for reimbursement of incidental expenses which are incurred by a person providing voluntary services under this subsection. The Secretary of Defense shall determine which expenses are eligible for reimbursement under this paragraph.

(g) SENSE OF CONGRESS.—(1) The Congress finds that—

(A) more than 16,000,000 Americans served in the Armed Forces during World War II;

(B) more than 400,000 American men and women gave their lives in the defense of freedom around the world;

(C) World War II fundamentally reshaped the international geopolitical landscape, as well as the Nation's economic, political, and cultural institutions;

(D) World War II involved a clear choice between democracy and tyranny and involved the Nation as a whole in a worldwide battle against the forces of fascism and oppression;

(E) other nations are developing or have established permanent exhibitions about their own role in World War II, such as the Battle of Normandy Museum of Peace in Caen, France; and

(F) numerous organizations and individuals across the United States have expressed interest in or are engaged in efforts to draw attention to the 50th anniversary of World War II.

(2) It is the sense of the Congress—

(A) that the anniversary of World War II should not go unrecognized at the national level;

(B) that, between 1992 and 1995, the Federal Government should encourage appropriate 50th anniversary commemorations of the role of the United States in World War II, the contribution to the Allied victory of American military men and women as well as ordinary citizens, and the enduring values to which the Nation's participation in that struggle was dedicated;

(C) that the construction of a memorial to honor all members of the Armed Forces who served in World War II should by completed by the time of the anniversary celebration; and

(D) that an organization, such as the National World War II Memorial Fund, Inc., should oversee the planning, design, construction, and operation of any national World War II memorial.

SEC. 375. EXTENSION OF DEMONSTRATION PROJECT FOR THE USE OF PROCEEDS FROM THE SALE OF CERTAIN LOST, ABANDONED, OR UNCLAIMED PERSONAL PROPERTY.

(a) EXTENSION OF PROGRAM.—Section 343(d) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1344) is amended by striking out ''terminate at the end of the one-year period'' and inserting in lieu thereof ''terminate at the end of the two-year period''.

(b) REPORT.—Section 343(e) of such Act is amended by striking out ''one-year period'' and inserting in lieu thereof ''two-year period''.

SEC. 376. ARMY PROGRAM TO PROMOTE CIVILIAN MARKSMANSHIP.

(a) ANNUAL AUTHORIZATION OF APPROPRIATIONS FOR CIVILIAN MARKSMANSHIP PROGRAM.—Section 4308 of title 10, United States Code, is amended to read as follows:

''§ 4308. Promotion of civilian marksmanship: authority of the Secretary of the Army

''(a) The Secretary of the Army, under regulations approved by him upon the recommendation of the National Board for the Promotion of Rifle Practice, shall provide for—

''(1) the operation and maintenance of indoor and outdoor rifle ranges and their accessories and appliances;

''(2) the instruction of citizens of the United States in marksmanship, and the employment of necessary instructors for that purpose;

''(3) the promotion of practice in the use of rifled arms, the maintenance and management of matches or competitions in the use of those arms, and the issue, without cost, of the arms, ammunition (including caliber .22 and caliber .30 ammunition), targets, and other supplies and appliances necessary for those purposes, to gun clubs under the direction of the National Board for the Promotion of Rifle Practice that provide training in the use of rifled arms to youth, the Boy Scouts of America, 4-H Clubs, Future Farmers of America, and other youth-oriented organizations for training and competition;

''(4) the award to competitors of trophies, prizes, badges, and other insignia;

''(5) the loan or sale, at fair market value, of caliber .22, caliber .30, and air rifles, and the sale of ammunition, at fair market value, to gun clubs under the direction of the National Board for the Promotion of Rifle Practice that provide training in the use of rifled arms;

''(6) the sale, at fair market value, of the arms (including surplus M–1 Garands, ammunition, targets, and other supplies and appliances needed for target practice) to citizens of the United States who are over the age of 18 and current members of a gun club under the direction of the National Board for the Promotion of Rifle Practice;

''(7) the maintenance of the National Board for the Promotion of Rifle Practice, including provision for its necessary expenses and those of its members, and the payment of incidental expenses to conduct annual meetings;

''(8) the procurement of necessary supplies, appliances, trophies, prizes, badges, and other insignia, clerical and other services, and labor; and

''(9) the transportation of employees, instructors, and civilians to give or to receive instruction or to assist or engage in practice in the use of rifled arms, and the transportation and subsistence, or an allowance instead of subsistence, of members of teams authorized by the Secretary to participate in matches or competitions in the use of rifled arms.

''(b)(1) Subject to paragraph (1), there is authorized to be appropriated annually such sums as may be necessary for the necessary and incidental costs of, or personnel services connected with, the programs conducted by the Department of the Army to promote marksmanship among civilians (including the costs of the 'National Matches' referred to in section 4312 of this title) that are not covered by revenues generated by the collection of fees for such programs.

''(2) The amount of funds appropriated for any fiscal year pursuant to paragraph (1) shall not exceed the amount appropriated pursuant to such paragraph for fiscal year 1993.

''(c) The Secretary may provide personnel services (in addition to pay and nontravel-related allowances for members of the armed forces) in carrying out the authority of the Secretary under this section and sections 4310 through 4312 of this title.

''(d) The Secretary may establish reasonable fees for persons and gun clubs participating in any program conducted by the Secretary for the promotion of marksmanship among civilians.

''(e) Amounts collected by the Secretary under subsection (d) and from the sale of arms, ammunition, targets, and other supplies and appliances under subsection (a) shall be credited to the appropriation account used to pay the costs of the programs conducted by the Department of the Army to promote marksmanship among civilians.''.

(b) USE OF FEES COLLECTED AT MILITARY RANGES.—Section 4309 of that title is amended to read as follows:

''§ 4309. Rifle ranges: available for use by members and civilians

''(a) RANGES AVAILABLE.—All rifle ranges constructed in whole or in part with funds provided by the United States may be used by members of the armed forces and by persons capable of bearing arms.

''(b) MILITARY RANGES.—(1) In the case of a rifle range referred to in subsection (a) located on a military installation, the Secretary concerned may establish reasonable fees for the use by civilians of that rifle range.

''(2) Use of a rifle range referred to in paragraph (1) by civilians may not interfere with the use of the range by members of the armed forces.

''(c) REGULATIONS.—Regulations to carry out this section shall be prescribed by the authorities controlling the rifle range, subject to the approval of the Secretary concerned.''.

(c) NATIONAL RIFLE MATCHES AND SMALL-ARMS SCHOOLS: EXPENSES.—Section 4313 of that title is amended to read as follows:

''§ 4313. National rifle matches and small—arms school: expenses

''(a) Competitors at special clinics and the National Matches referred to in section 4312 of this title who are under 18 years of age or from a gun club organized from the students of a university or college may be paid a subsistence allowance in such amount as the Secretary of the Army shall prescribe.

''(b) A travel allowance in such amount as the Secretary of the Army shall prescribe may be paid to a competitor referred to in subsection (a) instead of travel expenses and subsistence while traveling, and the allowance for the return trip may be paid in advance.

''(c) Funds appropriated for programs conducted by the Department of the Army to promote marksmanship among civilians may be used to pay the personnel costs and travel and per diem expenses of reserve component personnel conducting training support under this section beyond their scheduled annual training period.''.

(d) REPORT.—Chapter 401 of such title is amended by adding at the end the following new section:

''§ 4316. Reporting requirements

''The Secretary of the Army shall biennially submit to the Congress a report that specifies the overall expenditures for programs and activities under this chapter and any progress made with respect to achieving financial self-sufficiency of the programs and activities.''.

(e) CONFORMING AND CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended—

(1) by striking out the item relating to section 4313 and inserting in lieu thereof the following:

''4313. National rifle matches and small-arms school: expenses.'';

and

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

''4316. Reporting requirements.''.

SEC. 377. EXTENSION OF AUTHORITY TO TRANSFER EXCESS PERSONAL PROPERTY.

Section 1208(c) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 372 note) is amended by striking out ''September 30, 1992'' and inserting in lieu thereof ''September 30, 1997''.

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, 1993, as follows:

(1) The Army, 598,900.
(2) The Navy, 535,800.
(3) The Marine Corps, 181,900.
(4) The Air Force, 449,900.

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, 1993, as follows:

(1) The Army National Guard of the United States, 420,000.
(2) The Army Reserve, 263,000.
(3) The Naval Reserve, 125,800.
(4) The Marine Corps Reserve, 42,400.
(5) The Air National Guard of the United States, 119,200.
(6) The Air Force Reserve, 82,200.
(7) The Coast Guard Reserve, 15,150.

(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 for any fiscal year shall be proportionately reduced 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 proportionately increased 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 RESERVE COMPONENTS.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1993, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 24,611.
(2) The Army Reserve, 12,412.
(3) The Naval Reserve, 20,926.
(4) The Marine Corps Reserve, 2,285.
(5) The Air National Guard of the United States, 9,131.
(6) The Air Force Reserve, 636.

SEC. 413. ARMY NATIONAL GUARD FORCE STRUCTURE ALLOWANCE.

(a) REQUIREMENT.—During fiscal year 1993, the force structure allowance of the Army National Guard shall be not less than 425,000.

(b) DEFINITION.—For purposes of this section, the term ''force structure allowance'' means the number of authorized spaces in units and organizations, as allocated by authorization documents.

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1993, the Armed Forces are authorized average military training loads as follows:

(1) The Army, 85,475.
(2) The Navy, 51,371.
(3) The Marine Corps, 18,831.
(4) The Air Force, 33,164.
(5) The Defense Agencies, 4,740.

(b) ADJUSTMENTS.—The average military 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.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. REPEAL OF REQUIREMENT CONCERNING INITIAL COMMISSIONING OF OFFICERS.

Section 532 of title 10, United States Code, is amended by striking out subsection (e).

SEC. 502. APPOINTMENT OF CHIROPRACTORS AS COMMISSIONED OFFICERS.

(a) ARMY.—Section 3070 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(5) the Chiropractic Section.'';

(2) in subsection (c), by striking out ''four assistant chiefs'' and inserting in lieu thereof ''five assistant chiefs''; and

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

''(d) APPOINTMENT OF CHIROPRACTORS.—Chiropractors who are qualified under regulations prescribed by the Secretary of the Army may be appointed as commissioned officers in the Chiropractic Section of the Army Medical Specialist Corps.''.

(b) NAVY.—(1) Chapter 513 of such title is amended by inserting after section 5138 the following new section:

''§ 5139. Appointment of chiropractors in the Medical Service Corps

''Chiropractors who are qualified under regulations prescribed by the Secretary of the Navy may be appointed as commissioned officers in the Medical Service Corps of the Navy.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5138 the following new item:

''5139. Appointment of chiropractors in the Medical Service Corps.''.

(c) AIR FORCE.—Section 8067(f) of such title is amended by inserting ''and chiropractic functions'' after ''physician assistant functions''.

(d) DEADLINE FOR REGULATIONS.—The regulations required to be prescribed by the amendments made by this section shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. 503. CLARIFICATION OF MINIMUM SERVICE REQUIREMENTS FOR CERTAIN FLIGHT CREW POSITIONS.

(a) MINIMUM REQUIREMENTS.—Section 653 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking out ''active duty obligation'' and inserting in lieu thereof ''service obligation''; and

(2) in subsection (c), by striking out ''the term 'active duty obligation' means the period of active duty'' and inserting in lieu thereof ''the term 'service obligation' means the period of active duty or, in the case of a member of a reserve component, the period of service in an active status in the Selected Reserve''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of November 29, 1989.

SEC. 504. AUTHORITY FOR TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS.

Section 5721 of title 10, United States Code, is amended by striking out subsection (f).

Subtitle B—Reserve Component Matters

SEC. 511. PILOT PROGRAM FOR ACTIVE COMPONENT SUPPORT OF RESERVES.

(a) REPEAL OF FISCAL YEAR 1992 DEADLINE.—Section 521 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1361) is repealed.

(b) PERSONNEL TO BE ASSIGNED.—Section 414 of such Act (105 Stat. 1352) is amended—

(1) in subsection (a), by striking out ''fiscal year 1993'' and inserting in lieu thereof ''fiscal years 1992 and 1993'';

(2) in subsection (c)(2), by striking out ''1,300 officers as advisers to combat units and 700 officers as advisers to combat support units and combat service support units'' and inserting in lieu thereof ''2,000 members as advisers to combat units, combat support units and combat service support units'';

(3) in subsection (c)(3)—

(A) by striking out ''officers'' and inserting in lieu thereof ''members'';

(B) by striking out ''in fiscal year 1993'' and inserting in lieu thereof ''during fiscal years 1992 and 1993''; and

(C) by striking ''section 401(b)(1)'' and inserting in lieu thereof ''section 401''; and

(4) in subsection (d), by striking out ''may expand'' and all that follows and inserting in lieu thereof ''shall by April 1, 1993, submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the Secretary's evaluation of the program to that date. As part of the

budget submission for fiscal year 1995, the Secretary shall submit any recommendations for expansion or modification of the program. In no case may the number of active duty personnel assigned to the program decrease below the number specified for the pilot program.''.

SEC. 512. REPEAL OF REQUIREMENT FOR REMOVAL OF FULL-TIME RESERVE PERSONNEL FROM ROTC DUTY.

(a) REPEAL.—Section 690 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 39 of such title is amended by striking out the item relating to such section.

SEC. 513. ONE-YEAR EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT PROGRAMS.

(a) GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are each amended by striking ''September 30, 1992'' and inserting in lieu thereof ''September 30, 1993''.

(b) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of such title are each amended by striking out ''September 30, 1992'' and inserting in lieu thereof ''September 30, 1993''.

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360 note), is amended by striking out ''September 30, 1992'' and inserting in lieu thereof ''September 30, 1993''.

SEC. 514. PREFERENCE IN GUARD AND RESERVE AFFILIATION FOR VOLUNTARILY SEPARATED MEMBERS.

Section 1150(a) of title 10, United States Code, is amended by striking out ''involuntarily''.

SEC. 515. TECHNICAL CORRECTION AND CODIFICATION OF REQUIREMENT OF BACCALAUREATE DEGREE FOR APPOINTMENT OR PROMOTION OF RESERVE OFFICERS TO GRADES ABOVE FIRST LIEUTENANT OR LIEUTENANT (JUNIOR GRADE).

(a) IN GENERAL.—Chapter 34 of title 10, United States Code, is amended by inserting after section 595 the following new section:

''§ 596. Commissioned officers: appointment; educational requirement

''(a) IN GENERAL.—After September 30, 1995, no person may be appointed to a grade above the grade of first lieutenant in the Army Reserve, Air Force Reserve, or Marine Corps Reserve or to a grade above the grade of lieutenant (junior grade) in the Naval Reserve, or be federally recognized in a grade above the grade of first lieutenant as a member of the Army National Guard or Air National Guard, unless that person has been awarded a baccalaureate degree by an accredited educational institution.

''(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

''(1) The appointment to or recognition in a higher grade of a person who is appointed in or assigned for service in a health profession for which a baccalaureate degree is not a condition of original appointment or assignment.

''(2) The appointment in the Naval Reserve or Marine Corps Reserve of an individual appointed for service as an officer designated as a limited duty officer.

''(3) The appointment in the Naval Reserve of an individual appointed for service under the Naval Aviation Cadet (NAVCAD) program.

''(4) The appointment to or recognition in a higher grade of any person who was appointed to, or federally recognized in, the grade of captain or, in the case of the Navy, lieutenant before October 1, 1995.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 595 the following new item:

''596. Commissioned officers: appointment; educational requirement.''.

SEC. 516. DISABILITY RETIRED OR SEVERANCE PAY FOR RESERVE MEMBERS DISABLED WHILE TRAVELING TO OR FROM TRAINING.

(a) CONFORMANCE WITH OTHER PROVISIONS OF LAW.—Sections 1204(2) and 1206(6) of title 10, United States Code, are amended by inserting after ''inactive-duty training'' the following: ''or of traveling directly to or from the place at which such duty is performed''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect with respect to disabilities incurred on or after November 14, 1986, but any benefits or services payable by reason of the applicability of those amendments during the period beginning on November 14, 1986, and ending on the date of the enactment of this Act shall be subject to the availability of appropriations.

SEC. 517. SERVICE CREDIT FOR CONCURRENT ENLISTED ACTIVE DUTY SERVICE PERFORMED BY ROTC MEMBERS WHILE IN THE SELECTED RESERVE.

(a) AMENDMENTS TO TITLE 10.—(1) Section 2106(c) of title 10, United States Code, is amended by striking out the period at the end and inserting in lieu thereof '', other than any period of enlisted service while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve.''.

(2) Section 2107(g) of such title is amended by striking out the period at the end and inserting in lieu thereof '', other than concurrent enlisted service while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve.''.

(b) AMENDMENT TO TITLE 37.—Subsection (d) of section 205 of title 37, United States Code, is amended to read as follows:

''(d) Notwithstanding subsection (a), a commissioned officer may not count in computing basic pay a period of service after October 13, 1964, that the officer performed concurrently as a member of the Senior Reserve Officer Training Corps, except that service after July 31, 1990, that the officer performed while serving on active duty other than for training as an enlisted member of the Selected Reserve may be so counted.''.

Subtitle C—Education and Training

SEC. 521. PROHIBITION ON PARTICIPATION OF RESERVE PERSONNEL IN AIR FORCE PILOT TRAINING COURSES.

(a) PROHIBITION.—(1) Chapter 901 of title 10, United States Code, is amended by inserting after section 9306 the following new section:

''§ 9307. Air Force pilot training: prohibition on participation of reserves

''A member of a reserve component of the Air Force may not be selected to attend undergraduate pilot training offered by the Air Force to train members of the Armed Forces to fly fixed-wing aircraft.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9306 the following new item:

''9307. Air Force pilot training: prohibition on participation of reserves.''.

(b) EFFECTIVE DATE.—Section 9307 of title 10, United States Code, as added by subsection (a), shall apply with respect to undergraduate pilot training courses of the Air Force beginning after the date of the enactment of this Act.

SEC. 522. ROTC SCHOLARSHIPS FOR NATIONAL GUARD.

(a) DESIGNATION OF SCHOLARSHIPS FOR ARMY NATIONAL GUARD.—Section 2107(h) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(h)''; and

(2) by adding at the end the following:

''(2) Of the total number of cadets appointed in the financial assistance programs under this section in any year, not less than 100 shall be designated for placement in the program of the Army by the Chief, National Guard Bureau, for service upon commissioning in the Army National Guard. A cadet may only be awarded financial assistance by the Chief, National Guard Bureau, through a State adjutant general for attendance at a school within that State which is a four-year accredited military college, a military junior college, or a State university or college. A cadet who receives financial assistance under this paragraph and is commissioned in the Army National Guard shall perform service as provided in subsection (b)(5)(B) and may not be accepted for service on active duty pursuant to the member's voluntary application until the completion of the period of service prescribed in that subsection.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 1993.

SEC. 523. JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

(a) REQUIREMENTS FOR ENROLLMENT.—Subsection (b)(1) of section 2031 of title 10, United States Code, is amended—

(1) by striking out ''at least 14 years of age'' both places it appears and inserting in lieu thereof ''in a grade above the 8th grade''; and

(2) by inserting '', or aliens lawfully admitted to the United States for permanent residence,'' after ''of the United States''.

(b) RESOURCES PROVIDED BY DEPARTMENT OF DEFENSE.—Subsection (c)(2) of such section is amended by inserting before the semicolon the following: ''and, to the extent considered appropriate by the Secretary concerned, such additional resources (including transportation and billeting) as may be available to support activities of the program''.

(c) INSTRUCTOR PAY FORMULA.—(1) Paragraph (1) of subsection (d) of such section is amended to read as follows:

''(1) A retired member so employed is entitled to receive the member's retired or retainer pay without reduction by reason of any additional amount paid to the member by the institution concerned. In the case of payment of any such additional amount by the institution concerned, the Secretary of the military department concerned shall pay to that institution the amount equal to one-half of the amount paid to the retired member by the institution for any period, up to a maximum of one-half of the difference between the member's retired or retainer pay for that period and the active duty pay and allowances which the member would have received for that period if on active duty. Payments by the Secretary concerned under this paragraph shall be made from funds appropriated for that purpose.''.

(2) The amendment made by paragraph (1) shall apply with respect to payments for periods of instructor service performed after September 30, 1992.

Subtitle D—Miscellaneous

SEC. 531. AUTHORITY FOR MILITARY SCHOOL FACULTY MEMBERS AND STUDENTS TO ACCEPT HONORARIA FOR CERTAIN SCHOLARLY AND ACADEMIC ACTIVITIES.

(a) AUTHORITY TO ACCEPT HONORARIA.—Notwithstanding the prohibition on the acceptance of honoraria contained in section 501(b) of the Ethics in Government Act of

1978, a faculty member or a student at a Department of Defense school specified under subsection (d) may accept an honorarium for an appearance, a speech, or an article published in a bona fide publication if such an appearance, speech, or article is customary for scholarly or academic activities normally associated with institutions of higher learning and if—

(1) the purpose of the appearance, or the subject of the speech or article, does not relate primarily to the responsibilities, policies, or programs of the school at which the individual is a faculty member or student;

(2) the appearance, speech, or article (including the individual's time in specific preparation for the appearance, speech, or article) does not involve the use of Government time, Government property, or other resources of the Government or the use of nonpublic Government information;

(3) the reason for which the honorarium is paid is unrelated to the individual's duties or status as a member of the Armed Forces or employee of the Government or as a faculty member or student at a school specified in subsection (d); and

(4) the person offering the honorarium has no interests that may be substantially affected by the performance or nonperformance of the individual's duties as a member of the Armed Forces or an employee of the Government or as a faculty member or student at a school specified in subsection (d).

(b) SPECIAL RULE CONCERNING SUBJECT MATTER.—For purposes of subsection (a)(1), an appearance, speech, or article on a subject matter that is within an individual's academic or military specialty, in the case of a faculty member, or an individual's course of academic study, in the case of a student, shall not be considered to relate primarily to the responsibilities, policies, or programs of the school at which the individual is a faculty member or student if the preparation and presentation of the particular appearance, speech, or article is clearly outside of the individual's duties.

(c) NONCOVERAGE OF HIGHLY PAID FACULTY MEMBERS.—Subsection (a) shall not apply to acceptance of an honorarium by a faculty member who is employed in a position for which the rate of basic pay, exclusive of any locality-based pay adjustment under section 5302 of title 5 (or any comparable adjustment pursuant to interim authority of the President) is equal to or greater than the rate of basic pay payable for Level V of the Executive Schedule.

(d) COVERED SCHOOLS.—(1) This section applies with respect to faculty members and students at any of the service academies and at any professional military school operated by the Department of Defense that is designated by the Chairman of the Joint Chiefs of Staff to be covered by this section.

(2) For purposes of paragraph (1), the term ''service academies'' means—

(A) the United States Military Academy;

(B) the United States Naval Academy; and

(C) the United States Air Force Academy.

(e) HONORARIUM DEFINED.—For purposes of this section, the term ''honorarium'' means a payment of money or anything of value for an appearance, a speech, or an article (including a series of appearances, speeches, or articles).

(f) MAXIMUM AMOUNT OF HONORARIUM.—The amount of any honorarium accepted under this section shall not exceed the usual and customary fee for the appearance, speech, or article for which the honorarium is paid, up to a maximum of $2,000.

(g) EFFECTIVE DATE.—This section shall apply with respect to any honorarium for an appearance or speech made, or an article published, on or after the date of the enactment of this Act.

SEC. 532. AUTHORITY OF THE UNITED STATES MILITARY ACADEMY TO CONFER THE DEGREE OF MASTER OF ARTS IN LEADERSHIP DEVELOPMENT.

(a) IN GENERAL.—(1) Chapter 403 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 4357. Master of arts in leadership development

''(a) AUTHORITY.—Upon the recommendation of the faculty of the United States Military Academy, the Superintendent of the Academy may confer the degree of master of arts in leadership development upon persons who graduate from the program in leadership development offered at the Academy and fulfill the requirements for that degree.

''(b) LIMITATION ON ANNUAL NUMBER OF DEGREES.—Not more than 20 degrees of master of arts in leadership development may be conferred under subsection (a) per academic year.

''(c) REGULATIONS.—The authority provided by subsection (a) shall be exercised under regulations prescribed by the Secretary of the Army.

''(d) EXPIRATION OF AUTHORITY.—The authority of the Superintendent of the Academy to confer the degree of master of arts in leadership development provided by subsection (a) shall expire on September 30, 1996, except that the Superintendent may confer that degree after that date in the case of graduates who fulfill the requirements for that degree before that date.''.

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

''4357. Master of arts in leadership development.''.

(b) REPORT.—Not later than October 1, 1995, the Superintendent of the United States Military Academy shall submit a report to Congress describing the implementation and operation of section 4357 of title 10, United States Code (as added by subsection (a)), including a recommendation as to whether the masters degree program in leadership development should be continued.

SEC. 533. PAYMENT FOR LEAVE ACCRUED AND LOST BY KOREAN CONFLICT PRISONERS OF WAR.

Section 554 of Public Law 102–190 (105 Stat. 1371) is amended—

(1) in the second sentence of subsection (a)—

(A) by striking out ''for any fiscal year''; and

(B) by striking out ''provided'' and all that follows and inserting in lieu thereof ''available in appropriations for military personnel for fiscal year 1993.''; and

(2) in subsection (d), by striking out ''not later than'' and all that follows and inserting in lieu thereof ''not later than September 30, 1993.''.

SEC. 534. NAVY CRAFT OF OPPORTUNITY (COOP) PROGRAM.

The Secretary of the Navy shall ensure that none of the end strength reduction projected for the Naval Reserve in this Act shall be derived from personnel authorizations assigned to the Craft of Opportunity mission. The number of personnel authorizations assigned to that mission shall be maintained at not less than the level in effect on September 30, 1991.

SEC. 535. AIR RESERVE TECHNICIANS.

The Secretary of the Air Force shall carry out the High-Year Tenure (HYT) program of the Air Force Reserve so as not to require the removal of an Air Reserve technician from active status as a Reservist before attaining age 60 in the case of any such technician who has a total of not less than 33 years of active duty and reserve military service before January 1, 1992, and who is otherwise qualified for retention as an Air Reserve technician.

SEC. 536. MENTAL HEALTH EVALUATIONS OF MEMBERS OF ARMED FORCES.

(a) 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 that contain the requirements set forth in subsections (b), (c), and (d). In prescribing the regulations, each Secretary shall take into account any guidelines regarding psychiatric hospitalization of adults prepared by professional civilian health organizations.

(b) PROCEDURES FOR OUTPATIENT AND INPATIENT EVALUATIONS.—(1) The regulations shall require that, except as provided in paragraph (4), a commanding officer shall consult with a mental health professional prior to referring a member of the Armed Forces for a mental health evaluation to be conducted on an outpatient basis.

(2) The regulations shall require that, except as provided in paragraph (4)—

(A) a mental health evaluation of a member of the Armed Forces conducted on an inpatient basis shall be used only if and when such an evaluation cannot appropriately or reasonably be conducted on an outpatient basis, in accordance with the least restrictive alternative principle; and

(B) only mental health professionals, or, in cases in which a mental health professional is not available, physicians, may admit a member of the Armed Forces for a mental health evaluation to be conducted on an inpatient basis.

(3) The regulations shall require that, when a commanding officer determines it is necessary to refer a member of the Armed Forces for a mental health evaluation, the commanding officer shall ensure that, except as provided in paragraph (4), the member is provided with a written notice of the referral. The notice shall, at a minimum, include the following:

(A) The date and time the mental health evaluation is scheduled.

(B) An explanation of why the referral is considered necessary.

(C) The name or names of the mental health professionals with whom the commanding officer has consulted prior to making the referral. If such consultation is not possible, the notice shall include the reasons why.

(D) The positions and telephone numbers of authorities, including attorneys and inspectors general, who can assist a member who feels referral for mental health evaluation is without basis or is made for retributive reasons and wishes to challenge the referral.

(E) The rights of the member under this section, including rights of redress.

(F) The member's signature attesting to having received the information described in subparagraphs (A) through (E). If the member refuses to sign the attestation, the commanding officer shall so indicate in the notice. If the member believes the referral is in retaliation for making disclosures protected under section 1034 of title 10, United States Code, information regarding such belief shall, upon the request of the member, be included in the notice.

(4) The regulations shall require that, during emergencies, the procedures required by subsection (d) shall be followed in lieu of the procedures required by this subsection.

(c) MEMBER RIGHTS TO SEEK REDRESS.—The regulations shall require that, in any case in which a member of the Armed Forces is referred for a mental health evaluation other than in an emergency, the following provisions apply:

(1) Upon the request of the member, an Inspector General or attorney who is a member

of the Armed Forces or employed by the Department of Defense and who is designated to provide advice under this section shall advise the member of the ways in which the member may seek redress under this section. If a member of the Armed Forces submits to an Inspector General an allegation that the member was referred for a mental health evaluation in violation of this section, the Inspector General of the Department of Defense (or 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) shall conduct or oversee an investigation of the allegation.

(2) The member shall have the right to also be evaluated by a mental health professional of the member's own choosing. An evaluation by a mental health professional who is not an employee of the Department of Defense shall be conducted within a reasonable period of time after being referred for an evaluation and shall be at the member's own expense.

(3) No one shall interfere with or prohibit the member from communicating with an Inspector General, attorney, member of Congress, or others about the member's referral for a mental health evaluation.

(4) In situations other than emergencies, the member shall have at least two business days before a scheduled mental health evaluation to seek advice from an attorney, Inspector General, chaplain, or other appropriate party. If a commanding officer believes the condition of the member requires that such evaluation occur sooner, the commanding officer shall state the reasons in writing as part of the notice required under subsection (b)(3).

(5) In the event the member is aboard a navy vessel or in a circumstance related to the member's military duties which makes compliance with any of the procedures in subsection (b) impractical, the commanding officer seeking the referral shall prepare a memorandum setting forth the reasons for failure to comply with such procedures.

(d) ADDITIONAL RIGHTS OF MEMBERS AND PROCEDURES FOR EMERGENCY OR INVOLUNTARY INPATIENT EVALUATIONS.—

(1) The regulations shall require that a member of the Armed Forces may be admitted, under criteria for admission set forth in the regulations, to a treatment facility for an emergency or involuntary mental health evaluation when there is reasonable cause to believe that the member may be suffering from a mental disorder. The regulations shall include definitions of the terms ''emergency'' and ''mental disorder''.

(2) The regulations shall require that, in any case in which a member of the Armed Forces is admitted to a treatment facility for an emergency or involuntary mental health evaluation, the following provisions apply:

(A) Every effort shall be made, as soon after admission as the member's condition permits, to inform the member of the reasons for the evaluation, the nature and consequences of the evaluation and any treatment, and the member's rights under this section.

(B) The member shall have the right to contact, as soon after admission as the member's condition permits, a friend, relative, attorney, or Inspector General.

(C) The member shall be evaluated by a psychiatrist or a physician within two business days after admittance, to determine if continued hospitalization and treatment is justified or if the member should be released from the facility.

(D) If a determination is made that continued hospitalization and treatment is justified, the member must be notified orally and in writing of the reasons for such determination.

(E) A review of the admission of the member and the appropriateness of continued hospitalization and treatment shall be conducted in accordance with procedures set forth in the regulations as required under paragraph (3).

(3) The regulations shall include procedures for the review referred to in paragraph (2)(E). Such procedures shall—

(A) specify the appropriate party or parties outside the individual's chain of command to conduct the review;

(B) specify the appropriate procedure for conducting the review;

(C) require that the member have the right to representation in such review by an attorney of the member's choosing at the member's expense, or by a judge advocate;

(D) specify the periods of time within which the review and any subsequent reviews should be conducted;

(E) specify the criteria to be used to determine whether continued treatment or discharge from the facility is appropriate;

(F) require the party or parties conducting the review to assess whether or not the mental health evaluation was used in an inappropriate, punitive, or retributive manner in violation of this section; and

(G) require that an assessment made pursuant to subparagraph (F) that the mental health evaluation was used in a manner in violation of this section shall be reported to the Inspector General of the Department of Defense (or 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) and included by the Inspector General as part of the Inspector General's annual report.

(e) CONSTRUCTION.—Nothing in the regulations prescribed under this section shall be construed to discourage referrals for appropriate mental health evaluations when circumstances suggest the need for such action.

(f) PROHIBITION AGAINST THE USE OF REFERRALS FOR MENTAL HEALTH EVALUATIONS TO RETALIATE AGAINST WHISTLEBLOWERS.—(1) No person may refer a member of the Armed Forces for a mental health evaluation as a reprisal for making or preparing a lawful communication of the type described in section 1034(c)(2) of title 10, United States Code, and applicable regulations. For purposes of this subsection, such communication also shall include a communication to any appropriate authority in the chain of command of the member.

(2) An inappropriate referral for a mental health evaluation, when taken as a reprisal for a communication referred to in paragraph (1), may be the basis for a proceeding under section 892 of title 10, United States Code. Persons not subject to the Uniform Code of Military Justice who fail to comply with the provisions of this section are subject to adverse administrative action.

(g) DEFINITIONS.—In this section:

(1) The term ''member'' means any member of the Army, Navy, Air Force, Marine Corps, or Coast Guard.

(2) 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.

(3) The term ''mental health professional'' means a psychiatrist or clinical psychologist, a person with a doctorate in clinical social work or a psychiatric clinical nurse specialist.

(4) The term ''mental health evaluation'' means a psychiatric examination or evaluation, a psychological examination or evaluation, an examination for psychiatric or psychological fitness for duty, or any other means of assessing a member's state of mental health.

(5) The term ''least restrictive alternative principle'' means a principle under which a member of the Armed Forces committed for hospitalization and treatment shall be placed (A) in the most appropriate and therapeutic available setting and that is no more restrictive than is conducive to the most effective form of treatment, or (B) in a setting in which treatment is available and the risks of physical injury or property damage posed by such placement are warranted by the proposed plan of treatment.

(h) DEADLINE FOR REGULATIONS.—The Secretary of Defense and the Secretary of Transportation shall prescribe the regulations required by this section not later than 180 days after the date of the enactment of this Act.

(i) REPORT.—At the same time as the regulations required by this section are prescribed, the Secretary of Defense and the Secretary of Transportation shall each submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the process of preparing the regulations, including—

(1) an explanation of the degree to which any guidelines regarding psychiatric hospitalization of adults prepared by professional civilian mental health organizations were considered;

(2) the manner in which the regulations differ from any such civilian guidelines; and

(3) the reasons for such differences.

(j) CONFORMING REPEAL.—Subsection (g) of section 554 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) is hereby repealed.

SEC. 537. USE OF ARMED FORCES INSIGNIA ON STATE LICENSE PLATES.

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

''§ 1057. Use of armed forces insignia on state license plates

''(a) The Secretary concerned may approve an application by a State to use or imitate the seal or other insignia of the department (under the jurisdiction of such Secretary) or of armed forces (under the jurisdiction of such Secretary) on motor vehicle license plates issued by the State to an individual who is a member or former member of the armed forces.

''(b) The Secretary concerned may prescribe any regulations necessary regarding the display of the seal or other insignia of the department (under the jurisdiction of such Secretary) or of armed forces (under the jurisdiction of such Secretary) on the license plates described in subsection (a).

''(c) In this section, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa.''.

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

''1057. Use of armed forces insignia on state license plates.''.

SEC. 538. AWARD OF PURPLE HEART TO MEMBERS KILLED OR WOUNDED IN ACTION BY FRIENDLY FIRE.

(a) IN GENERAL.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1129. Purple Heart: members killed or wounded in action by friendly fire

''(a) For purposes of the award of the Purple Heart, the Secretary concerned shall

treat a member of the armed forces described in subsection (b) in the same manner as a member who is killed or wounded in action as the result of an act of an enemy of the United States.

''(b) A member described in this subsection is a member who is killed or wounded in action by weapon fire while directly engaged in armed conflict, other than as the result of an act of an enemy of the United States.

''(c) This section applies to members of the armed forces who are killed or wounded on or after December 7, 1941. In the case of a member killed or wounded as described in subsection (b) on or after December 7, 1941, and before the date of the enactment of this section, the Secretary concerned shall award the Purple Heart under subsection (a) in each case which is known to the Secretary before the date of the enactment of this section or for which an application is made to the Secretary in such manner as the Secretary requires.''.

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

''1129. Purple Heart: members killed or wounded in action by friendly fire.''.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1993.

(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 1993 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1993, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 3.7 percent.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. CLARIFICATION OF AUTHORITY TO PROVIDE SPECIAL PAY FOR NONPHYSICIAN HEALTH CARE PROVIDERS.

Section 302c(d)(1) of title 37, United States Code, is amended—

(1) by striking out ''Navy or'' and inserting in lieu thereof ''Navy,''; and

(2) by inserting before the semicolon the following: '', or an officer in the Army Medical Specialist Corps''.

SEC. 612. EXTENSIONS OF AUTHORITIES RELATING TO PAYMENT OF CERTAIN BONUSES AND OTHER SPECIAL PAY.

(a) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out ''September 30, 1992'' and inserting in lieu thereof ''September 30, 1993''.

(b) ENLISTMENT BONUS FOR CRITICAL SKILLS.—Section 308a(c) of title 37, United States Code, is amended by striking out ''September 30, 1992'' and inserting in lieu thereof ''September 30, 1993''.

(c) AVIATOR RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out ''September 30, 1992'' and inserting in lieu thereof ''September 30, 1993''.

(d) EXTENSION OF ENLISTMENT AND REENLISTMENT BONUS AUTHORITIES FOR RESERVE FORCES.—Sections 308b(f), 308c(e), 308e(e), 308h(g), and 308i(i) of title 37, United States Code, are each amended by striking out ''September 30, 1992'' and inserting in lieu thereof in each instance ''September 30, 1993''.

(e) EXTENSION OF SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out ''September 30, 1992'' and inserting in lieu thereof ''September 30, 1993''.

(f) EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 2172(d) of title 10, United States Code, is amended by striking out ''October 1, 1992'' and inserting in lieu thereof ''October 1, 1993''.

(g) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a) of title 37, United States Code, is amended by striking out ''September 30, 1992'' and inserting in lieu thereof ''September 30, 1993''.

(h) NURSE CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out ''September 30, 1992'' and inserting in lieu thereof ''September 30, 1993''.

(i) SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a) of title 37, United States Code, is amended by striking out ''September 30, 1992'' and inserting in lieu thereof ''September 30, 1993''.

Subtitle C—Travel and Transportation Allowances

SEC. 621. TEMPORARY INCREASE IN THE NUMBER OF DAYS A MEMBER MAY BE REIMBURSED FOR TEMPORARY LODGING EXPENSES.

Section 404a of title 37, United States Code, is amended by adding at the end the following new subsection:

''(d) In the case of a change of permanent station described in subsection (a)(1) made by a member during fiscal years 1993 through 1997, the Secretary concerned may extend the period for which subsistence expenses incurred incident to that change are paid or reimbursed to not more than 10 days if the new duty station is in a geographical area determined by the Secretary concerned to be suffering from a shortage of safe and affordable housing on account of the arrival of members of the armed forces in the area as part of the withdrawal of members from duty stations outside the United States, the closure or realignment of military installations, or the restructuring or deactivation of military units.''.

Subtitle D—Health Care Matters

SEC. 631. IMPROVED CONVERSION HEALTH POLICIES AS PART OF TRANSITIONAL MEDICAL CARE.

(a) SEPARATED MEMBERS.—Section 1145(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new sentence: ''A conversion health policy offered under this paragraph shall provide coverage for not less than an 18-month period.'';

(2) in paragraph (2)(A), by striking out ''one-year period'' and inserting in lieu thereof ''18-month period''; and

(3) by adding at the end the following new paragraphs:

''(4) If the Secretary of Defense is unable, within a reasonable time, to enter into a contract with a private insurer to provide the conversion health policy required under paragraph (1) or any continuation coverage after the initial period of the policy, the Secretary shall offer such a policy under the Civilian Health and Medical Program of the Uniformed Services. A member purchasing a policy from the Secretary shall be required to pay into the Military Health Care Account an amount (not to exceed the payment required under section 8905a(d)(1)(A) of title 5 for similar coverage) equal to the sum of—

''(A) the individual and Government contributions which would be required in the case of a person enrolled in a health benefits plan contracted for under section 1079 of this title; and

''(B) an amount necessary for administrative expenses, but not to exceed two percent of the amount under subparagraph (A).

''(5) In order to reduce premiums required under paragraph (4), the Secretary of Defense may offer a conversion health policy that, with respect to mental health services, offers reduced coverage and increased cost-sharing by the purchaser.''.

(b) FORMER SPOUSES.—Section 1086a(a) of such title is amended—

(1) in subsection (a), by adding at the end the following new sentence: ''A conversion health policy offered under this subsection shall provide coverage for not less than an 24-month period.'';

(2) in subsection (b)(1), by striking out ''one-year period'' and inserting in lieu thereof ''24-month period'';

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting after subsection (b) the following new subsection:

''(c) EFFECT OF UNAVAILABILITY OF POLICIES.—(1) If the Secretary of Defense is unable, within a reasonable time, to enter into a contract with a private insurer to offer conversion health policies under subsection (a) or continuation coverage after the initial period of the policies, the Secretary shall provide the coverage required under such a policy through the Civilian Health and Medical Program of the Uniformed Services. A person receiving coverage under this subsection shall be required to pay into the Military Health Care Account an amount (not to exceed the payment required under section 8905a(d)(1)(A) of title 5 for similar coverage) equal to the sum of—

''(A) the individual and Government contributions which would be required in the case of a person enrolled in a health benefits plan contracted for under section 1079 of this title; and

''(B) an amount necessary for administrative expenses, but not to exceed two percent of the amount under subparagraph (A).

''(2) In order to reduce premiums required under paragraph (1), the Secretary of Defense may offer a program of coverage that, with respect to mental health services, offers reduced coverage and increased cost-sharing by the purchaser.''.

(c) APPLICATION TO EXISTING CONTRACTS.—In the case of conversion health policies provided under sections 1145(b) or 1086a(a) of title 10, United States Code, and in effect on the date of the enactment of this Act, the Secretary of Defense shall extend the term of the policies (and coverage of preexisting conditions) as provided by the amendments made by this section.

SEC. 632. CORRECTION OF OMISSION IN DELAY OF INCREASE OF CHAMPUS DEDUCTIBLES RELATED TO OPERATION DESERT STORM.

(a) LOWER CHAMPUS ANNUAL DEDUCTIBLE.—In the case of health care provided under section 1079 or 1086 of title 10, United States Code, during the period beginning on April 1, 1991, and ending on September 30, 1991, to a CHAMPUS beneficiary described in subsection (b), the annual deductibles specified in these sections applicable to that care may not exceed the annual deductibles in effect under these sections on November 4, 1990.

(b) ELIGIBLE CHAMPUS BENEFICIARIES.—A CHAMPUS beneficiary referred to in subsection (a) is a covered beneficiary of the Civilian Health and Medical Program of the Uniformed Services who, during any portion of the period specified in that subsection—

(1) was a member or former member of a uniformed service entitled to retired or retainer pay and served on active duty in the Persian Gulf theater of operations in connection with Operation Desert Storm; or

(2) was a dependent of a member of a uniformed service who served on active duty in

the Persian Gulf theater of operations in connection with Operation Desert Storm.

(c) CREDIT OR REIMBURSEMENT OF EXCESS.—Subject to the availability of appropriated funds to the Secretary of Defense, the Secretary shall provide—

(1) for the reimbursement of the amount of any deductible paid under section 1079 or 1086 of title 10, United States Code, during the period specified in subsection (a) in excess of the amount required to be paid by operation of that subsection; or

(2) for a credit against the annual deductible required under these sections for a fiscal year equal to the amount of the excess deductible paid.

(d) DEFINITIONS.—For purposes of this section, the term ''Operation Desert Storm'' has the meaning given that term in section 3(1) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991.

SEC. 633. MODIFICATION OF CHAMPUS REFORM INITIATIVE CONTRACT.

(a) CONTENT OF REQUEST FOR PROPOSALS.—The Secretary of Defense shall modify the Request for Proposals for the Coordinated Care Support Program for California and Hawaii, solicitation number MDA906–91–R–002, issued January 22, 1991, to incorporate the cost-sharing requirements for covered beneficiaries and the preferred provider option included in the contract of the Department of Defense in effect on the date of the enactment of this Act under the CHAMPUS reform initiative established under section 702 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 3899; 10 U.S.C. 1073 note). In such modification, the Secretary may permit the contractor to increase the cost-sharing requirements for covered beneficiaries to reflect inflation and changes in the intensity of health care services to be provided under the contract.

(b) TIME FOR CONTRACT.—To the greatest extent possible, the Secretary of Defense shall ensure that a replacement or successor contract for the management of the delivery of health care services to covered beneficiaries in the States of California and Hawaii is in effect by August 1, 1993.

(c) DEFINITION.—For purposes of this section, the term ''covered beneficiary'' has the meaning given that term in section 1072(5) of title 10, United States Code.

SEC. 634. CONDITIONS ON EXPANSION OF CHAMPUS REFORM INITIATIVE TO OTHER LOCATIONS.

(a) CONDITIONS.—Except as provided in subsection (b), the Secretary of Defense may not expand the CHAMPUS reform initiative underway in the States of California and Hawaii to another location until not less than 90 days after the date on which the Secretary certifies to Congress that expansion of the initiative to that location is the most cost-effective method of providing health care to covered beneficiaries in that location.

(b) EXCEPTION.—The condition specified in subsection (a) shall not apply in the case of the expansion of the CHAMPUS reform initiative to a location adversely affected by the closure or realignment of a military installation in that location.

(c) REPORT ON CERTIFICATION.—Not later than 30 days after a certification by the Secretary of Defense under subsection (a), the Comptroller General and the Director of the Congressional Budget Office shall jointly submit to Congress a report evaluating the certification.

(d) DEFINITIONS.—For purposes of this section:

(1) The term ''CHAMPUS reform initiative'' means the health care delivery project required by section 702 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 3899; 10 U.S.C. 1073 note).

(2) The term ''covered beneficiary'' has the meaning given that term in section 1072(5) of title 10, United States Code.

SEC. 635. MANAGED HEALTH CARE NETWORK FOR TIDEWATER REGION OF VIRGINIA.

(a) REAFFIRMATION OF COMMITMENT.—The delivery of health care services by the Department of Defense to members of the Armed Forces serving on active duty in the Tidewater region of Virginia and to covered beneficiaries under chapter 55 of title 10, United States Code, residing in that region shall be made in the manner specified in section 712(b) of the National Defense Authorization Act for Fiscal Year 1992 and 1993 (Public Law 102–190; 105 Stat. 1402). That section shall not be construed as being limited, modified, or superceded by any provision of law contained in an appropriation Act, whether enacted before, on, or after the date of the enactment of this Act, unless that provision of law—

(1) specifically refers to that section and this section; and

(2) states that the provision of law limits, modifies, or supercedes that section.

(b) CONTENT OF NETWORK.—Section 712(b) of the National Defense Authorization Act for Fiscal Year 1992 and 1993 (Public Law 102–190; 105 Stat. 1402) is amended by adding at the end the following new paragraph:

''(3) The Secretary of Defense shall modify the guidelines known as the 'Policy Guidelines on the Department of Defense Coordinated Care Program' and issued by the Assistant Secretary of Defense for Health Affairs on January 8, 1992, to provide for the operation of the program required by this subsection in a manner consistent with the military health care demonstration project underway in Charleston, South Carolina, including the following features—

''(A) a reduction of copayment and deductibles for covered beneficiaries who enroll in the program;

''(B) an opportunity for covered beneficiaries who do not enroll in the program to use the network of preferred providers established under the program and a reduction of copayment or deductibles for such covered beneficiaries; and

''(C) continued access for all covered beneficiaries to health care in military treatment facilities regardless of enrollment status, subject to the availability of space and facilities, the capabilities of the medical or dental staff, and reasonable preferences for covered beneficiaries who enroll in the program.''.

SEC. 636. POSITIVE INCENTIVES UNDER THE COORDINATED CARE PROGRAM.

(a) INCLUSION OF POSITIVE INCENTIVES FOR ENROLLMENT.—The Secretary of Defense shall modify the guidelines known as the 'Policy Guidelines on the Department of Defense Coordinated Care Program' and issued by the Assistant Secretary of Defense for Health Affairs on January 8, 1992, to provide additional positive incentives to covered beneficiaries under chapter 55 of title 10, United States Code, to enroll in the coordinated care program established by the Department of Defense. Such incentives may include—

(1) a reduction for covered beneficiaries who enroll in the coordinated care program of copayment and deductibles prescribed under sections 1079 and 1086 of such title;

(2) alternative cost-sharing requirements for certain types of care; and

(3) an expansion for covered beneficiaries who enroll in the program of the benefits authorized under such sections.

(b) EFFECT ON CERTAIN EXISTING PROGRAMS.—The modification required under subsection (a) shall permit health care demonstration projects in existence on the date of the enactment of this Act (including the CHAMPUS Reform initiative, the Catchment Area Management projects, and the CHAMPUS Select fiscal intermediary program in the Southeast Region), the managed health care program established in the Tidewater region of Virginia, and future managed health care initiatives undertaken by the Department of Defense to offer covered beneficiaries who do not enroll in the coordinated care program the opportunity to use a preferred provider network of health care providers.

(c) DETERMINATION OF INCENTIVES.—The Secretary of Defense shall determine the level and types of positive incentives to be offered to covered beneficiaries to enroll in the coordinated care program based upon the degree of choice, without prior referral or approval, that is available to covered beneficiaries in the selection of health care providers.

(d) PROHIBITION ON EXCLUSIONS.—Subject to the availability of space and facilities and the capabilities of the medical or dental staff, the Secretary of Defense may not deny access to military treatment facilities to covered beneficiaries who do not enroll in the coordinated care program. However, the Secretary may establish reasonable admission preferences for covered beneficiaries enrolled in the program as an incentive to encourage enrollment.

(e) DEFINITION.—For purposes of this section, the term ''covered beneficiary'' has the meaning given that term in section 1072(5) of title 10, United States Code.

SEC. 637. REPRODUCTIVE HEALTH SERVICES IN MEDICAL FACILITIES OF THE UNIFORMED SERVICES OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074c the following new section:

''§ 1074d. Reproductive health services in medical facilities of the uniformed services outside the United States

''(a) PROVISION OF SERVICES.—A member of the uniformed services who is on duty at a station outside the United States (and any dependent of the member who is accompanying the member) is entitled to the provision of any reproductive health service in a medical facility of the uniformed services outside the United States serving that duty station in the same manner as any other type of medical care.

''(b) PAYMENT FOR SERVICES.—(1) In the case of any reproductive health service for which appropriated funds may not be used, the administering Secretary shall require the member of the uniformed service (or dependent of the member) receiving the service to pay the full cost (including indirect costs) of providing the service.

''(2) If payment is made under paragraph (1), appropriated funds shall not be considered to have been used to provide a reproductive health service under subsection (a). The amount of such payment shall be credited to the accounts of the facility at which the service was provided.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074c the following new item:

''1074d. Reproductive health services in medical facilities of the uniformed services outside the United States.''.

SEC. 638. CONTINUATION OF CHAMPUS COVERAGE FOR CERTAIN MEDICARE PARTICIPANTS.

(a) INCLUSION OF END STAGE RENAL DISEASE PATIENTS.—Section 1086(d)(2)(A) of title 10,

United States Code, is amended by inserting before the semicolon the following: ''or section 226A(a) of such Act (42 U.S.C. 426–1(a))''.

(b) COVERAGE OF CARE PROVIDED SINCE SEPTEMBER 30, 1991.—The amendment made by subsection (a), and the amendment made by section 704(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1401), shall apply with respect to health care benefits or services received after September 30, 1991, by a person described in subsection (d)(2) of section 1086 of title 10, United States Code, if such benefits or services would have been covered under a plan contracted for under such section 1086.

(c) CONFORMING AMENDMENTS.—(1) Section 704 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1401) is amended by striking out subsection (c).

(2) Section 8097 of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 105 Stat. 1197), is repealed.

SEC. 639. COMPREHENSIVE HOME HEALTH CARE SERVICES UNDER CHAMPUS.

Section 1079(a) of title 10, United States Code, is amended—

(1) by striking out ''and'' at the end of paragraph (15)(D);

(2) by striking out the period at the end of paragraph (16) and inserting in lieu thereof ''; and''; and

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

''(17) the Secretary of Defense may establish a program for the individual case management of a person covered by this section or section 1086 of this title who has extraordinary medical or psychological disorders and, under such a program, waive benefit limitations contained in this subsection or section 1077(b)(1) of this title and authorize the payment for comprehensive home health care services, supplies, and equipment that the Secretary determines are cost-effective and appropriate.''.

SEC. 640. EXCEPTION FROM FEDERAL ACQUISITION REGULATION FOR MANAGED-CARE DELIVERY AND REIMBURSEMENT MODEL.

Section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587) is amended by adding at the end the following new sentence: ''A participation agreement negotiated between a Uniformed Services Treatment Facility and the Secretary of Defense under this subsection shall not be subject to the Federal Acquisition Regulation issued pursuant to section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)).''.

Subtitle E—Montgomery GI Bill Amendments

SEC. 641. OPPORTUNITY FOR CERTAIN PERSONS TO ENROLL IN ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Chapter 30 of title 38, United States Code, is amended by adding after section 3018A the following new section:

''§ 3018B. Opportunity for certain persons to enroll

''(a) Notwithstanding any other provision of law—

''(1) the Secretary of Defense shall, subject to the availability of appropriations, allow an individual who—

''(A) is separated from the active military, naval, or air service with an honorable discharge and receives voluntary separation incentives under section 1174a or 1175 of title 10;

''(B) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

''(C) in the case of any individual who has made an election under section 3011(c)(1) or 3012(d)(1) of this title, withdraws such election before such separation pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as service in the Navy;

''(D) in the case of any person enrolled in the educational benefits program provided by chapter 32 of this title makes an irrevocable election, pursuant to procedures referred to in subparagraph (C) of this paragraph, before such separation to receive benefits under this section in lieu of benefits under such chapter 32; and

''(E) before such separation elects to receive assistance under this section pursuant to procedures referred to in subparagraph (C) of this paragraph; or

''(2) the Secretary, in consultation with the Secretary of Defense, shall, subject to the availability of appropriations, allow an individual who—

''(A) separated before the date of enactment of this section from the active military, naval, or air service with an honorable discharge and received or is receiving voluntary separation incentives under section 1174a or 1175 of title 10;

''(B) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

''(C) in the case of any individual who has made an election under section 3011(c)(1) or 3012(d)(1) of this title, withdraws such election before making an election under this paragraph pursuant to procedures which the Secretary shall provide, in consultation with the Secretary of Defense and the Secretary of Transportation with respect to the Coast Guard when it is not operating as service in the Navy, which shall be similar to the regulations prescribed under paragraph (1)(C) of this subsection;

''(D) in the case of any person enrolled in the educational benefits program provided by chapter 32 of this title makes an irrevocable election, pursuant to procedures referred to in subparagraph (C) of this paragraph, before making an election under this paragraph to receive benefits under this section in lieu of benefits under such chapter 32; and

''(E) before the one-year period beginning on the date of enactment of this section, elects to receive assistance under this section pursuant to procedures referred to in subparagraph (C) of this paragraph,

to elect to become entitled to basic education assistance under this chapter.

''(b)(1) The basic pay or voluntary separation incentives of an individual who makes an election under subsection (a)(1) to become entitled to basic education assistance under this chapter shall be reduced by $1,200.

''(2) The Secretary shall collect $1,200 from an individual who makes an election under subsection (a)(2) to become entitled to basic education assistance under this chapter, which shall be paid into the Treasury of the United States as miscellaneous receipts.

''(c) A withdrawal referred to in subsection (a)(1)(C) or (a)(2)(C) of this section is irrevocable.

''(d)(1) Except as provided in paragraph (3) of this subsection, an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(1)(D) or (a)(2)(D) of this subsection shall be disenrolled from such chapter 32 program as of the date of such election.

''(2) For each individual who is disenrolled from such program, the Secretary shall refund—

''(A) as provided in section 3223(b) of this title, to the individual the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account established pursuant to section 3222(a) of this title; and

''(B) to the Secretary of Defense the unused contributions (other than contributions made under section 3222(c) of this title) made by such Secretary to the Account on behalf of such individual.

''(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to subsection (c) of section 3222 of this title on behalf of any individual referred to in paragraph (1) of this subsection shall remain in such Account to make payments of benefits to such individual under section 3015(e) of this chapter.''.

(b) CONFORMING AMENDMENTS.—(1) The table of sections at the beginning of chapter 30 of such title is amended by inserting after the item relating to section 3018A the following new item:

''3018B. Opportunity for certain persons to enroll.''.

(2) Section 3013(d) of such title is amended by inserting ''or 3018B'' after ''section 3018A''.

(3) Section 3035(b) of such title is amended—

(A) in paragraph (3), by inserting ''or 3018B'' after ''section 3018A''; and

(B) in paragraph (3)(B), by inserting '', 3018B(a)(1)(C), or 3018B(a)(2)(C)'' after ''section 3018A(a)(3)''.

SEC. 642. EDUCATIONAL ASSISTANCE FOR GRADUATE PROGRAMS FOR MEMBERS OF THE SELECTED RESERVE.

Section 2131 of title 10, United States Code, is amended—

(1) in subsection (c)(1), by striking out ''other than'' and all that follows through ''level.'' and inserting in lieu thereof a period; and

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

''(h) A program of education in a course of instruction beyond the baccalaureate degree level shall be provided under this chapter, subject to the availability of appropriations.''.

Subtitle F—Miscellaneous

SEC. 651. PROVISION OF TEMPORARY FOSTER CARE SERVICES OUTSIDE THE UNITED STATES FOR CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) OVERSEAS FOSTER CARE.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1045 the following new section:

''§ 1046. Overseas temporary foster care program

''(a) PROGRAM AUTHORIZED.—The Secretary concerned may establish a program to provide temporary foster care services outside the United States for children accompanying members of the armed forces on duty at stations outside the United States. The foster care services provided under such a program shall be similar to those services provided by State and local governments in the United States.

''(b) EXPENSES.—Under regulations prescribed by the Secretary concerned, the expenses related to providing foster care services under subsection (a) may be paid from appropriated funds available to the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 1045, the following new item:

''1046. Overseas temporary foster care program.''.

SEC. 652. VOLUNTARY SEPARATION INCENTIVE.

(a) RECOUPMENT OF ACTIVE OR RESERVE PAY.—Subsection (e) of section 1175 of title 10, United States Code, is amended—

(1) in paragraph (2), by striking out ''shall forfeit'' and all that follows and inserting in lieu thereof ''may elect to have a reduction in the voluntary separation incentive payable for the same period in an amount not to exceed the amount of the basic pay or compensation received for that period.''; and

(2) in paragraph (3), by adding at the end the following new sentence: ''If the member elected to have a reduction in voluntary separation incentive for any period pursuant to paragraph (2), the deduction required under the preceding sentence shall be reduced accordingly.''.

(b) CREDITING OF MILITARY SERVICE FOR CIVIL SERVICE RETIREMENT.—Subsection (e) of such section is further amended by striking out paragraph (6).

(c) ELIGIBILITY FOR INVOLUNTARY SEPARATION BENEFITS.—Such section is further amended by adding at the end the following:

''(j) A member of the armed forces who is provided a voluntary separation incentive under this section shall be eligible for the same benefits and services as are provided under chapter 58 of this title for members of the armed forces who are involuntarily separated within the meaning of section 1141 of this title.''.

(d) EFFECTIVE DATE.—The amendments to section 1175 of title 10, United States Code, made by subsections (a), (b), and (c) shall apply as if included in section 1175 of title 10, United States Code, as enacted on December 5, 1991, but any benefits or services payable by reason of the applicability of the provisions of those amendments during the period beginning on December 5, 1991, and ending on the date of the enactment of this Act shall be subject to the availability of appropriations.

SEC. 653. SURVIVOR BENEFIT PLAN ANNUITY.

(a) ELECTION TO PROVIDE ANNUITY.—For purposes of determining the eligibility of Charlotte S. Neal, of Lynchburg, Virginia, former wife of the late Lieutenant Commander Michael D. Christian, United States Navy retired, to an annuity under the Survivor Benefit Plan, Lieutenant Commander Christian shall be deemed to have made an election under section 1448(b)(3) of title 10, United States Code, to provide an annuity to Charlotte S. Neal in accordance with the separation agreement incorporated into their divorce decree of August 19, 1983. Such election shall be deemed to have been made as of September 24, 1983, notwithstanding the death of Lieutenant Commander Christian on September 4, 1983.

(b) LUMP-SUM PAYMENT.—The Secretary of the Navy shall pay in a lump sum to Charlotte S. Neal the aggregate amount to which she is entitled by reason of subsection (a) for the period beginning on October 1, 1983, and ending on the last day of the month in which this Act is enacted.

(c) DEFINITION.—For purposes of this section, the term ''Survivor Benefit Plan'' means the program provided under subchapter II of chapter 73 of title 10, United States Code.

SEC. 654. MODIFICATION TO SURVIVOR BENEFIT PLAN OPEN ENROLLMENT PERIOD.

Section 1405 of the Military Survivor Benefits Improvement Act of 1989 (10 U.S.C. 1448 note) is amended in subsection (g)—

(1) by inserting ''(1)'' before ''If a person''; and

(2) by adding at the end the following:

''(2) Paragraph (1) does not apply in the case of the death of a person making an election under subsection (a) if the beneficiary of that person under the election is the person's spouse and that spouse was entitled, before November 1, 1990, to receive dependency and indemnity compensation benefits from the Department of Veterans Affairs based on a previous marriage to another member or former member of the uniformed services.''.

TITLE VII—ARMY GUARD COMBAT REFORM INITIATIVE

Subtitle A—Deployability Enhancements

SEC. 701. MINIMUM PERCENTAGE OF PRIOR ACTIVE-DUTY PERSONNEL.

(a) ESTABLISHMENT OF MINIMUM PERCENTAGE.—The Secretary of the Army shall have an objective of increasing the percentage of qualified prior active-duty personnel in the Army National Guard to 65 percent, in the case of officers, and to 50 percent, in the case of enlisted members, by September 30, 1997.

(b) INTERIM ACCESSION PERCENTAGES.—The Secretary shall prescribe regulations establishing for each of fiscal years 1993 through 1997 an accession percentage for officers, and a separate accession percentage for enlisted members, for prior active-duty personnel so as to facilitate compliance with the objectives stated in subsection (a).

(c) QUALIFIED PRIOR ACTIVE-DUTY PERSONNEL.—For purposes of this section, qualified prior active-duty personnel are members of the Army National Guard with not less than two years of active duty, any part of which occurred not more than eight years before the member entered the National Guard. In the case of an officer of the Army National Guard, the officer must have not less than two years of active service as an officer to be considered a prior active-duty member.

(d) DEADLINE FOR REGULATIONS.—The regulations required by subsection (a) shall be prescribed not later than March 15, 1993.

SEC. 702. SERVICE IN SELECTED RESERVE IN LIEU OF ACTIVE-DUTY SERVICE.

(a) ACADEMY GRADUATES AND DISTINGUISHED ROTC GRADUATES TO SERVE IN SELECTED RESERVE FOR PERIOD OF ACTIVE-DUTY SERVICE OBLIGATION NOT SERVED ON ACTIVE DUTY.—(1) An officer who is a graduate of one of the service academies or who was commissioned as a distinguished Reserve Officers' Training Corps graduate and who is permitted to be released from active duty before the completion of the active-duty service obligation applicable to that officer shall serve the remaining period of such active-duty service obligation as a member of the Selected Reserve.

(2) The Secretary concerned may waive paragraph (1) in a case in which the Secretary determines that there is no unit position available for the officer.

(b) ROTC GRADUATES.—The Secretary of the Army shall provide a program under which graduates of the Reserve Officers' Training Corps program may perform their minimum period of obligated service by a combination of (A) two years of active duty, and (B) such additional period of service as necessary to complete the remainder of such obligation, to be served in the National Guard of the State of which the graduate is a citizen.

SEC. 703. PREFERENCE IN FILLING VACANCIES FOR PERSONS SEPARATED FROM ACTIVE FORCES.

Section 1150 of title 10, United States Code, is amended by inserting ''or who is separated from the armed forces under honorable conditions during the five-year period beginning on October 1, 1992,'' after ''October 1, 1990,''.

SEC. 704. REVIEW OF OFFICER PROMOTIONS BY COMMANDER OF ASSOCIATED ACTIVE DUTY UNIT.

Whenever an officer in the Army National Guard is recommended for promotion to a grade above first lieutenant, the recommended promotion shall be reviewed by the commander of the active duty unit associated with the National Guard unit of that officer. The commander or other active duty officer designated by the Secretary of the Army shall provide to the promoting authority, before the promotion is made, a statement of concurrence or nonconcurrence in the recommended promotion.

SEC. 705. NONCOMMISSIONED OFFICER EDUCATION REQUIREMENTS.

(a) NONWAIVABILITY.—Any standard prescribed by the Secretary of the Army establishing a military education requirement for noncommissioned officers that must be met as a requirement for promotion to a higher noncommissioned officer grade may only be waived if the Secretary determines that the waiver is necessary in order to preserve unit leadership continuity under combat conditions.

(b) AVAILABILITY OF TRAINING POSITIONS.—The Secretary of the Army shall ensure that there are sufficient training positions available to enable compliance with subsection (a).

SEC. 706. TRANSIENTS, TRAINEES, HOSPITALS, AND STUDENTS ACCOUNT.

(a) ESTABLISHMENT OF PERSONNEL ACCOUNT.—The Secretary of the Army shall establish a personnel accounting category for members of the Army National Guard to be used for categorizing members of the National Guard who have not completed the minimum training required for deployment or who are otherwise not available for deployment. The account shall be administered in the same manner, as nearly as practicable, as the personnel account for Army active forces known as the ''Transients, Trainees, Hospitals, and Students Account''.

(b) USE OF ACCOUNT.—Until a member of the Army National Guard has completed the minimum training necessary for deployment, the member may not be assigned to fill a position in a National Guard unit but shall be carried in the account established under subsection (a). A unit position intended to be filled by that member shall be carried on the unit roster as vacant.

(c) TIME FOR QUALIFICATION FOR DEPLOYMENT.—If at the end of 24 months after a member of the Army National Guard enters the National Guard, the member has not completed the minimum training required for deployment, the member shall be discharged from the Army National Guard. The Secretary of the Army may waive the requirement in the preceding sentence in the case of health care providers.

SEC. 707. MINIMUM PHYSICAL DEPLOYABILITY STANDARDS.

The Secretary of the Army shall transfer the personnel classification of a member of the Army National Guard from the National Guard unit of the member to the personnel account established pursuant to section 706 if the member does not meet minimum physical profile standards required for deployment or fails to successfully complete a physical fitness evaluation. Any such transfer shall be made not later than 90 days after the date on which the determination that the member does not meet such standards is made. If a member so transferred due to failure to successfully complete a physical fitness evaluation is not able to successfully complete such an evaluation within six months after such transfer, the member shall be separated or retired from the National Guard.

SEC. 708. PHYSICAL FITNESS ASSESSMENTS.

The Secretary of the Army shall require that—

(1) each member of the Army National Guard undergo a medical and dental screening on an annual basis and a physical fitness evaluation on a semiannual basis; and

(2) each member of the Army National Guard over the age of 40 undergo a full physical examination not less often than every two years.

SEC. 709. DENTAL READINESS OF MEMBERS OF EARLY DEPLOYING UNITS.

(a) DEVELOPMENT OF PLAN.—The Secretary of the Army shall develop a plan to ensure that units of the Army National Guard that are scheduled for early deployment in the event of a mobilization (as determined by the Secretary) are dentally ready (as defined in regulations of the Secretary) for deployment.

(b) REPORT.—The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on such plan not later than February 15, 1993. The Secretary shall include in the report any legislative proposals that the Secretary considers necessary in order to implement the plan.

SEC. 710. COMBAT UNIT TRAINING.

The Secretary of the Army shall establish a program to minimize the post-mobilization training time required for combat units of the Army National Guard. The program shall require—

(1) that unit premobilization training emphasize individual soldier qualification and training at the crew, squad, and platoon level; and

(2) that combat training for command and staff leadership include annual command post exercises to develop battalion, brigade, and division level skills, as appropriate.

SEC. 711. USE OF COMBAT SIMULATORS.

The Secretary of the Army shall expand the use of training simulators in order to increase training opportunities for those members of the Army National Guard who have greater difficulty than members of active forces in obtaining access to training ranges.

Subtitle B—Assessment of National Guard Capability

SEC. 721. DEPLOYABILITY RATING SYSTEM.

The Secretary of the Army shall modify the readiness rating system for units of the Army Reserve and Army National Guard to ensure that the rating system provides an accurate assessment of the deployability of a unit and those shortfalls of a unit that require the provision of additional resources. In making such modifications, the Secretary shall ensure that the unit readiness rating system is designed so—

(1) that the personnel readiness rating of a unit reflects—

(A) both the percentage of the overall personnel requirement of the unit that is manned and deployable and the fill and deployability rate for critical occupational specialties necessary for the unit to carry out its basic mission requirements; and

(B) the number of personnel in the unit who are qualified in their primary military occupational specialty; and

(2) that the equipment readiness assessment of a unit—

(A) documents all equipment required for deployment;

(B) reflects only that equipment that is directly possessed by the unit;

(C) specifies the effect of substitute items; and

(D) assesses the effect of missing components and sets on the readiness of major equipments items.

SEC. 722. INSPECTIONS.

Section 105 of title 32, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out ''may'' in the matter preceding paragraph (1) and inserting in lieu thereof ''shall'';

(B) by striking out ''and'' at the end of paragraph (5);

(C) by striking out the period at the end of paragraph (6) and inserting in lieu thereof ''; and''; and

(D) by inserting after paragraph (6) the following:

''(7) the units of the Army National Guard meet requirements for deployment.''; and

(2) in subsection (b), by inserting ''; and for determining which units of the National Guard meet deployability standards'' before the period.

Subtitle C—Compatibility of Guard Units With Active Component Units

SEC. 731. ACTIVE DUTY ASSOCIATE UNIT RESPONSIBILITY.

(a) ASSOCIATE UNITS.—The Secretary of the Army shall require that each National Guard combat unit be associated with an active-duty combat unit.

(b) RESPONSIBILITIES.—The commander of the associated active duty unit for any National Guard combat unit shall be responsible for—

(1) approving the training program of the National Guard unit;

(2) approving the accuracy of the readiness report of the National Guard unit;

(3) endorsing the manpower, equipment, and training resources requirements of the National Guard unit; and

(4) validating, not less often than annually, the compatibility of the National Guard unit with the active duty forces.

(c) IMPLEMENTATION.—The Secretary of the Army shall begin to implement subsection (a) during fiscal year 1993 and shall achieve full implementation of the plan not later than October 1, 1995.

SEC. 732. TRAINING COMPATIBILITY.

Section 414(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (105 Stat. 1353) is amended by adding at the end the following new paragraph:

''(4) After September 30, 1994, not less than 3,000 warrant officers and enlisted members in addition to those assigned under paragraph (2) shall be assigned to serve as advisers under the program.''.

SEC. 733. SYSTEMS COMPATIBILITY.

(a) COMPATIBILITY PROGRAM.—The Secretary of the Army shall develop and implement a program to ensure that Army personnel systems, Army supply systems, Army maintenance management systems, and Army finance systems are compatible across all Army components.

(b) REPORT.—Not later than September 30, 1993, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the program under subsection (a) and setting forth a plan for implementation of the program by the end of fiscal year 1997.

SEC. 734. EQUIPMENT COMPATIBILITY.

Section 115b(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(8) A statement of the current status of the compatibility of equipment between the Army reserve components and active forces of the Army, the affect of that level of incompatibility on combat effectiveness, and a plan to achieve full equipment compatibility.''.

SEC. 735. DEPLOYMENT PLANNING REFORM.

(a) REQUIREMENT FOR PRIORITY SYSTEM.—The Secretary of the Army shall develop a system for identifying the priority for mobilization of Army reserve component units. The priority system shall be based on regional contingency planning requirements and doctrine to be integrated into the Army war planning process.

(b) UNIT DEPLOYMENT DESIGNATORS.—The system shall include the use of Unit Deployment Designators to specify the post-mobilization training days allocated to a unit before deployment. The Secretary shall specify standard designator categories in order to group units according to the timing of deployment after mobilization.

(c) USE OF DESIGNATORS.—(1) The Secretary shall establish procedures to link the Unit Deployment Designator system to the process by which resources are provided for National Guard units.

(2) The Secretary shall develop a plan that allocates greater funding for training, full-time support, equipment, and manpower in excess of 100 percent of authorized strength to units assigned unit deployment designators that allow fewer post-mobilization training days.

(3) The Secretary shall establish procedures to identify the command level at which combat units would, upon deployment, be integrated with active component forces consistent with the Unit Deployment Designator system.

SEC. 736. QUALIFICATION FOR PRIOR-SERVICE ENLISTMENT BONUS.

Section 308i(c) of title 37, United States Code, is amended by striking out the period at the end and inserting in lieu thereof ''and may not be paid a bonus under this section unless the skill associated with the position the member is projected to occupy is a skill in which the member successfully served while on active duty and attained a level of qualification commensurate with the member's grade and years of service.''.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Assistance Programs

SEC. 801. CODIFICATION OF SECTION 1207.

(a) CODIFICATION.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2322 a new section 2323 consisting of—

(A) a heading as follows:

''§ 2323. Contract goal for minorities'';

and

(B) a text consisting of the text of section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661), revised—

(i) by replacing ''each of fiscal years 1987, 1988, 1989, 1990, 1991, 1992, and 1993'' in subsection (a)(1) with ''each of fiscal years 1987 through 2000'';

(ii) by replacing ''each of fiscal years 1987, 1988, 1989, 1990, 1991, 1992, and 1993.'' in subsection (h) with ''each of fiscal years 1987 through 2000.''; and

(iii) by replacing ''of title 10, United States Code,'' in subsection (e)(2) with ''of this title''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2322 the following new item:

''2323. Contract goal for minorities.''.

(b) CONFORMING REPEAL.—Section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 3973) is repealed.

SEC. 802. PROVISIONS RELATING TO SMALL DISADVANTAGED BUSINESSES AND SMALL BUSINESSES.

(a) NONMANUFACTURING RULE AND SUBCONTRACTING PLAN REQUIREMENTS.—Section 2323 of title 10, United States Code, as inserted by section 801, is amended—

(1) by redesignating subsection (h) as subsection (k); and

(2) by inserting after subsection (g) the following new subsections:

''(h) RULE RELATING TO NONMANUFACTURERS.—(1) An otherwise responsible business concern that is in compliance with the requirements of paragraph (2) shall not be denied the opportunity to sub-

mit and have considered its offer for a procurement contract for the supply of a product to be awarded under the program provided for by this section solely because such concern is other than the actual manufacturer or processor of the product to be supplied under the contract.

''(2) To be in compliance with the requirements referred to in paragraph (1), such a business concern shall—

''(A) be primarily engaged in the wholesale or retail trade;

''(B) be a small business concern under the numerical size standard for the Standard Industrial Classification Code assigned to the contract solicitation on which the offer is being made;

''(C) be a regular dealer, as defined pursuant to section 1(a) of the Act of June 30, 1936 (41 U.S.C. 35(a)) (popularly referred to as the Walsh-Healey Act), in the product to be offered the Department of Defense; and

''(D) represent that it will supply the product of a domestic small business manufacturer or processor, unless a waiver of such requirement is granted—

''(i) by the Secretary of Defense, after reviewing a determination by the contracting officer that no small business manufacturer or processor can reasonably be expected to offer a product meeting the specifications (including period for performance) required of an offeror by the solicitation; or

''(ii) by the Secretary of Defense for a product (or class of products), after determining that no small business manufacturer or processor is available to participate in the Federal procurement market.

''(i) SUBCONTRACTING PLAN.—The Secretary of Defense shall prescribe regulations to ensure that potential contractors submitting sealed bids or competitive proposals to the Department of Defense for procurement contracts to be awarded under the program provided for by this section are complying with applicable subcontracting plan requirements of section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

''(j) EVALUATION OF CONTRACTING OFFICERS.—The administration by a contracting officer of the regulations prescribed under subsection (i) shall be a factor in the evaluation of the performance of the contracting officer.''.

(b) ADDITIONAL EVALUATION FACTOR FOR SOLICITATIONS.—Section 2305(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) With respect to a sealed bid or competitive proposal for which the bidder or offeror is required to negotiate or submit a subcontracting plan under section 8(d) of the Small Business Act (15 U.S.C. 637(d)), the subcontracting plan shall be a significant factor in evaluating the bid or proposal and shall be included in the statement required pursuant to paragraph (2)(A).''.

SEC. 803. CLARIFICATION OF CALCULATION OF CONTRACT GOAL.

Section 2323 of title 10, United States Code, as inserted by section 801 and amended by section 802, is further amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection:

''(k) CALCULATION OF CONTRACT GOAL.—For purposes of calculating the goal of subsection (a), the total combined amount obligated for contracts and subcontracts entered into with the entities described in subparagraphs (A) through (C) of subsection(a)(1) shall be construed as being the aggregate of the amounts of—

''(1) all prime contracts entered into by the Department of Defense with such entities; and

''(2) all subcontracts entered into with such entities and awarded under prime contracts entered into by the Department of Defense other than prime contracts referred to in paragraph (1).''.

Subtitle B—Miscellaneous Acquisition Policy Matters

SEC. 811. REPEAL OF PROCUREMENT LIMITATION ON TYPEWRITERS.

(a) REPEAL.—Subsection (c) of section 2507 of title 10, United States Code, is hereby repealed.

(b) CONFORMING AMENDMENT.—Subsections (d), (e), and (f) of such section are redesignated as subsections (c), (d), and (e), respectively.

SEC. 812. PROCUREMENT LIMITATION ON BALL BEARINGS AND ROLLER BEARINGS.

Section 2507 of title 10, United States Code, as amended by section 811, is further amended by adding at the end the following new subsection:

''(f) BALL BEARINGS AND ROLLER BEARINGS.—(1) During fiscal years 1993, 1994, and 1995, the Secretary of Defense may not procure ball bearings or roller bearings unless the ball bearings or roller bearings are produced or manufactured in the United States.

''(2) The Secretary of Defense may waive the limitation in paragraph (1) in the case of a particular procurement of ball bearings or roller bearings if the Secretary determines that—

''(A) adequate supplies of ball bearings or roller bearings manufactured in the United States are not available to meet Department of Defense requirements on a timely basis; and

''(B) carrying out a proposed procurement in accordance with the limitation in that case is not in the national security interests of the United States.''.

SEC. 813. PROCUREMENT LIMITATION ON FUEL CELLS.

(a) LIMITATION.—Subject to subsections (b) and (c), during fiscal year 1993, the Secretary of Defense may not procure fuel cells unless the fuel cells are produced or manufactured in the United States.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive the limitation in subsection (a) in the case of a particular procurement of fuel cells if the Secretary determines that carrying out a proposed procurement in accordance with the limitation in that case is not in the national security interests of the United States.

(c) TYPE OF FUEL CELLS COVERED.—The limitation in subsection (a) applies only to fuel cells that contain synthetic fabric or coated synthetic fabric.

SEC. 814. EXPANSION AND EXTENSION OF AUTHORITY UNDER MAJOR DEFENSE ACQUISITION PILOT PROGRAM.

(a) EXPANSION OF COVERAGE OF PROGRAM.—(1) Section 809 of the Department of Defense Authorization Act for Fiscal Year 1991 (P.L. 101–510; 104 Stat. 1593) is amended—

(A) by striking out ''major defense acquisition program'' each place it appears and inserting in lieu thereof ''defense acquisition program'';

(B) by striking out ''major defense acquisition programs'' each place it appears and inserting in lieu thereof ''defense acquisition programs''; and

(C) by striking out subsection (i).

(2) The heading for such section is amended by striking out ''major''.

(b) EXTENSION.—Subsection (h) of section 809 of the Department of Defense Authorization Act for Fiscal Year 1991 (P.L. 101–510; 104 Stat. 1595) is amended by striking out ''September 30, 1992'' and inserting in lieu thereof ''September 30, 1995''.

SEC. 815. ACQUISITION WORKFORCE IMPROVEMENT.

(a) 5-YEAR REVIEW OF ASSIGNMENTS.—Section 1734(e)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: ''Reviews under this subsection shall be carried out after October 1, 1995, but may be carried out before that date.''

(b) WAIVER OF ASSIGNMENT PERIODS FOR DEPUTY PROGRAM MANAGERS.—(1) Section 1734(a) of such title is amended—

(A) in paragraph (1), by inserting ''and paragraph (3)'' after ''Except as provided under subsection (b)''; and

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

''(3) The assignment period requirement of the first sentence of paragraph (1) is waived for any individual serving as a deputy program manager if the individual is assigned to a critical acquisition position upon completion of the individual's assignment as a deputy program manager.''.

(2) Section 1734(b) of such title is amended—

(A) in paragraph (1)(A), by inserting ''(except as provided in paragraph (3))'' after ''deputy program manager''; and

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

''(3) The assignment period requirement under subparagraph (A) of paragraph (1) is waived for any individual serving as a deputy program manager if the individual is assigned to a critical acquisition position upon completion of the individual's assignment as a deputy program manager.''.

(c) FULFILLMENT STANDARDS FOR MANDATORY TRAINING.—(1) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall develop fulfillment standards, and implement a program, for purposes of the training requirements of sections 1723, 1724, and 1735 of title 10, United States Code. Such fulfillment standards shall consist of criteria for determining whether an individual has demonstrated competence in the areas that would be taught in the training courses required under those sections. If an individual meets the appropriate fulfillment standard, the applicable training requirement is fulfilled.

(2) The fulfillment standards developed under paragraph (1) shall take effect as of November 5, 1990, and shall cease to be in effect on October 1, 1997.

(3) The fulfillment standards required under paragraph (1) shall be developed not later than 90 days after the date of the enactment of this Act.

(d) EXPERIENCE REQUIREMENTS FOR DEPUTY PROGRAM MANAGERS.—Section 1735(b)(3) of such title is amended—

(1) in subparagraph (A)—

(A) by striking out ''or deputy program manager''; and

(B) by striking out ''and'' at the end;

(2) in subparagraph (B)—

(A) by striking out ''or deputy program manager''; and

(B) by striking out the period at the end and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

''(C) a deputy program manager of a major defense acquisition program, must have at least six years of experience in acquisition, at least two years of which were performed in a systems program office or similar organization; and

''(D) a deputy program manager of a significant nonmajor defense acquisition program, must have at least four years of experience in acquisition.''.

(e) BUSINESS MANAGEMENT TRAINING AND EDUCATION.—(1) Clause (ii) of section 1732(b)(2)(B) of such title is amended by inserting before the period the following: ''or equivalent training as prescribed by the Secretary to ensure proficiency in the disciplines listed in clause (i)''.

(2) The Secretary of Defense shall prescribe equivalent training for purposes of clause (ii)

of section 1732(b)(2)(B) of title 10, United States Code (as amended by paragraph (1)), not later than 120 days after the date of the enactment of this Act.

(f) REVISED DEADLINE FOR CONTROLLER GENERAL REPORT.—Section 1208(a) of Public Law 101–510 (10 U.S.C. 1701 note; 104 Stat. 1665) is amended by striking out ''Not later than two years after the date of the enactment of this Act,'' and inserting in lieu thereof ''Not later than February 1, 1993,''.

SEC. 816. CERTIFICATION OF CONTRACT CLAIMS.

(a) CERTIFICATION OF CONTRACT CLAIMS.—(1) Section 2410 of title 10, United States Code, is amended to read as follows:

''§ 2410. Contract claims: certification

''(a) A contract claim, request for equitable adjustment to contract terms, request for relief under Public Law 85–804 (50 U.S.C. 1431 et seq.), or other similar request by a contractor that exceeds $100,000 may not be paid unless the contractor provides, at the time the claim or request is submitted—

''(1) the certification required by section 6(c)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 605(c)(1)); and

''(2) the supporting data for the claim or request.

''(b) The certification required under subsection (a) shall be signed by—

''(1) an officer of the contractor;

''(2) an employee of the contractor who has been designated in writing, by name or position, by the officer referred to in paragraph (1) to be responsible, either directly or in a supervisory role, for the preparation, submission, and negotiation of a claim or request in the amount of the claim or request being submitted; or

''(3) an employee of the contractor who has been designated in the contract, by name or position—

''(A) to be responsible, either directly or in a supervisory role, for the preparation, submission, and negotiation of a claim or request in the amount of the claim or request being submitted; and

''(B) to certify the claim or request on behalf of the contractor.

''(c) For purposes of this section, a certification of a claim or request is deemed to be signed by an appropriate official and otherwise in appropriate form if the Government has not rejected the certification on grounds that it was signed by the wrong official or that the form of the certification is otherwise defective within three months after the date the claim or request was submitted.''.

(2) Section 2410 of title 10, United States Code, as amended by paragraph (1), shall apply with respect to claims or requests submitted after the expiration of the 60-day period beginning on the date of the enactment of this Act.

(3) Section 2410 of title 10, United States Code, as amended by paragraph (1), shall also apply with respect to a claim or request—

(A) which is submitted after October 1, 1978; and

(B) with respect to which the certification has not been rejected by the Government on the grounds that it was signed by the wrong official or that the form of the certification was otherwise defective before the final decision on the claim or request is made by the contracting officer for the contract concerned.

(b) ADJUSTMENT OF SHIPBUILDING CONTRACTS.—Section 2405 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) Notwithstanding subsection (a), the price under a shipbuilding contract may be adjusted for an amount set forth in a claim, request, or demand that arises out of events occurring more than 18 months before submission if—

''(1) the claim, request, or demand is a resubmission of a claim, request, or demand that was previously submitted within the time limit specified in subsection (a);

''(2) the previously submitted claim, request, or demand was determined to be deficient because of the title, status, or scope of authority of the individual who certified the claim, request, or demand;

''(3) the claim, request, or demand is resubmitted by the date which is the later of—

''(A) 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1993; or

''(B) 30 days after the later of—

''(i) the date the contracting officer for the contract notifies the contractor in writing of the deficiency in the previously submitted claim, request, or demand; or

''(ii) the date on which a Board of Contract Appeals or a court makes a final decision (after all appeals have been made or all time for filing appeals has expired) that the previously submitted claim was deficiently certified; and

''(4) the certification of the claim, request, or demand under subsection (b) is based on the supporting data that existed on the date of the previous submission and is in a form that is valid under law and regulations in effect at the time of the resubmission.''.

SEC. 817. DEADLINE FOR REPORT ON RIGHTS IN TECHNICAL DATA REGULATIONS.

(a) REQUIREMENT TO SUBMIT REPORT WHEN CONGRESS IS IN SESSION.—Section 807(a)(3)(A) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1421) is amended by striking out ''transmit'' and inserting in lieu thereof the following: ''transmit, on a day on which both Houses of Congress are in session,''.

(b) COMPUTATION OF PERIOD OF RESTRICTION.—Section 807(c)(2) of such Act is amended—

(1) by striking out ''30 days'' and inserting in lieu thereof the following: ''occurring after 30 days of continuous session of Congress have expired''; and

(2) by adding at the end the following new sentence: ''For purposes of this paragraph, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 30-day period.''.

SEC. 818. LIMITATION ON SALE OF ASSETS OF CERTAIN DEFENSE CONTRACTOR.

(a) REQUIREMENT.—(1) The Secretary of Defense shall require that, in any contract entered into with the LTV Aerospace and Defense Company (hereinafter referred to as the ''contractor''), the terms of the contract shall include the requirements set forth in paragraph (2).

(2) A contract referred to in paragraph (1) shall prohibit the contractor (including any subsidiaries of the contractor) from selling, after April 1, 1992, all or any part of its operating assets to any other person or entity unless the person or entity agrees to assume, to the extent required under any collective bargaining agreement entered into by the contractor, all the liabilities of the contractor to all of the employees of the contractor who have retired. For purposes of this paragraph, such liabilities include all retirement health and life insurance and pension benefits payable (at the time of sale or any time after the sale) to, or for the benefit of, such retired employees, their spouses, and their dependents.

(b) APPLICABILITY.—The requirements of subsection (a) shall apply with respect to any contract entered into after April 1, 1992, and any contract in existence as of April 1, 1992, with the LTV Aerospace and Defense Company. Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall modify contracts in existence as of April 1, 1992, and contracts entered into between April 1, 1992, and the date of the enactment of this Act, to reflect the requirements of this section.

(c) TRANSITION.—(1) If a person or entity (in this subsection referred to as the ''purchaser'') purchases the LTV Aerospace and Defense Company during the period beginning on April 1, 1992, and ending 60 days after the date of the enactment of this Act, the Secretary of Defense shall modify any transferred contracts to require the purchaser to assume all the liabilities of the LTV Aerospace and Defense Company to all of the employees of such company who have retired (including all the liabilities described in subsection (a)(2)).

(2) For purposes of paragraph (1), a transferred contract is a contract entered into by the purchaser and the Department of Defense which contains terms and obligations (A) which are similar to the terms and obligations of a previous contract between the LTV Aerospace and Defense Company and the Department of Defense, and (B) which the purchaser agreed to assume as part of the terms of the purchase of such company.

SEC. 819. REQUIREMENT TO MAINTAIN LIST OF PERSONS CONVICTED OF DEFENSE-CONTRACT RELATED FELONIES.

Section 2408 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) LIST OF PERSONS UNDER PROHIBITION.—The Secretary of Defense or the Attorney General shall transmit to the Administrator of General Services at least once every six months a list of persons under a prohibition under subsection (a). The Administrator of General Services shall maintain and publish the list as part of, and in the same manner as, the list of parties excluded from Federal procurement or nonprocurement programs (commonly known as the debarment list).''.

SEC. 820. INDEPENDENT COST ACCOUNTING IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—The Secretary of Defense, acting through the Deputy Secretary of Defense, shall take such actions as necessary to strengthen independent cost accounting in the Department of Defense.

(b) DEFICIENCIES IDENTIFIED IN DOD IG REPORT.—Actions to be taken pursuant to subsection (a) include correction of the cost accounting deficiencies identified by the Inspector General of the Department of Defense in Report No. 92–028, dated December 30, 1991. As part of the correction of those deficiencies, the Secretary of Defense shall take actions to—

(1) enhance the capability of the Cost Analysis Improvement Group (CAIG) in the Office of the Secretary of Defense and focus its activities on performance of the independent cost estimating function;

(2) ensure close adherence within the Department of Defense to existing Departmental regulations with respect to independent cost estimates that implement section 2434 of title 10, United States Code; and

(3) limit the participation of any firm that has a contract with the program office, or that is the prime contractor or any subcontractor, of a defense acquisition program (including a highly sensitive classified program) in the preparation of an independent cost estimate prepared with respect to that program.

(c) FUNCTIONS OF SERVICE COST ACCOUNTING CENTERS.—In carrying out subsection (a), the Secretary shall consider assigning—

(1) the Army Cost and Economic Analysis Center, Department of the Army, to the Assistant Secretary of the Army for Financial Management;

(2) the Naval Center for Cost Analysis, Department of the Navy, to the Assistant Sec-

retary of the Navy for Financial Management; and

(3) the Air Force Cost Center and Independent Cost Analysis Program, Department of the Air Force, to the Assistant Secretary of the Air Force for Financial Management.

SEC. 821. DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF "MADE IN AMERICA" LABELS.

If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall debar the person from contracting with the Federal Government for a period of not less than 3 years and not more than 5 years. For purposes of this section, the term ''debar'' has the meaning given that term by section 2393(c) of title 10, United States Code.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—General Matters

SEC. 901. VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

(a) DESIGNATION OF VICE CHAIRMAN AS MEMBER OF THE JCS.—Subsection (a) of section 151 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Vice Chairman.''.

(b) ADVICE AND OPINION.—Section 151 of such title is further amended—

(1) in subsection (d)(1)—

(A) by striking out ''(other than the Chairman)'' in the first sentence and inserting in lieu thereof ''who is a Chief of Service''; and

(B) by striking out ''If a member'' in the second sentence and inserting in lieu thereof ''If such a member'';

(2) in subsection (e), by striking out ''The members of the Joint Chiefs of Staff'' and inserting in lieu thereof ''The Chairman, the Vice Chairman (when acting as Chairman), and the Chiefs of Service'';

(3) in subsection (f), by striking out ''a member of the Joint Chiefs of Staff'' and inserting in lieu thereof ''the Chairman or a member of the Joint Chiefs of Staff who is a Chief of Service''; and

(4) by adding at the end the following:

''(h) DEFINITION.—In this section, the term 'Chief of Service' means any of the following:

''(1) The Chief of Staff of the Army.

''(2) The Chief of Naval Operations.

''(3) The Chief of Staff of the Air Force.

''(4) The Commandant of the Marine Corps.''.

(c) DUTIES AND RESPONSIBILITIES.—Subsection (c) of section 154 of such title is amended to read as follows:

''(c) DUTIES AND RESPONSIBILITIES.—The Vice Chairman is subject to the direction and control of the Chairman, performs duties prescribed by the Chairman, and is responsible for activities delegated by the Chairman.''.

(d) CONFORMING AMENDMENTS.—(1) Section 154(f) of such title is amended by striking out ''may participate in all meetings of the Joint Chiefs of Staff, but''.

(2) Section 155(a)(1) of such title is amended by striking out ''and the Vice Chairman''.

SEC. 902. CONSOLIDATION OF CRIMINAL INVESTIGATION FUNCTIONS.

(a) CONSOLIDATION.—To provide more effective, efficient, and economical administration and operation of criminal investigative activities of the Department of Defense and to eliminate duplication of such activities among the military departments, the Secretary of Defense shall consolidate in the Defense Criminal Investigative Service of the Department of Defense the following criminal investigative functions of the military departments:

(1) The United States Army Criminal Investigation Command.

(2) The Navy Investigative Service Command.

(3) The Air Force Office of Special Investigations.

(b) COMPLETION.—The consolidation of functions required by subsection (a) shall be completed not later than September 30, 1994.

SEC. 903. REPEAL OF REQUIREMENT THAT DEPUTIES AND ASSISTANTS OF THE INSPECTOR GENERALS OF THE ARMY AND AIR FORCE BE OFFICERS OF THE ARMY OR AIR FORCE.

(a) ARMY.—Section 3020 of title 10, United States Code, is amended by striking out subsection (e).

(b) AIR FORCE.—Section 8020 of such title is amended by striking out subsection (e).

SEC. 904. REPORT ON ASSIGNMENT OF SPECIAL OPERATIONS FORCES.

(a) REPORT REQUIRED.—Not later than February 1, 1993, the Secretary of Defense shall submit to Congress a report describing the implementation of the requirement contained in section 167(b) of title 10, United States Code, that all active and reserve special operations forces of the Armed Forces stationed in the United States be assigned to the special operations command unless otherwise directed by the Secretary.

(b) COMMAND AND CONTROL RESPONSIBILITIES.—The report required by subsection (a) shall delineate the respective responsibilities of the commander of the special operations command and the chiefs of the reserve components regarding the peacetime command and control of reserve component special operations forces.

(c) OTHER MATTERS TO BE INCLUDED.—The report shall also specifically address the following matters:

(1) Establishment of training and readiness standards.

(2) Military and civilian personnel management.

(3) Programming and budget execution functions.

(4) Conduct of operational training.

SEC. 905. FISCAL YEAR 1992 ROLES AND MISSIONS REPORT OF CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

(a) SUBMISSION OF REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress the most recent report submitted to the Secretary by the Chairman of the Joint Chiefs of Staff under section 153(b) of title 10, United States Code, relating to the roles and missions of the Armed Forces.

(b) ADDITIONAL MATTER TO BE INCLUDED WITH REPORT.—The Secretary shall include with that report a reassessment of the historic roles and missions assigned to each of the Armed Forces (under the Key West agreement and subsequent actions by the various Secretaries of Defense and the Congress) in light of the new national security environment resulting from the end of the Cold War.

Subtitle B—Professional Military Education

SEC. 921. APPLICATION OF DEFINITION OF PRINCIPAL COURSE OF INSTRUCTION AT THE ARMED FORCES STAFF COLLEGE.

Section 912(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1452) is amended by striking out ''October 1, 1993'' and inserting in lieu thereof ''January 1, 1994''.

SEC. 922. PROFESSIONAL MILITARY EDUCATION TEST PROGRAM FOR RESERVE COMPONENT OFFICERS OF THE ARMY.

(a) TEST PROGRAM.—The Secretary of the Army shall carry out a test program to improve the provision of professional military education to reserve component officers of the Army by assigning officers described in subsection (b) to attend professional military courses offered at the Army Reserve Forces schools that correspond to the courses offered at the Army Combined Arms and Services Staff School and the United States Army Command and General Staff College.

(b) ELIGIBLE OFFICERS.—A reserve component officer of the Army shall be eligible for assignment under the test program if the Secretary of the Army determines that the officer—

(1) is unable to attend professional military education courses while in the active service; and

(2) satisfies such other criteria as the Secretary may prescribe.

(c) DUTY STATUS AND PAY.—A reserve component officer of the Army assigned under the test program shall attend professional military education courses in an inactive-duty status and shall be entitled to compensation under section 206 of title 37, United States Code, while in that status.

(d) REPORT.—Not later than March 31, 1995, the Secretary of the Army shall submit to Congress a report describing the effectiveness of the test program in improving the provision of professional military education to reserve component officers of the Army. The report shall include a description of—

(1) the method by which reserve component officers of the Army are selected to participate in the test program;

(2) the effect of the test program on units of the Selected Reserve and the management of duty assignments in the Selected Reserve; and

(3) the capabilities of the Army Reserve Forces schools.

(e) RESERVE COMPONENT OFFICER OF THE ARMY DEFINED.—For purposes of this section, the term ''reserve component officer of the Army'' means an officer of the Army National Guard of the United States or the Army Reserve who is assigned to a unit of the Selected Reserve.

SEC. 923. SUPPORT FOR PROFESSIONAL MILITARY EDUCATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the maintenance of an effective system of professional military education is increasingly important during this current period in which United States military forces are being reduced to their lowest levels since World War II; and

(2) the pressures generated by reductions in military forces should not be allowed to negate the actions taken by the Department of Defense in response to the recommendations contained in the report—

(A) prepared by the Panel on Military Education of the Committee on Armed Services of the House of Representatives; and

(B) published on April 21, 1989.

(b) STATEMENT OF CONGRESSIONAL POLICY.—The Congress urges, as a matter of policy, and fully expects the Secretary of Defense to—

(1) continue efforts to maintain the quality of the schools of the professional military education system and the joint curriculum taught at these schools; and

(2) make every effort to improve the quality and availability of professional military education courses for reserve officers who are unable to attend such courses while in the active service in order to ensure a continued source of qualified leaders for the reserve components.

SEC. 924. FOREIGN LANGUAGE CENTER OF THE DEFENSE LANGUAGE INSTITUTE.

(a) EMPLOYMENT OF CIVILIAN FACULTY MEMBERS AUTHORIZED.—(1) Section 1595 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting ''and the Foreign Language Center of the Defense Language Institute'' after ''National Defense University''; and

(B) in subsection (c), by striking out ''This section'' and inserting in lieu thereof ''In the case of the National Defense University, this section''.

(2) In the case of a person who, on the day before the date of the enactment of this Act, is employed as a professor, instructor, or lecturer at the Foreign Language Center of the Defense Language Institute, the Secretary of Defense shall afford the person an opportunity to elect to be paid under the compensation plan authorized by section 1595(b) of title 10, United States Code, or to continue to be paid under the General Schedule (with no reduction in pay) under section 5332 of title 5, United States Code.

(3)(A) The heading of such section is amended to read as follows:

"§ 1595. National Defense University and Foreign Language Center: civilian faculty members".

(B) The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

''1595. National Defense University and Foreign Language Center: civilian faculty members.''.

(b) ROLE IN COUNTER-DRUG ACTIVITIES.—The Secretary of Defense shall use the Foreign Language Center of the Defense Language Institute to provide training for linguists participating in counter-drug activities.

(c) REPORT ON TECHNOLOGIES TO ENHANCE AUTOMATED TRANSLATION CAPABILITIES.—Not later than December 1, 1993, the Foreign Language Center of the Defense Language Institute shall submit to the Secretary of Defense a report evaluating the feasibility of using the latest advances in computer and telecommunications technologies to enhance linguist automated translation capabilities and training.

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 1993 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 $1,500,000,000.

(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. CLOSING OF APPROPRIATION ACCOUNTS AVAILABLE FOR INDEFINITE PERIODS.

Section 1555 of title 31, United States Code, relating to closing of appropriation accounts available for indefinite periods, is amended by striking out ''for any purpose, if—'' and all that follows through ''(2) no disbursement'' and inserting in lieu thereof ''for any purpose, if no disbursement''.

SEC. 1003. TREATMENT OF CERTAIN "M" ACCOUNT OBLIGATIONS.

(a) LIMITATION.—The Secretary of Defense may not reobligate any sum in a merged (or so-called ''M'') account of the Department of Defense until the Secretary has identified an equal sum under section 1406 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1680) that can be canceled.

(b) REQUIREMENT FOR RECIPROCAL CANCELLATION.—Whenever the Secretary of Defense reobligates funds from a merged (or so-called ''M'') account of the Department of Defense, the Secretary shall at the same time cancel with the Treasury of the United States a sum in the same amount as the reobligation from a merged account of the Department of Defense.

(c) MONTHLY REPORTS.—The Secretary of Defense shall submit to the congressional defense committees a monthly report, for each month beginning after the date of the enactment of this Act through September 1993, on the amount of funds reobligated during the month from merged accounts of the Department of Defense and the amount of funds canceled during the month from such accounts. Each report shall be submitted not later than the 21st day of the month after the month covered by the report.

(d) NOTICE-AND-WAIT.—(1) Whenever the Secretary of Defense proposes to reobligate from a merged (or so-called ''M'') account of the Department of Defense any sum in an amount greater than $10,000,000, the reobligation may not be made until—

(A) the Secretary notifies Congress of the amount to be reobligated, the source of the funds to be reobligated, and the purpose the funds will be reobligated for; and

(B) a period of 30 days passes after the notice is received.

(2) The limitation in paragraph (1) applies to reobligations for a single purpose in a sum greater than the amount specified in that paragraph. Such a reobligation may not be divided into several smaller sums to avoid such limitation.

(e) DURATION OF LIMITATIONS.—Subsections (a) and (b) shall cease to apply when all audits and cancellations of balances required by section 1406 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1680) have been completed.

Subtitle B—Naval Vessels and Related Matters

SEC. 1011. EAST COAST HOMEPORTS FOR NUCLEAR-POWERED AIRCRAFT CARRIERS.

(a) FINDINGS.—Congress finds that—

(1) while the Navy is continuing to implement a strategic homeporting strategy, the Secretary of the Navy is not implementing the strategic homeporting concept for the carrier fleet; and

(2) the single-siting on the East Coast of nuclear aircraft carriers presents a national security risk.

(b) DEVELOPMENT OF SECOND HOMEPORT ON THE EAST COAST.—The Secretary of the Navy shall establish a second homeport on the East Coast of the United States for nuclear-powered aircraft carriers. The development work at the site selected for such a homeport shall include dredging of the berthing areas, channel, and turning basin, pier upgrades, power upgrades, new shore maintenance facilities, and such other activities as necessary to homeport a nuclear-powered aircraft carrier.

SEC. 1012. PROHIBITION ON EXPANSION OF SAN DIEGO HOMEPORT AREA.

The Secretary of the Navy may not expand the area administratively designated as the San Diego Homeport Area to include Long Beach or San Pedro, California.

SEC. 1013. TRANSFER OF CERTAIN VESSELS.

The Secretary of the Navy shall transfer to the Department of Transportation the following vessels, to be assigned as training ships to Texas A&M University at Galveston, Texas, and to the Maine Maritime Academy at Castine, Maine, when those vessels are no longer required for use by the Navy:

(1) The U.S.N.S. Chauvenet (T–AG–29).

(2) The U.S.N.S. Harkness (T–AG–32).

SEC. 1014. NAVY MINE COUNTERMEASURE PROGRAM.

(a) EVALUATION.—The Secretary of the Navy shall submit to the congressional defense committees a detailed report on actions and plans of the Navy for consolidation and centralization of control over forces assigned to the mine countermeasure mission. The report shall evaluate all facets of the mine countermeasure mission, including—

(1) proposed location of vessels, helicopters, and explosive ordinance detachment (EOD) units;

(2) proposed command structure;

(3) proposed training policies; and

(4) proposed vessel procurement policies.

(b) EVALUATION OF INGLESIDE, TEXAS, AS HOMEPORT FOR MINE COUNTERMEASURES PROGRAM.—The report under subsection (a) shall include a detailed evaluation and analysis of Ingleside, Texas, as the homeport for all mine warfare ships and a comparison of homeporting alternatives for mine warfare ships (including evaluation of homeporting such ships at bases on the East and West Coasts).

(c) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than December 31, 1992.

SEC. 1015. EXTENSION OF 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, 1992'' and inserting in lieu thereof ''September 30, 1993''.

SEC. 1016. REVITALIZATION OF UNITED STATES SHIPBUILDING INDUSTRY.

(a) IN GENERAL.—The Secretary of Defense shall direct that all sealift ships built under the fast sealift program established in section 1424 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) shall be constructed and designed to commercial specifications.

(b) ESTABLISHMENT OF AN INTERAGENCY WORKING GROUP TO FORMULATE A COMPREHENSIVE PROGRAM TO PRESERVE THE SHIPYARD INDUSTRIAL BASE.—(1) The Secretary of Defense shall establish an interagency working group for the sole purpose of developing and implementing a comprehensive plan to enable and ensure that domestic shipyards can compete effectively in the international shipbuilding market.

(2) The working group shall meet regularly, not less than four times every year, and shall include representatives from all appropriate agencies, including the Department of Defense, the Department of State, the Department of Commerce, the Department of Transportation, the Department of Labor, the Office of the United States Trade Representative, and the Maritime Administration.

(3) The Secretary of Defense shall submit to Congress concurrent with the Department of Defense budget request for fiscal year 1994 the comprehensive plan developed by the working group.

(c) PENALTY FOR FAILURE TO COMPLY.—If the Secretary of Defense fails to submit to Congress with the Department of Defense budget request for fiscal year 1994 a comprehensive plan as required by subsection (b), no funds appropriated to the Department of Defense for fiscal year 1993 may be used, after the date of the submittal of the fiscal year 1994 budget request, to enter into a contract for the construction, repair, or purchase of any product or service with any company physically located in or with headquarters in any country that continues to provide a subsidy to a foreign shipyard for the construction or repair of vessels or that engages in ship dumping practices.

(d) DEFINITIONS.—For purposes of subsection (c):

(1) The term ''foreign shipyard'' includes a ship construction or repair facility located in a foreign country that is directly or indirectly owned, controlled, managed, or financed by a foreign shipyard that receives or benefits from a subsidy.

(2) The term ''subsidy'' includes any of the following:

(A) Officially supported export credits and development assistance.

(B) Direct official operating support to the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including—

(i) grants;

(ii) loans and loan guarantees other than those available on the commercial market;

(iii) forgiveness of debt;

(iv) equity infusions on terms inconsistent with commercially reasonable investment practices;

(v) preferential provision of goods and services; and

(vi) public sector ownership of commercial shipyards on terms inconsistent with commercially reasonable investment practices.

(C) Direct official support for investment in the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including the kinds of support listed in clauses (i) through (v) of subparagraph (B), and any restructuring support, except public support for social purposes directly and effectively linked to shipyard closures.

(D) Assistance in the form of grants, preferential loans, preferential tax treatment, or otherwise, that benefits or is directly related to shipbuilding and repair for purposes of research and development that is not equally open to domestic and foreign enterprises.

(E) Tax policies and practices that favor the shipbuilding and repair industry, directly or indirectly, such as tax credits, deductions, exemptions and preferences, including accelerated depreciation, if the benefits are not generally available to persons or firms not engaged in shipbuilding or repair.

(F) Any official regulation or practice that authorizes or encourages persons or firms engaged in shipbuilding or repair to enter into anticompetitive arrangements.

(G) Any indirect support directly related, in law or in fact, to shipbuilding and repair at national yards, including any public assistance favoring shipowners with an indirect effect on shipbuilding or repair activities, and any assistance provided to suppliers of significant inputs to shipbuilding, which results in benefits to domestic shipbuilders.

(H) Any export subsidy identified in the Illustrative List of Export Subsidies in the Annex to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade or any other export subsidy that may be prohibited as a result of the Uruguay Round of trade negotiations.

(3) The term ''vessel'' means any self-propelled, sea-going vessel—

(A) of not less than 100 gross tons, as measured under the International Convention of Tonnage Measurement of Ships, 1969; and

(B) not exempt from entry under section 441.

SEC. 1017. PROCUREMENT OF SHIPS FOR THE SEALIFT PROGRAM.

(a) ACQUISITION AND CONVERSION OF U.S. BUILT VESSELS.—Notwithstanding any other provision of law, the Secretary of the Navy may use funds available for the Fast Sealift Program—

(1) to acquire vessels for the program from among available vessels built in United States shipyards; and

(2) to convert in United States shipyards vessels built in United States shipyards.

(b) ACQUISITION OF FIVE FOREIGN-BUILT VESSELS.—Notwithstanding any other provision of law, funds available for the Fast Sealift Program may be used for the acquisition of five vessels built in foreign shipyards and for conversion of those vessels in United States shipyards if the Secretary of the Navy determines that acquisition of those vessels is necessary to expedite the availability of vessels for sealift.

SEC. 1018. REQUIREMENT TO EXPEDITE CONSTRUCTION OF SEALIFT SHIPS.

(a) REQUIREMENT.—The Secretary of the Navy shall promptly carry out a program for the construction of sealift ships.

(b) LIMITATION.—In order to achieve a more proper balance between the sealift program and the airlift program to increase strategic lift capability, during fiscal year 1993 obligations for the C–17 program, including obligations for research and development and for procurement, may not exceed, at any time during the year, the obligations for construction of ships for the sealift program. This subsection shall not apply if all funds appropriated for the sealift program have been obligated or if the Secretary of Defense certifies to the congressional defense committees that it is not feasible to obligate funds for the construction of strategic sealift ships during fiscal year 1993. Any certification under this subsection shall include a full and complete explanation of the reasons and circumstances for the certification.

SEC. 1019. TRANSFER OF OBSOLETE VESSEL.

(a) AUTHORITY TO TRANSFER VESSEL.—Notwithstanding subsection (c) of section 7308 of title 10, United States Code, but subject to subsections (a) and (b) of that section, the Secretary of the Navy or the Secretary of Transportation (depending on which Secretary has jurisdiction over the vessel) may transfer the obsolete vessel Wahkiakum County (LST 1162) to the organization known as Ships for Youth and the Environment, a nonprofit corporation operating under the laws of the State of California, to be used for education and environmental purposes.

(b) TERMS AND CONDITIONS.—The Secretary making the transfer may require such terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

SEC. 1020. LIMITATION ON OVERSEAS SHIP REPAIRS.

Section 7309 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) In the case of a naval vessel the homeport of which is not in the United States (or a territory of the United States), the Secretary of the Navy may not during the 15-month period preceding the planned reassignment of the vessel to a homeport in the United States (or a territory of the United States) begin any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months.''.

SEC. 1021. MODIFICATION OF FAST SEALIFT PROGRAM.

Section 1424(b) of Public Law 101–510 (104 Stat. 1683), as amended by section 1015 of Public Law 102–190 (105 Stat. 1458), is amended by striking out paragraph (4) and inserting in lieu thereof the following new paragraphs:

''(4) The vessels constructed under the program shall incorporate propulsion systems whose main components (that is, the engines, reduction gears, and propellers) are manufactured in the United States.

''(5) The vessels constructed under the program shall incorporate bridge and machinery control systems and interior communications equipment which—

''(A) are manufactured in the United States; and

''(B) have more than half of their value, in terms of cost, added in the United States.

''(6) The Secretary of Defense may waive the requirement of paragraph (5) with respect to a system or equipment described in that paragraph if—

''(A) the system or equipment is not available; or

''(B) the costs of compliance would be unreasonable compared to the costs of purchase from a foreign manufacturer.

Subtitle C—Counter-Drug Activities

SEC. 1031. SUPPORT TO OTHER AGENCIES FOR COUNTER-DRUG ACTIVITIES.

Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1629), as amended by section 1088 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1485), is further amended—

(1) in subsection (a), by striking out ''and 1993,'' and inserting in lieu thereof ''1993, and 1994,''; and

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

''(g) AVAILABILITY OF FUNDS.—Of the amount made available for a fiscal year to the Armed Forces and other activities and agencies of the Department of Defense 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 this section.''.

SEC. 1032. COUNTER-DRUG DETECTION AND SURVEILLANCE SYSTEMS PLAN.

(a) REQUIREMENTS OF DETECTION AND SURVEILLANCE SYSTEMS.—The Secretary of Defense shall establish requirements for detection and surveillance systems to be used by the Department of Defense in the performance of its mission under section 124(a) of title 10, United States Code, as lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States. Such requirements shall be designed—

(1) to minimize redundancy between counter-drug detection and surveillance systems;

(2) to promote commonality and interoperability between such systems in a cost-effective manner; and

(3) to maximize the potential of using such systems for other defense missions whenever practicable.

(b) EVALUATION OF SYSTEMS.—The Secretary of Defense shall identify and evaluate existing and proposed counter-drug detection and surveillance systems in light of the requirements established under subsection (a).

(c) SYSTEMS PLAN.—Based on the results of the evaluation under subsection (b), the Secretary of Defense shall prepare a plan for the

development, acquisition, and use of improved counter-drug detection and surveillance systems by the Armed Forces. In selecting a detection or surveillance system for inclusion in the plan, the Secretary shall give priority to assets and technologies of the Department of Defense that are already in existence or that would require little additional development to be available for use. The plan shall include an estimate by the Secretary of the full cost to implement the plan, including the cost to develop, procure, operate, and maintain equipment used in counter-drug detection and surveillance activities performed under the plan and training and personnel costs associated with such activities.

(d) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the requirements established under subsection (a) and the results of the evaluation conducted under subsection (b). The report shall include the plan prepared under subsection (c).

(e) LIMITATION ON OBLIGATION OF FUNDS.—Funds appropriated pursuant to an authorization of appropriations contained in this Act for the procurement or upgrading of a counter-drug detection or surveillance system, for research and development regarding such a system, or for the lease or rental of such a system for a new capability, may not be obligated until after the date of the submission of the report under subsection (d).

(f) DEFINITION.—For purposes of this section, the term ''counter-drug detection and surveillance systems'' means detection and surveillance systems suitable for use by the Department of Defense in the performance of its mission under section 124(a) of title 10, United States Code, as lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States.

SEC. 1033. SENSE OF CONGRESS REGARDING AN INTERNATIONAL EFFORT TO LIMIT THE SUPPLY OF ILLEGAL NARCOTICS.

(a) FINDINGS.—Congress finds the following:

(1) Illicit drug use is increasing in virtually all regions of the world, including nations with which the United States has mutual defense agreements.

(2) Illicit drug production, trafficking, and consumption threaten international security.

(3) The Department of Defense expended over $1,000,000,000 in fiscal year 1991 to combat the international production and trafficking of illegal narcotics.

(4) The largest share of international resources devoted to disrupting the production of illegal narcotics at their source is provided by the United States.

(5) To the extent interdiction efforts are successful, all nations benefit.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all nations which are experiencing problems with illegal narcotics should contribute commensurate with their resources to efforts to curb the production of illicit narcotics at their source; and

(2) the United States should encourage nations with which it has mutual defense agreements to make greater contributions to this effort in the interest of preserving international security.

SEC. 1034. REPORT ON ASSISTANCE FOR DRUG DEMAND REDUCTION PROGRAMS.

(a) REPORT REQUIRED.—The Secretary of Defense shall prepare a report assessing the feasibility and desirability of providing funds appropriated to the Department of Defense for drug interdiction and counter-drug activities (including funds made available for the counter-drug activities of the National Guard) to assist State outreach programs intended to reduce the demand for illegal drugs among young people. As part of the report, the Secretary shall determine whether the provision of such assistance would complement, rather than duplicate, similar efforts undertaken by other Federal agencies.

(b) CONSULTATION.—The Secretary of Defense shall prepare the report required by subsection (a) in consultation with the Chief of the National Guard Bureau.

(c) DATE OF SUBMISSION.—The report required by subsection (a) shall be submitted to Congress not later than six months after the date of the enactment of this Act.

Subtitle D—Technical Amendments

SEC. 1041. REORGANIZATION OF SECTION 101 DEFINITIONS.

Section 101 of title 10, United States Code, is amended to read as follows:

''§ 101. Definitions

(a) IN GENERAL.—The following definitions apply in this title:

''(1) The term 'United States', in a geographic sense, means the States and the District of Columbia.

''(2) The term 'Territory' (except as provided in section 101(1) of title 32 for laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States) means any Territory organized after August 10, 1956, so long as it remains a Territory.

''(3) The term 'possessions' includes the Virgin Islands, Guam, American Samoa, and the Guano Islands, so long as they remain possessions, but does not include any Territory or Commonwealth.

''(4) The term 'armed forces' means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

''(5) The term 'uniformed services' means—

''(A) the armed forces;

''(B) the commissioned corps of the National Oceanic and Atmospheric Administration; and

''(C) the commissioned corps of the Public Health Service.

''(6) The term 'department', when used with respect to a military department, means the executive part of the department and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Secretary of the department. When used with respect to the Department of Defense, such term means the executive part of the department, including the executive parts of the military departments, and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Secretary of Defense, including those of the military departments.

''(7) The term 'executive part of the department' means the executive part of the Department of Defense, Department of the Army, Department of the Navy, or Department of the Air Force, as the case may be, at the seat of government.

''(8) The term 'military departments' means the Department of the Army, the Department of the Navy, and the Department of the Air Force.

''(9) The term 'Secretary concerned' means—

''(A) the Secretary of the Army, with respect to matters concerning the Army;

''(B) the Secretary of the Navy, with respect to matters concerning the Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Department of the Navy;

''(C) the Secretary of the Air Force, with respect to matters concerning the Air Force; and

''(D) the Secretary of Transportation, with respect to matters concerning the Coast Guard when it is not operating as a service in the Department of the Navy.

''(10) The term 'service acquisition executive' means the civilian official within a military department who is designated as the service acquisition executive for purposes of regulations and procedures providing for a service acquisition executive for that military department.

''(11) The term 'Defense Agency' means an organizational entity of the Department of Defense—

''(A) that is established by the Secretary of Defense under section 191 of this title (or under the second sentence of section 125(d) of this title (as in effect before October 1, 1986)) to perform a supply or service activity common to more than one military department (other than such an entity that is designated by the Secretary as a Department of Defense Field Activity); or

''(B) that is designated by the Secretary of Defense as a Defense Agency.

''(12) The term 'Department of Defense Field Activity' means an organizational entity of the Department of Defense—

''(A) that is established by the Secretary of Defense under section 191 of this title (or under the second sentence of section 125(d) of this title (as in effect before October 1, 1986)) to perform a supply or service activity common to more than one military department; and

''(B) that is designated by the Secretary of Defense as a Department of Defense Field Activity.

''(13) The term 'contingency operation' means a military operation that—

''(A) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

''(B) results in the call or order to, or retention on, active duty of members of the uniformed services under section 672(a), 673, 673b, 673c, 688, 3500, or 8500 of this title, chapter 15 of this title, or any other provision of law during a war or during a national emergency declared by the President or Congress.

''(14) The term 'supplies' includes material, equipment, and stores of all kinds.

''(15) The term 'pay' includes basic pay, special pay, retainer pay, incentive pay, retired pay, and equivalent pay, but does not include allowances.

''(b) PERSONNEL GENERALLY.—The following definitions relating to military personnel apply in this title:

''(1) The term 'officer' means a commissioned or warrant officer.

''(2) The term 'commissioned officer' includes a commissioned warrant officer.

''(3) The term 'warrant officer' means a person who holds a commission or warrant in a warrant officer grade.

''(4) The term 'general officer' means an officer of the Army, Air Force, or Marine Corps serving in or having the grade of general, lieutenant general, major general, or brigadier general.

''(5) The term 'flag officer' means an officer of the Navy or Coast Guard serving in or having the grade of admiral, vice admiral, rear admiral, or rear admiral (lower half).

''(6) The term 'enlisted member' means a person in an enlisted grade.

''(7) The term 'grade' means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation.

''(8) The term 'rank' means the order of precedence among members of the armed forces.

''(9) The term 'rating' means the name (such as 'boatswain's mate') prescribed for

members of an armed force in an occupational field. The term 'rate' means the name (such as 'chief boatswain's mate') prescribed for members in the same rating or other category who are in the same grade (such as chief petty officer or seaman apprentice).

''(10) The term 'original', with respect to the appointment of a member of the armed forces in a regular or reserve component, refers to that member's most recent appointment in that component that is neither a promotion nor a demotion.

''(11) The term 'authorized strength' means the largest number of members authorized to be in an armed force, a component, a branch, a grade, or any other category of the armed forces.

''(12) The term 'regular', with respect to an enlistment, appointment, grade, or office, means enlistment, appointment, grade, or office in a regular component of an armed force.

''(13) The term 'active-duty list' means a single list for the Army, Navy, Air Force, or Marine Corps (required to be maintained under section 620 of this title) which contains the names of all officers of that armed force, other than officers described in section 641 of this title, who are serving on active duty.

''(14) The term 'medical officer' means an officer of the Medical Corps of the Army, an officer of the Medical Corps of the Navy, or an officer in the Air Force designated as a medical officer.

''(15) The term 'dental officer' means an officer of the Dental Corps of the Army, an officer of the Dental Corps of the Navy, or an officer of the Air Force designated as a dental officer.

''(c) RESERVE COMPONENTS.—The following definitions relating to the reserve components apply in this title:

''(1) The term 'National Guard' means the Army National Guard and the Air National Guard.

''(2) The term 'Army National Guard' means that part of the organized militia of the several States and Territories, Puerto Rico, and the District of Columbia, active and inactive, that—

''(A) is a land force;

''(B) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I, of the Constitution;

''(C) is organized, armed, and equipped wholly or partly at Federal expense; and

''(D) is federally recognized.

''(3) The term 'Army National Guard of the United States' means the reserve component of the Army all of whose members are members of the Army National Guard.

''(4) The term 'Air National Guard' means that part of the organized militia of the several States and Territories, Puerto Rico, and the District of Columbia, active and inactive, that—

''(A) is an air force;

''(B) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I, of the Constitution;

''(C) is organized, armed, and equipped wholly or partly at Federal expense; and

''(D) is federally recognized.

''(5) The term 'Air National Guard of the United States' means the reserve component of the Air Force all of whose members are members of the Air National Guard.

''(6) The term 'reserve', with respect to an enlistment, appointment, grade, or office, means enlistment, appointment, grade, or office held as a Reserve of one of the armed forces.

''(d) DUTY STATUS.—The following definitions relating to duty status apply in this title:

''(1) The term 'active duty' means full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty.

''(2) The term 'active duty for a period of more than 30 days' means active duty under a call or order that does not specify a period of 30 days or less.

''(3) The term 'active service' means service on active duty or full-time National Guard duty.

''(4) The term 'active status' means the status of a reserve commissioned officer, other than a commissioned warrant officer, who is not in the inactive Army National Guard or inactive Air National Guard, on an inactive status list, or in the Retired Reserve.

''(5) The term 'full-time National Guard duty' means training or other duty, other than inactive duty, performed by a member of the Army National Guard of the United States or the Air National Guard of the United States in the member's status as a member of the National Guard of a State or territory, the Commonwealth of Puerto Rico, or the District of Columbia under section 316, 502, 503, 504, or 505 of title 32 for which the member is entitled to pay from the United States or for which the member has waived pay from the United States.

''(6) The term 'inactive-duty training' means—

''(A) duty prescribed for Reserves by the Secretary concerned under section 206 of title 37 or any other provision of law; and

''(B) special additional duties authorized for Reserves by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned.

Such term includes those duties when performed by Reserves in their status as members of the National Guard.

''(e) RULES OF CONSTRUCTION.—In this title—

''(1) 'shall' is used in an imperative sense;

''(2) 'may' is used in a permissive sense;

''(3) 'no person may * * *' means that no person is required, authorized, or permitted to do the act prescribed;

''(4) 'includes' means 'includes but is not limited to'; and

''(5) 'spouse' means husband or wife, as the case may be.

''(f) REFERENCE TO TITLE 1 DEFINITIONS.—For other definitions applicable to this title, see sections 1 through 5 of title 1.''.

SEC. 1042. MISCELLANEOUS TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Section 301d(c) is amended—

(A) in paragraph (2), by striking out ''owned'' and inserting in lieu thereof ''owed''; and

(B) in paragraph (3), by striking out ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 1991'' and inserting in lieu thereof ''November 5, 1990''.

(2) Section 303a(b) is amended by striking out ''301d,'' after ''such sections''.

(3) Section 406(g)(1)(A) is amended by inserting a semicolon after ''title 10''.

(4) Section 406b(d) by striking out ''Section 420'' and inserting in lieu thereof ''Section 421''.

(5) Section 559(c)(3)(A)(i) is amended by striking out ''of this subparagraph''.

(6) Section 1007(i)(3) is amended by striking out ''and warrant officers'' and inserting in lieu thereof '', warrant officers, and limited duty officers''.

(b) BASE CLOSURE ACT.—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 section 2903(c)(4)—

(A) by striking out ''(4)'' the first place it appears; and

(B) by striking out the first sentence; and

(2) in section 2906, by striking out ''(d) ACCOUNT'' and inserting in lieu thereof ''(e) ACCOUNT''.

Subtitle E—Miscellaneous Matters

SEC. 1051. USE OF AIRCRAFT SAFETY AND ACCIDENT INVESTIGATION REPORTS.

(a) TREATMENT OF REPORTS OF AIRCRAFT ACCIDENT AND SAFETY INVESTIGATIONS.—(1) Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2254. Treatment of reports of aircraft accident and safety investigations

''(a) IN GENERAL.—(1) Whenever the Secretary of a military department conducts an accident investigation or a safety investigation of an accident involving an aircraft under the jurisdiction of the Secretary, the records and report of the investigations shall be treated in accordance with this section.

''(2) For purposes of this section, a safety investigation is an investigation conducted solely to determine the cause of an aircraft accident and to obtain information that may prevent the occurrence of similar accidents. An accident investigation is any form of investigation concerning the accident that is not a safety investigation.

''(b) DISCLOSURE OF SAFETY INVESTIGATION RESULTS TO CONGRESSIONAL COMMITTEES.—(1) The Secretary concerned shall furnish the records and reports of a safety investigation to the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives upon the request of the chairman and ranking minority member of that committee.

''(2) An individual to whom access is provided to the records or reports of a safety investigation as furnished under paragraph (1) shall preserve confidentiality of the contents thereof and may not publicly disclose any information contained therein.

''(c) PUBLIC DISCLOSURE OF CERTAIN ACCIDENT INVESTIGATION INFORMATION.—(1) The Secretary concerned shall publicly disclose unclassified tapes, scientific reports, and other information pertinent to an aircraft accident investigation, before the release of the final accident investigation report relating to the accident if the Secretary concerned determines that release of such information or reports—

''(A) would not undermine the ability of accident investigators to continue to conduct the investigation; and

''(B) would not compromise national security.

''(2) A disclosure under paragraph (1) may not be made by or through officials with responsibility for, or who are conducting, a safety investigation with respect to the accident.

''(d) FINDINGS REGARDING CAUSATION OF ACCIDENT.—Following a military aircraft accident—

''(1) if the facts and circumstances surrounding the accident show the cause or causes of the accident by clear and convincing evidence (as determined by the Secretary concerned), the final report of the accident investigation shall contain a clear conclusory statement or determination setting forth the cause or causes of the accident; and

''(2) if the facts and circumstances surrounding the accident do not show the cause or causes of the accident by clear and convincing evidence (as determined by the Secretary concerned), the final report of the accident investigation shall contain a section

describing those factors that, in the opinion of the investigators who conducted the accident investigation, substantially contributed to or caused the accident.

''(e) USE OF INFORMATION IN CIVIL PROCEEDINGS.—For purposes of any civil or criminal proceeding arising from an aircraft accident, the conclusions or statements of factors contributing to the accident set forth in the accident investigation report may not be considered as evidence in such proceeding, nor may such information be considered an admission of liability by the United States or by any person referred to in those conclusions or statements.''.

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

''2254. Treatment of reports of aircraft accident and safety investigations.''.

(b) EFFECTIVE DATE.—Section 2254 of title 10, United States Code, as added by subsection (a), shall apply with respect to accidents occurring on or after the date of the enactment of this Act.

SEC. 1052. SURVIVOR NOTIFICATION AND ACCESS TO REPORTS RELATING TO SERVICE MEMBERS WHO DIE IN THE LINE OF DUTY.

(a) AVAILABILITY OF FATALITY REPORTS AND RECORDS.—

(1) REQUIREMENT.—The Secretary of each military department shall ensure that fatality reports and records pertaining to any member of the Armed Forces who dies in the line of duty shall be made available to family members of the service member in accordance with this subsection.

(2) INFORMATION TO BE PROVIDED AFTER NOTIFICATION OF DEATH.—Within a reasonable period of time after family members of a service member are notified of the member's death, but not more than 30 days after the date of notification, the Secretary concerned shall ensure that the family members—

(A) in any case in which the cause or circumstances surrounding the death are under investigation, are informed of that fact, of the names of the agencies within the Department of Defense conducting the investigations, and the existence of any reports by such agencies that have been or will be issued as a result of the investigations; and

(B) are furnished, if the family members so desire, a copy of any investigative report and any other fatality reports and records that are available at the time family members are provided the information described in subparagraph (A).

(3) ASSISTANCE IN OBTAINING REPORTS.—(A) In any case in which an investigative report or other fatality reports and records are not available at the time family members of a service member are provided the information described in paragraph (2)(A) about the member's death, the Secretary concerned shall ensure that a copy of such investigative report and any other fatality reports and records are furnished to the family members, if they so desire, when the reports and records become available, to the extent such reports and records may be furnished consistent with section 552 and 552a of title 5, United States Code.

(B) In any case in which an investigative report or other fatality reports and records cannot be released at the time family members of a service member are provided the information described in paragraph (2)(A) about the member's death because of section 552 or 552a of title 5, United States Code, the Secretary concerned shall ensure that the family members—

(i) are informed about the requirements and procedures necessary to obtain a copy of such reports and records; and

(ii) are assisted, if the family members so desire, in complying with such requirements and procedures.

(C) The requirement of subparagraph (B) to inform and assist family members in obtaining copies of fatality reports and records shall continue until a copy of each report and record is obtained, or access to any such report or record is denied by competent authority.

(4) WAIVER.—The requirements of paragraph (2) or (3) may be waived on a case-by-case basis, but only if the Secretary of the military department concerned determines that compliance with such requirements is not in the interests of national security.

(b) REVIEW OF FATALITY NOTIFICATION PROCEDURES.—

(1) REVIEW.—The Secretary of Defense shall conduct a review of the fatality notification procedures used by the military departments. Such review shall examine the following matters:

(A) Whether uniformity in fatality notification procedures among the military departments is desirable, particularly with respect to—

(i) the use of one or two casualty notification and assistance officers;

(ii) the use of standardized fatality report forms and witness statements;

(iii) the use of a single center for all military departments through which fatality information may be processed; and

(iv) the use of uniform procedures and the provision of a dispute resolution process for instances in which members of one of the Armed Forces inflict casualties on members of another of the Armed Forces.

(B) Whether existing fatality report forms should be modified to include a block or blocks with which to identify the cause of death as ''friendly fire'', ''U.S. ordnance'', or ''unknown''.

(C) Whether the existing ''Emergency Data'' form prepared by members of the Armed Forces should be revised to allow members to specify provision for notification of additional family members in cases such as the case of a divorced service member who leaves children with both a current and a former spouse.

(D) Whether the military departments should, in all cases, provide family members of a service member who died in the line of duty with full and complete details of the death of the service member, even in cases where such details may be graphic, embarrassing to the family members, or reflect badly on the military department concerned.

(E) Whether, and when, the military departments should inform family members of a service member who died in the line of duty about the possibility that the death may have been the result of friendly fire.

(F) The criteria and standards which the military departments should use in deciding when disclosure is appropriate to family members of a member of the military forces of an allied nation who died in the line of duty when the death may have been the result of fire from United States armed forces and an investigation into the cause or circumstances of the death has been conducted.

(2) REPORT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the review conducted under paragraph (1). Such report shall be submitted not later than March 31, 1993, and shall include recommendations on the matters examined in the review and on any other matters the Secretary determines to be appropriate based upon the review or on any other reviews undertaken by the Department of Defense.

(c) DEFINITIONS.—In this section:

(1) The term ''fatality reports and records'' includes investigative reports and any other reports or records pertaining to the cause or circumstances of death of a member of the Armed Forces in the line of duty (such as autopsy reports or pictures, battlefield reports, and medical records).

(2) The term ''family members'' means parents, spouses, adult children, and such other relatives as the Secretary concerned considers appropriate.

(3) The term ''Armed Forces'' does not include the Coast Guard.

SEC. 1053. ADMISSION OF CIVILIANS AS STUDENTS AT THE UNITED STATES NAVAL POSTGRADUATE SCHOOL.

(a) CIVILIAN ATTENDANCE.—Chapter 605 of title 10, United States Code, is amended—

(1) by redesignating section 7047 as section 7048; and

(2) by inserting after section 7046 the following new section:

''§ 7047. Students at institutions of higher education: admission

''(a) ADMISSION PURSUANT TO RECIPROCAL AGREEMENT.—The Secretary of the Navy may enter into an agreement with an accredited institution of higher education to permit a student described in subsection (b) enrolled at that institution to receive instruction at the Naval Postgraduate School on a tuition-free basis. In exchange for the admission of the student, the institution of higher education shall be required to permit an officer of the armed forces to attend on a tuition-free basis courses offered by that institution corresponding in length to the instruction provided to the student at the Naval Postgraduate School.

''(b) ELIGIBLE STUDENTS.—A student enrolled at an institution of higher education that is party to an agreement under subsection (a) may be admitted to the Naval Postgraduate School pursuant to that agreement if—

''(1) the student is a citizen of the United States or lawfully admitted for permanent residence in the United States; and

''(2) the Secretary of the Navy determines that the student has a demonstrated ability in a field of study designated by the Secretary as related to naval warfare and national security.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 7047 and inserting in lieu thereof the following new items:

''7047. Students at institutions of higher education: admission.

''7048. Conferring of degrees on graduates.''.

SEC. 1054. EXTENSION OF OVERSEAS WORKLOAD PROGRAM.

Section 1465(b) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1700; 10 U.S.C. 2341 note) is amended by striking out ''fiscal year 1991 or 1992'' and inserting in lieu thereof ''fiscal year 1991, 1992, or 1993''.

SEC. 1055. COMPETITIVE PROTOTYPE PROGRAM STRATEGY FOR DEVELOPMENT OF MAJOR DEFENSE ACQUISITION SYSTEMS.

(a) REINSTATEMENT OF REQUIREMENT.—Subsection (e) of section 2365 of title 10, United States Code, is repealed.

(b) INCLUSION OF HIGHLY CLASSIFIED PROGRAMS.—Subsection (d)(2) of such section is amended by striking out ''program that—'' and all that follows through ''is estimated'' and inserting in lieu thereof ''program that is estimated''.

(c) EFFECTIVE DATE.—Section 2365 of title 10, United States Code, as amended by this section, shall apply to major weapons systems that enter the advanced development stage after the date of the enactment of this Act.

SEC. 1056. REDUCTIONS FOR ACCELERATED WITHDRAWAL OF UNITED STATES FORCES FROM EUROPE, JAPAN, AND KOREA OR INCREASED HOST-NATION SUPPORT.

(a) OVERALL AUTHORIZATION REDUCTION.—The total amount authorized to be appropriated by this Act for fiscal year 1993 is the sum of the separate authorizations contained in this Act for that fiscal year reduced by $3,500,000,000.

(b) TROOPS IN EUROPE, JAPAN, AND KOREA.—Reductions in amounts authorized to be appropriated to the Department of Defense to achieve the overall reduction required by subsection (a) may only be made from funds for programs, projects, and activities for the support of United States forces assigned to or stationed in Europe, Japan, or Korea. The effect on those programs, projects, and activities of such reductions in amounts authorized to be appropriated may be accounted for through either or a combination of the following:

(1) Increases in the level of host-nation support.

(2) Accelerated withdrawal of United States forces or equipment assigned to or stationed in Europe, Japan, or Korea.

SEC. 1057. REDUCTION IN THE AUTHORIZED END STRENGTH FOR THE NUMBER OF MILITARY PERSONNEL IN EUROPE.

Subsection (c)(1) of section 1002 of the National Defense Authorization Act, 1985 (22 U.S.C. 1928 note), is amended in the first sentence by inserting after ''235,700'' the following: ''members before September 30, 1995, and 100,000 members on and after that date''.

SEC. 1058. REDUCTION OF DEFENSE EXPENDITURES OUTSIDE THE UNITED STATES.

(a) REDUCTION IN UNITED STATES FORCE LEVELS ABROAD.—On and after September 30, 1995, no appropriated funds may be used to support an end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in nations outside the United States at any level in excess of 60 percent of the end strength level of such members on September 30, 1992.

(b) EXCEPTIONS.—Subsection (a) shall 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 other ally of the United States. The President may also waive operation of subsection (a) if the President declares an emergency and immediately notifies Congress.

SEC. 1059. NUCLEAR WEAPONS REDUCTION.

(a) FINDINGS.—The Congress finds that—

(1) on February 1, 1992, the President of the United States and the President of the Russian Federation agreed in a Joint Statement that ''Russia and the United States do not regard each other as potential adversaries'' and stated further that, ''We will work to remove any remnants of cold war hostility, including taking steps to reduce our strategic arsenals'';

(2) in the Treaty on the Non-Proliferation of Nuclear Weapons, in exchange for the non-nuclear-weapon states agreeing not to seek a nuclear weapons capability nor to assist other non-nuclear-weapon states in doing so, the United States agreed to seek the complete elimination of all nuclear weapons worldwide, as declared in the preamble to the Treaty, which states that it is a goal of the parties to the Treaty to ''facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery'' as well as in Article VI of the Treaty, which states that ''each of the parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament'';

(3) carrying out a policy of seeking significant and continuous reductions in the nuclear arsenals of all countries, besides reducing the likelihood of the proliferation of nuclear weapons and increasing the likelihood of a successful extension and possible strengthening of the Treaty on the Non-Proliferation of Nuclear Weapons in 1995, when the Treaty is scheduled for review and possible extension, has additional benefits to the national security of the United States, including—

(A) a reduced risk of accidental enablement and launch of a nuclear weapon, and

(B) a defense cost savings which could be reallocated for deficit reduction or other important national needs;

(4) proposals by the President of the United States and the President of the Russian Federation to reduce strategic nuclear arsenals to approximately 4,700 and 2,500 weapons, respectively, are commendable intermediate stages in the process of achieving the policy goals described in paragraphs (1) and (2);

(5) before the unsuccessful 1991 coup d'etat in the former Soviet Union, the National Academy of Sciences proposed the possibility of eventual reductions of strategic nuclear warheads to 1,000 to 2,000 in the United States and the former Soviet Union;

(6) the current international era of cooperation provides greater opportunities for achieving worldwide reduction and control of nuclear weapons and material than any time since the emergence of nuclear weapons 50 years ago; and

(7) it is imperative in the security interests of both the United States and the world community for the President and the Congress to begin the process of reducing the number of nuclear weapons in every country.

(b) UNITED STATES POLICY.—It shall be the goal of the United States to—

(1) encourage and facilitate the denuclearization of Ukraine, Byelarus, and Kazakhstan, in accord with the stated desires of these former Soviet republics;

(2) implement agreed mutual reductions under the Strategic Arms Reduction Talks (START) Treaty on an accelerated time schedule, and facilitate the ability of the Russian Federation, Ukraine, Byelarus, and Kazakhstan to accomplish these reductions;

(3) reach immediate agreement with the Russian Federation to reduce the number of strategic nuclear weapons in each country's arsenal to a level within a range defined by the levels proposed by the President of the Russian Federation, 2,500, and the President of the United States, 4,700, to include the downloading of multiple warhead ballistic missiles;

(4) as soon as practicable after such an agreement is achieved, reach agreement with the Russian Federation, the United Kingdom, France, and the People's Republic of China to reduce the number of strategic nuclear warheads in each country's arsenal to the lowest level consistent with the National Academy of Sciences-endorsed range of 1000 to 2000 for the United States and the Russian Federation, with lower levels for the other countries, that maintains stategic stability;

(5) through continuing negotiations reach subsequent agreements with the Russian Federation, the United Kingdom, France, the People's Republic of China, and threshold nuclear states to make significant, stage-by-stage reductions in the number of nuclear weapons in all countries, with the pace of such reductions being contingent on several factors, including—

(A) advances in verification, safeguard, and export control methods and technologies;

(B) increased participation in the Treaty on the Non-Proliferation of Nuclear Weapons and other nuclear nonproliferation agreements;

(C) strengthened and improved political relations among all countries; and

(D) the degree to which further multilateral nuclear arms reductions will enhance rather than hinder United States national security;

(6) continue and extend cooperative discussions with the appropriate authorities of the former Soviet military on means to maintain and improve secure command and control over nuclear forces;

(7) in consultation with other member countries of the North Atlantic Treaty Organization and other allies, initiate immediate multilateral negotiations to facilitate the eventual elimination of tactical nuclear weapons in all countries;

(8) provide immediate United States assistance that would be available to securely disable, transport, and store, and ultimately dismantle, former Soviet nuclear weapons and missiles for such weapons; and

(9) achieve a worldwide, verifiable agreement to end by 1995 the production of plutonium and highly enriched uranium for weapons purposes and to place existing stockpile of such materials under bilateral or international controls.

(c) ANNUAL REPORT.—By January 1 of each year, the President shall submit to the Congress a report on—

(1) the actions that the United States has taken, and the actions the United States plans to take during the next 12 months, to achieve each of the policy objectives set forth in paragraphs (1) through (9) of subsection (b); and

(2) the actions that have been taken by the Russian Federation, by other former Soviet republics, and by other countries to achieve those policy objectives.

These reports shall be unclassified, with a classified appendix if necessary.

SEC. 1060. VOLUNTEERS INVESTING IN PEACE AND SECURITY (VIPS) PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—(1) Part II of subtitle A of title 10, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 89—VOLUNTEERS INVESTING IN PEACE AND SECURITY

''Sec.
''1801. Volunteer program to assist independent states of the former Soviet Union.
''1802. Participants in program.
''1803. Determining needs for volunteers; role of the Secretary of State.
''1804. Compensation and benefits.
''1805. Termination of program.

"§ 1801. Volunteer program to assist independent states of the former Soviet Union

''The Secretary of Defense shall, in coordination with the Secretary of State, carry out a program in accordance with this chapter to provide technical assistance to address the infrastructure needs of the independent states of the former Soviet Union. Assistance under the program shall be provided by volunteers who are retired members of the armed forces, or who are former members of the armed forces, who have been recently released from active duty.

"§ 1802. Participants in program

''(a) The Secretary of Defense shall select the volunteers to participate in the program. Volunteers shall be selected from among individuals—

''(1) who have retired from active duty or been released from active duty under a voluntary separation program; and

''(2) who possess technical skills relevant to the infrastructure needs of the independent states of the former Soviet Union (as

identified by the Secretary of State pursuant to section 1803(a) of this title), including skills in areas such as civil engineering, electrical engineering, nuclear plant safety, environmental cleanup, logistics, communications, and health care.

''(b) Volunteers shall be selected from among individuals who were separated from active duty not more than two years before the date of the enactment of this chapter. The Secretary of Defense may waive the limitation in the preceding sentence in the case of any individual.

''(c)(1) The Secretary of Defense may employ volunteers, by contract, to provide services that use their technical skills for the benefit of governmental or nonprofit nongovernmental entities in any of the independent states of the former Soviet Union.

''(2) A person who is employed as a volunteer under paragraph (1) shall be considered to be an employee for the purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and to be an employee of the Government for the purposes of chapter 171 of title 28, relating to tort claims. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of such employment as a volunteer.

''(d) Volunteers shall be required to agree to serve in an independent state of the former Soviet Union for a period of two years (in addition to such period of education and training provided under section 1803(c) of this title) except to the extent the Secretary of State determines otherwise.

''(e) The Secretary of Defense shall prescribe procedures for the selection of volunteers, including procedures for the submission of applications.

''(f) The Secretary of Defense shall maintain a registry of applicants who are qualified to be volunteers, including the skills of such applicants.

''§ 1803. Determining needs for volunteers; role of the Secretary of State

''(a) The Secretary of Defense, in consultation with the Secretary of State, shall identify the technical skills that could be provided by volunteers pursuant to this chapter and identify opportunities for the placement of volunteers with governmental or nongovernmental entities in each participating country.

''(b) The Secretary of State shall approve the functions to be performed by each volunteer assigned pursuant to this chapter and the assignment of each volunteer to an independent state of the former Soviet Union.

''(c) The Secretary of State may provide volunteers with language training, cultural orientation, and such other education and training as the Secretary determines appropriate. Any expenses incurred by the Secretary of State in carrying out this subsection shall be reimbursed by the Secretary of Defense from amounts currently available to the Secretary of Defense.

''(d) Each volunteer shall serve under the authority of the United States chief of mission to the participating country and shall be considered to be a member of the United States mission to that country.

''§ 1804. Compensation and benefits

''(a) Each volunteer shall be paid a stipend at the annual rate of $25,000, subject to the availability of appropriations.

''(b) If the Secretary of Defense determines that it is necessary to do so in order to recruit qualified volunteers, the Secretary may provide volunteers with the allowances and other benefits considered appropriate by the Secretary, including the following:

''(1) Round-trip transportation for the volunteer and his or her dependents.

''(2) Medical care for the volunteer and dependents, if the volunteer is not otherwise eligible for medical care from the Department of Defense or such medical care is otherwise not reasonably available.

''(3) A housing allowance.

''(4) An overseas cost-of-living allowance.

''(5) Expenses of education of dependents.

''(c) A period of time during which an individual serves as a volunteer under this chapter shall be creditable for purposes of civil service retirement under chapter 83 or 84 of title 5 and for purposes of retirement under the Foreign Service Act of 1980.

''§ 1805. Termination of program

''The selection of volunteers to participate in the program under this chapter shall terminate on September 30, 1995.''.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 87 the following new item:

''89. Volunteers Investing in Peace and Security ..... 1801''.

(b) FUNDING.—(1) The President may transfer to the appropriate defense accounts appropriated to the Department of Defense for fiscal year 1993 or from balances in working capital accounts established under section 2208 of title 10, United States Code, an amount not to exceed $10,000,000 for use under the program established under chapter 89 of title 10, United States Code, as added by subsection (a).

(2) The amount provided in section 104 for procurement for the Defense Agencies is hereby reduced by $10,000,000.

(c) REIMBURSEMENT OF OTHER AGENCIES.—The Secretary of Defense shall reimburse other departments and agencies for all costs, direct or indirect, of participation in the program established under chapter 89 of title 10, United States Code, as added by subsection (a).

(d) EFFECTIVE DATE.—Chapter 89 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1992.

SEC. 1061. REPORT ON COMPLIANCE WITH DOMESTIC SHIP REPAIR LAW.

(a) REPORT REQUIRED.—The Secretary of the Navy shall submit to Congress a report describing the practice of the Department of the Navy in complying with section 7309 of title 10, United States Code, relating to restrictions on construction or repair of vessels in foreign shipyards. The Secretary shall include in such report sufficient data to demonstrate the degree of compliance or noncompliance of the Department of the Navy with that section.

(b) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act.

SEC. 1062. LIMITATION ON SUPPORT FOR UNITED STATES CONTRACTORS SELLING ARMS OVERSEAS.

The Secretary of Defense shall prescribe such regulations as necessary to ensure that any support provided by the Department of Defense at overseas military trade shows or conventions to United States firms is provided subject to a requirement that the Department of Defense be fully reimbursed for its expenses and that no cost to the public be incurred in providing such support.

SEC. 1063. PROVISION OF CERTAIN FACILITIES AND SERVICES OF THE DEPARTMENT OF DEFENSE TO CERTAIN EDUCATIONAL ENTITIES.

(a) PROVISION OF FACILITIES AND SERVICES.—Chapter 152 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2551. Facilities and services: certain educational entities

''(a)(1) Notwithstanding any other provision of law, the Secretary of Defense may conduct activities referred to in subsections (b) and (c) with an entity referred to in paragraph (2) that the Secretary determines will assist that entity in achieving its educational goals.

''(2) Eligible entities under paragraph (1) are any of the following:

''(A) The United States Space Camp.

''(B) The United States Space Academy.

''(C) The Aviation Challenge.

''(b)(1) The Secretary may permit the use by an entity referred to in subsection (a)(2), on a reimbursable basis, of any facilities of the Department of Defense that the Secretary determines will assist that entity in achieving its educational goals.

''(2) The Secretary shall prescribe reasonable rates of reimbursement for the use of facilities under paragraph (1).

''(c) The Secretary may make available to an entity referred to in subsection (a)(2), without reimbursement, the services of any member of the Armed Forces or employee of the Department of Defense who the Secretary determines will assist that entity in achieving its education goals.''.

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

''2551. Facilities and services: certain educational entities.''.

SEC. 1064. NUCLEAR SAFETY IN EASTERN EUROPE AND THE FORMER SOVIET UNION.

(a) FINDINGS.—The Congress finds that—

(1) the Chernobyl nuclear reactor accident on April 26, 1986, has resulted in $283 to $352 billion worth of damage, with more than 4,000,000 people still living on land contaminated with radiation;

(2) there are 16 Chernobyl-type RBMK reactors now operating in Russia, Ukraine, and Lithuania, all of which have faulty designs, poor construction, and dangerously lax and outdated operating procedures;

(3) there are dozens of Soviet-designed reactors now operating in Eastern Europe and the former Soviet Union with poor construction and lax and outdated operating procedures;

(4) a serious nuclear reactor accident in one of the newly freed states of Eastern Europe and the former Soviet Union would seriously exacerbate these states' difficult progress towards economic recovery and could lead to political instability;

(5) retrofitting the RBMK reactors with modern Western safety equipment will result in only marginal safety improvements at great expense; and

(6) alternative power sources, such as natural gas turbines, and modern energy efficiency measures and technologies could displace the need for much of the power which these reactors provide.

(b) UNITED STATES POLICY.—It is the sense of Congress that the President should undertake bilateral and multilateral initiatives, including trade initiatives, to—

(1) assist in bringing on line enough replacement power and modern energy efficiency measures and technologies in the states of Eastern Europe and the former Soviet Union so that the RBMK reactors may be shut down as soon as possible and placed in stable condition to prevent radiological contamination;

(2) assist the states of Eastern Europe and the former Soviet Union in upgrading their other nuclear reactors to Western standards of safety and in ensuring that all of their nuclear reactors receive routine maintenance and repairs;

(3) encourage and provide technical assistance to Russia and Ukraine to enact domestic legislation governing nuclear reactor safety;

(4) negotiate formal agreements for nuclear cooperation with Russia and Ukraine;

(5) identify nuclear safety research as a principal focus of the soon-to-be created nuclear science centers in Ukraine and Russia; and

(6) make greater resources available to the International Atomic Energy Agency to promote programs of nuclear safety in Eastern Europe and the former Soviet Union.

(c) REPORTING REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report with a systematic assessment of the nuclear reactor safety situation in Eastern Europe and the former Soviet Union, with a description of specific bilateral and multilateral initiatives the Administration is taking and plans to take to address these nuclear safety issues.

SEC. 1065. REPORT ON PROLIFERATION OF MILITARY-BASED SATELLITES.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the proliferation to other countries of ownership or control of satellites with capabilities for military applications and the implications of such proliferation for the United States. The report should include a description of—

(1) the current military satellite capability of Third World countries and other countries and the projected threat posed by such capabilities to the United States in the future;

(2) current and planned efforts by the United States to develop an antisatellite capability to counter the global proliferation of satellites with capability for military applications; and

(3) the United States military requirement for antisatellite capabilities and the mechanism for the coordination of United States antisatellite programs.

(b) SUBMISSION OF REPORT.—The report required by subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act and shall be submitted in unclassified form and, as necessary, in classified form.

SEC. 1066. SENSE OF CONGRESS REGARDING THE TIME LIMITATIONS FOR CONSIDERATION OF MILITARY DECORATIONS AND AWARDS.

(a) FINDINGS.—Congress finds the following:

(1) Former members of the Armed Forces, military units, and veteran organizations throughout the United States will be celebrating the 50th anniversary of World War II at reunions and other events through 1995.

(2) A number of individuals who served in the Armed Forces during World War II, and groups of former members of the Armed Forces who served together in units during World War II have expressed interest in individual and unit decorations and awards involving their World War II service that were never presented.

(3) In some cases, the Secretaries of the military departments have declined to consider individual and unit decorations and awards involving World War II service that were established by administrative action solely because of time limitations established administratively on the submission of recommendations for the decorations and awards.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretaries of the military departments should consider a recommendation for a decoration or award for World War II service without regard to time limitations on the consideration of the recommendation if the recommendation—

(1) is submitted before December 31, 1995;

(2) involves a decoration or award that is not established by Act of Congress; and

(3) presents new information or evidence that the original recommendation was not submitted or was mishandled due to administrative error.

SEC. 1067. AUTHORITY FOR GOVERNMENT OF OMAN TO RECEIVE EXCESS DEFENSE ARTICLES.

Section 516(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(a)) is amended by striking out ''fiscal year 1990'' and inserting in lieu thereof ''fiscal year 1991''.

SEC. 1068. DESIGNATION OF UNITED STATES MILITARY PHYSICIANS AS CIVIL SURGEONS UNDER THE IMMIGRATION AND NATIONALITY ACT IN CONNECTION WITH THE ARMED FORCES IMMIGRATION ADJUSTMENT ACT OF 1991.

Notwithstanding any other provision of law, United States military physicians with not less than four years professional experience shall be considered to be civil surgeons for the purpose of the performance of physical examinations required under section 234 of the Immigration and Nationality Act (8 U.S.C. 1224) of special immigrants described in section 101(a)(27)(K) of such Act (8 U.S.C. 1101(a)(27)(K)).

SEC. 1069. PROVISION OF SUPPLIES AND EQUIPMENT TO ASSIST INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) ASSISTANCE AUTHORIZED.—Chapter 151 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2551. Supplies and equipment: international peacekeeping activities

''(a) PROVISION OF ASSISTANCE.—The Secretary of a military department may contribute or lend supplies and equipment under the jurisdiction of that department to the United Nations to support international peacekeeping activities conducted by the United Nations.

''(b) REGULATIONS.—The Secretary of Defense, in consultation with the Secretary of State, shall prescribe regulations to carry out 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:

''2551. Supplies and equipment: international peacekeeping activities.''.

SEC. 1070. BURDENSHARING CONTRIBUTIONS BY KUWAIT.

(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Section 1045 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1465) is amended in subsections (a) and (f) by inserting '', Kuwait,'' after ''Japan''.

(b) AVAILABILITY OF CONTRIBUTIONS.—Subsection (c) of such section is amended by striking out ''in the country making the contributions''.

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

"SEC. 1045. BURDENSHARING CONTRIBUTIONS BY JAPAN, KUWAIT, AND THE REPUBLIC OF KOREA.".

SEC. 1071. IMPROVED NATIONAL DEFENSE CONTROL OF TECHNOLOGY DIVERSIONS OVERSEAS.

(a) LIMITATION.—In the case of any proposed or pending merger, acquisition, or takeover of a business firm with foreign persons for which an investigation is undertaken pursuant to section 721(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2158), the President shall take action to prohibit the merger, acquisition, or takeover from taking place unless before the end of the investigation undertaken pursuant to such section 721(a) the Secretary of Defense certifies to Congress that the proposed or pending merger, acquisition, or takeover—

(1) will not pose a significant risk of diversion of sensitive defense technology from the United States to a foreign firm or government; and

(2) will not otherwise result in harm to the national security interests of the United States.

(b) CONSULTATION.—Before determining whether or not to make a certification under subsection (a), the Secretary of Defense shall consult with—

(1) the Under Secretary of Defense for Policy;

(2) the Under Secretary of Defense for Acquisition;

(3) the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence;

(4) the Director of the Defense Intelligence Agency; and

(5) any other official of the Department of Defense that the Secretary determines to be appropriate.

(c) EFFECTIVE DATE.—Subsection (a) shall apply to any proposed or pending merger, acquisition, or takeover with respect to which an investigation undertaken pursuant to section 721 of the Defense Production Act of 1950 is being carried out as of the date of the enactment of this Act or thereafter.

SEC. 1072. REDUCED ENRICHMENT RESEARCH TEST REACTOR.

(a) IN GENERAL.—The Secretary of Energy shall conduct a program of development of high-density low enriched uranium fuels for use in domestic and foreign research reactors that currently use highly enriched uranium fuel and are unable to convert to low enriched uranium fuel.

(b) FUNDING.—There is authorized to be appropriated to the Department of Energy for fiscal year 1993 $3,000,000 for fuel development and $1,300,000 for technical assistance for the purposes of subsection (a).

TITLE XI—NUCLEAR NONPROLIFERATION

SEC. 1101. SHORT TITLE.

This title may be cited as the ''Nuclear Threat Reduction Act of 1992''.

SEC. 1102. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the proliferation of nuclear weapons is one of the most serious threats to the national security of the United States in the post-cold war era;

(2) nuclear nonproliferation policy of the United States should seek to limit both the supply of nuclear weapons and the demand for nuclear weapons and should undertake to reduce the existing threat from nuclear proliferation;

(3) the Secretary of Defense should, under the guidance of the President and in coordination with the Secretary of State, actively assist in United States nuclear nonproliferation policy, emphasizing activities such as improved capabilities to detect and monitor nuclear proliferation, to respond to nuclear terrorism, theft, and accidents, and to assist with interdiction and destruction of nuclear weapons and material; and

(4) in a manner consistent with United States nuclear nonproliferation policy, the Department of Defense should maintain a credible military capability to track and respond to nuclear proliferation.

SEC. 1103. REPORT ON DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY NONPROLIFERATION ACTIVITIES.

(a) PREPARATION OF REPORT.—The Secretary of Defense and the Secretary of Energy shall jointly submit to the committees of Congress named in subsection (d) a report describing the role of the Department of Defense and the Department of Energy with respect to nuclear nonproliferation policy. The report shall—

(1) address how the Secretary of Defense and the Secretary of Energy intend to integrate and coordinate existing intelligence and military capabilities of the Department of Defense and the intelligence and emer-

gency response capabilities of the Department of Energy with the nuclear nonproliferation policy of the United States;

(2) identify existing capabilities within the Department of Defense and the Department of Energy to detect and monitor clandestine nuclear weapons programs, to respond to nuclear terrorism, nuclear accidents, or theft of nuclear materials, and to assist with interdiction and destruction of nuclear weapons and materials, including for the Department of Defense a description of the degree to which the unified combatant commands have incorporated a nonproliferation mission into their overall mission and how the Special Operations Command might support the commanders of the unified and specified commands in that mission;

(3) consider the appropriate role of the Defense Advanced Research Projects Agency (DARPA), the Defense Nuclear Agency and other Department of Defense agencies as well as the Department of Energy and other departments and agencies in providing technical assistance and support for the efforts of the Department of Defense and the Department of Energy with respect to nuclear nonproliferation; and

(4) identify existing mechanisms for integrating Department of Defense and Department of Energy nonproliferation activities with those of other departments and agencies and recommend ways to improve communication and collaboration.

(b) COORDINATION WITH OTHER AGENCIES.—The report shall be prepared under the guidance of the President and in coordination with the Secretary of State and the heads of other appropriate departments and agencies.

(c) SUBMISSION OF REPORT.—The report required by subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act. The report shall be submitted in unclassified form and, as necessary, in classified form.

(d) COMMITTEES TO RECEIVE REPORT.—The committees of Congress referred to in subsection (a) are—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Energy and Commerce of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1104. NUCLEAR NONPROLIFERATION TECHNOLOGY INITIATIVE.

(a) DARPA NUCLEAR PROLIFERATION MONITORING RESEARCH PROGRAM.—(1) The Secretary of Defense, acting through the Defense Advanced Research Projects Agency, shall continue to develop new nonproliferation technologies under the Nuclear Proliferation Monitoring Research Program of that agency.

(2) There is hereby authorized to be appropriated for fiscal year 1993 for research, development, test, and evaluation for the Defense Agencies, in addition to any other amounts authorized to be appropriated by this Act, $20,000,000 for nonproliferation technology programs of the Defense Advanced Research Projects Agency, as follows:

(A) For proliferation detection and other technologies (including ultra-sensitive, portable radiation sensors and improved methods for effluent analysis for remote sensing), $15,000,000.

(B) For seismic stations and arrays to detect low-level nuclear testing, $5,000,000.

(b) DEPARTMENT OF ENERGY.—There is hereby authorized to be appropriated for fiscal year 1993 for the Department of Energy, in addition to any other amounts authorized to be appropriated by this Act, $40,000,000 for nuclear nonproliferation detection technology and other projects and activities of the Department of Energy as follows:

(1) For verification control technology, $20,000,000, of which—

(A) $18,000,000 is in addition to the amount authorized under section 3104(a)(2); and

(B) $2,000,000 is in addition to the amount authorized under section 3104(c)(2).

(2) To enhance other Department of Energy programs with application to problems of nuclear proliferation, nuclear safety, or nuclear security, $20,000,000, to be available for programs such as the completion of the nuclear nonproliferation information network, construction of the Nuclear Safeguards Technology Lab at Los Alamos National Laboratory, and funding for emergency response training, research and development, and equipment.

(c) OFFSETTING REDUCTION.—The amount provided in section 104 for procurement for the Defense Agencies is hereby reduced by $60,000,000.

SEC. 1105. INTERNATIONAL NUCLEAR NONPROLIFERATION ACTIVITIES.

(a) INTERNATIONAL EFFORTS.—The Congress encourages the Secretary of Defense and the Secretary of Energy to participate actively in United States efforts to stem the proliferation of nuclear weapons. To that end, the Secretary of Defense and the Secretary of Energy, under the guidance of the President and in coordination with the Secretary of State, may spend not to exceed a total of $40,000,000 during fiscal year 1993 for international nonproliferation activities such as the following:

(1) Support for and technical cooperation with relevant international organizations (such as the International Atomic Energy Agency and the United Nations Special Commission on Iraq) to support more effective international safeguards and innovative detection and verification techniques, including in-kind contributions of personnel, equipment, training, and other forms of assistance.

(2) Collaborative international nuclear security and nuclear safety projects to combat the threat of nuclear theft, terrorism, or accidents, including joint emergency response exercises, technical assistance, and training.

(3) Efforts to improve international cooperative monitoring of nuclear proliferation through joint technical projects and improved intelligence sharing.

(b) FUNDING FOR FISCAL YEAR 1993.—(1) There is hereby authorized to be appropriated for fiscal year 1993 for the purposes of carrying out this section, in addition to any other amounts authorized to be appropriated by this Act, $40,000,000.

(2) The amount provided in section 104 for procurement for the Defense Agencies is hereby reduced by $40,000,000.

(c) DETERMINATION BY DIRECTOR OF OMB.—No funds may be obligated during fiscal year 1993 for the program under this section unless expenditures for that program during fiscal year 1993 have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) REPORTING REQUIREMENTS.—(1) Not less than 15 days before any obligation of funds under this section, the Secretary of Defense, in coordination with the Secretary of Energy, shall transmit to the committees of Congress named in subsection (e) a report on the proposed obligation. Each such report shall specify—

(A) the account, budget activity, and particular program from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and

(B) the activities and forms of assistance for which the Secretary of Defense plans to obligate such funds.

(2) Not later than 30 days after the end of each quarter of fiscal years 1993 and 1994, the Secretary of Defense, in coordination with the Secretary of Energy, shall transmit to the committees of Congress named in subsection (e) a report of the activities to reduce the nuclear proliferation threat carried out under this section. Each report shall set forth the following:

(A) Amounts spent for such activities and the purposes for which they were spent.

(B) A description of the participation of the Department of Defense, and the participation of other government agencies in such activities.

(C) A description of the activities for which the funds were spent.

(e) COMMITTEES TO RECEIVE REPORT.—The committees of Congress referred to in subsections (d)(1) and (d)(2) are—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Energy and Commerce of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1106. SOVIET WEAPONS DESTRUCTION.

(a) FINDINGS.—The Congress finds—

(1) that programs established under the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228) will contribute significantly to the destruction of weapons of mass destruction of the states of the former Soviet Union and the reduction of the threat from such weapons and the potential for their proliferation;

(2) that it is in the national security interests of the United States to continue to reduce the threats from the huge weapons arsenals of the former Soviet Union and to protect against the potential proliferation of these weapons and the materials removed from them, as well as the potential hazards resulting from the faulty storage of those weapons or materials; and

(3) that the threats to nuclear safety and security described in section 211 of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 105 Stat. 1693) remain of urgent concern and that additional resources are necessary to meet these threats, particularly in areas such as safe and secure storage of fissile material, dismantlement of missiles and launchers, and the destruction of chemical weapons.

(b) ADDITIONAL FUNDING.—(1) Section 221(a) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 105 Stat. 1695) is amended by striking out ''$400,000,000'' and inserting in lieu thereof ''$650,000,000''.

(2) Section 221(e) of such Act is amended—

(A) by inserting ''for fiscal year 1992 or fiscal year 1993'' after ''under part B'';

(B) by inserting ''for that fiscal year'' after ''for that program''; and

(C) by striking out ''for fiscal year 1992'' and inserting in lieu thereof ''for that fiscal year''.

(c) TECHNICAL REVISIONS TO PUBLIC LAW 102–229.—Public Law 102–229 is amended—

(1) in section 108 (105 Stat. 1708), by striking out ''contained in H.R. 3807, as passed the Senate on November 25, 1991'' and inserting in lieu thereof ''(title II of Public Law 102–228)''; and

(2) in section 109 (105 Stat. 1708)—

(A) by striking out ''H.R. 3807, as passed the Senate on November 25, 1991'' and inserting in lieu thereof ''Public Law 102-228 (105 Stat. 1696)''; and

(B) by striking out ''of H.R. 3807''.

TITLE XII—EQUITY IN BENEFITS FOR TEMPORARY EMPLOYEES OF THE DEPARTMENT OF DEFENSE

SEC. 1201. SHORT TITLE.

This title may be cited as the ''Temporary Defense Employees Benefits Equity Act''.

SEC. 1202. HEALTH BENEFITS.

(a) IN GENERAL.—Section 8913(b) of title 5, United States Code, is amended—

(1) in paragraph (3) by striking ''or'' after the semicolon;

(2) in paragraph (4) by striking ''8906a(a).'' and inserting ''8906a(a); or''; and

(3) by adding at the end the following:

''(5) a temporary employee, within the Department of Defense, who—

''(A) has completed 1 year of current continuous employment, excluding any break in service of 5 days or less; or

''(B) in the aggregate, has completed 4 years of service as a temporary employee (in the same or different positions) within a 6-year period, as determined under chapter 90.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 8906a of title 5, United States Code, is amended—

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

''(3) The preceding provisions of this subsection shall not apply with respect to a temporary employee under subsection (c).'';

(2) in subsection (b)(1) by inserting ''(other than a temporary employee under subsection (c))'' after ''under this section''; and

(3) by adding at the end the following:

''(c) The contributions payable by or on behalf of a temporary employee described in section 8913(b)(5) shall be determined in accordance with section 8906.''.

SEC. 1203. LIFE INSURANCE.

Section 8716(b) of title 5, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (2);

(2) by striking ''3401(2) of this title).'' at the end of paragraph (3) and inserting ''3401(2)); or''; and

(3) by adding at the end the following:

''(4) a temporary employee, within the Department of Defense, who, in the aggregate, has completed 4 years of service as a temporary employee (in the same or different positions) within a 6-year period, as determined under chapter 90.''.

SEC. 1204. RETIREMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—The second sentence of section 8347(g) of title 5, United States Code, is amended by striking ''3401(2) of this title).'' and inserting ''3401(2)) or any temporary employee, within the Department of Defense, who, in the aggregate, has completed 4 years of service as a temporary employee (in the same or different positions) within a 6-year period, as determined under chapter 90.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8402(c)(1) of title 5, United States Code, is amended by striking ''3401(2)).'' and inserting ''3401(2)) or a temporary employee, within the Department of Defense, who, in the aggregate, has completed 4 years of service as a temporary employee (in the same or different positions) within a 6-year period, as determined under chapter 90.''.

SEC. 1205. PROCEDURES FOR DETERMINING AGGREGATE SERVICE.

(a) IN GENERAL.—Subpart G of part III of title 5, United States Code, is amended by adding at the end the following:

''CHAPTER 90—TEMPORARY EMPLOYMENT

''Sec.
''9001. Definitions; applicability.
''9002. Regulations.

''§ 9001. Definitions; applicability

''(a) For the purpose of this chapter—

''(1) the term 'service performed as a temporary employee' means, with respect to a benefit, service performed as a temporary employee which is creditable for purposes of determining eligibility for such benefit; and

''(2) the terms 'eligible' and 'eligibility', as used with respect to a benefit, include being eligible or having eligibility by virtue of satisfying the requirements for being considered a non-excludable employee for purposes of such benefit.

''(b) This chapter applies with respect to any benefit, eligibility for which is based on the completion, in the aggregate, of at least a certain amount of service as a temporary employee (in the same or different positions) within a fixed period of time, but only if the provisions of this chapter are specifically cited, by law, as the means for determining whether that service requirement has been met.

''§ 9002. Regulations

''(a) The Office of Personnel Management shall prescribe regulations for determining, for purposes of any benefit with respect to which this chapter applies, whether an employee satisfies the service requirement necessary to be eligible for such benefit.

''(b) The regulations shall accomplish at least the following:

''(1) Establish procedures setting forth the time, form, and manner in which a temporary employee may apply for any benefit with respect to which this chapter applies, including provisions relating to any documentation or other supporting evidence which may be necessary to establish that the service requirement has been met.

''(2) Require agencies to take such measures, both on an intraagency and interagency basis, as may be necessary to allow current or prospective temporary employees to readily ascertain, and obtain supporting evidence as to, the aggregate amount of temporary service such employee has performed in any agency.

''(3) Require agencies to take appropriate measures to ensure that temporary employees are notified as to—

''(A) any benefits for which they may be eligible by virtue of the amendments made by the Temporary Defense Employees Benefits Equity Act, and the procedures for establishing eligibility (if appropriate); and

''(B) any resources or assistance which may be available to them in connection with obtaining those benefits.

''(4) Establish procedures to ensure that applications are considered, and that final decisions on applications are rendered, in the most expeditious manner possible.

''(5) Consistent with applicable provisions of law, specify the time and manner in which a benefit begins or becomes available if a favorable decision under paragraph (4) is rendered.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 89 the following:

''90. Temporary Employment ..... 9001''.

SEC. 1206. EFFECTIVE DATE; SPECIAL RULES; REGULATIONS.

(a) EFFECTIVE DATE.—The amendments made by this title shall take effect as of the 90th day after the date of the enactment of this Act, subject to subsection (b).

(b) SPECIAL RULES.—(1) In the case of a temporary employee who, immediately before the effective date under subsection (a), is contributing to the Employees Health Benefits Fund under section 8906a of title 5, United States Code, any change in the contributions payable by or on behalf of such employee into such fund as a result of the amendments made by section 1202 shall become effective as of the first applicable pay period beginning on or after such date.

(2)(A) Subject to subparagraph (B), in administering the amendments made by this title, service may be taken into account whether performed before, on, or after the date of the enactment of this Act.

(B) For purposes of the amendments made by section 1204, any service performed as a temporary employee before the effective date under subsection (a) which, but for such section, would otherwise be excluded from the operation of the retirement system involved, may not be taken into account except for purposes of determining whether or not an employee may be excluded under section 8347(g) or 8402(c)(1) of title 5, United States Code, as applicable.

(c) REGULATIONS.—Any regulations necessary to carry out the amendments made by this title shall be prescribed by the Office of Personnel Management not later than the effective date under subsection (a).

TITLE XIII—MILITARY RESERVE TECHNICIANS

SEC. 1301. MILITARY RESERVE TECHNICIANS.

(a) IN GENERAL.—(1) Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

''§ 3329. Appointments of military reserve technicians to positions in the competitive service

''(a) For the purpose of this section, the term 'military reserve technician' has the meaning given such term by section 8401(30).

''(b) The Secretary of Defense shall take such steps as may be necessary to ensure that, except as provided in subsection (d), any military reserve technician who is involuntarily separated from technician service, after completing 20 years of such service, by reason of ceasing to satisfy the condition described in section 8401(30)(B) shall, if appropriate written application is submitted within 1 year after the date of separation, be offered a position described in subsection (c) not later than 6 months after the date of the application.

''(c) The position to be offered shall be a position—

''(1) in the competitive service;

''(2) within the Department of Defense;

''(3) for which the individual is qualified; and

''(4) the rate of basic pay for which is not less than the rate last received for technician service before separation.

''(d) This section shall not apply in the case of—

''(1) an involuntary separation for cause on charges of misconduct or delinquency; or

''(2) a technician who, as of the date of application under this section, is eligible for immediate (including for disability) or early retirement under subchapter III of chapter 83 or under chapter 84.

''(e) The Secretary of Defense shall, in consultation with the Director of the Office of Personnel Management, prescribe such regulations as may be necessary to carry out this section.''.

(2) The table of sections for chapter 33 of title 5, United States Code, is amended by adding after the item relating to section 3328 the following:

''3329. Appointments of military reserve technicians to positions in the competitive service.''.

(b) APPLICABILITY.—The amendments made by this section shall not apply with respect to any separation occurring before the date of enactment of this Act.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 1993''.

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 2105(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Anniston Army Depot	$99,300,000
	Fort McClellan	$10,100,000
Arizona	Fort Huachuca	$3,350,000
Arkansas	Pine Bluff Arsenal	$26,800,000
California	Sierra Army Depot	$2,450,000
Colorado	Fitzsimons Army Medical Center	$25,400,000
Georgia	Fort Gillem	$2,700,000
	Hunter Army Airfield	$5,400,000
Hawaii	Schofield Barracks	$5,800,000
Kentucky	Fort Knox	$15,600,000
Louisiana	Fort Polk	$7,400,000
Mississippi	Camp McCain	$18,300,000
New Jersey	Fort Dix	$2,000,000
	Fort Monmouth	$3,550,000
New York	Fort Drum	$21,500,000
	United States Military Academy, West Point	$1,600,000
North Carolina	Fort Bragg	$8,200,000
Oklahoma	Fort Sill	$1,500,000
Pennsylvania	Letterkenny Army Depot	$5,400,000
Texas	Corpus Christi Army Depot	$21,200,000
	Fort Bliss	$24,960,000
	Fort Hood	$33,000,000
	Red River Army Depot	$3,600,000
Utah	Tooele Army Depot	$9,200,000
Virginia	Fort Pickett	$5,800,000
CONUS Classified	Classified Location	$2,710,000
	Classified Locations	$700,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(2), the Secretary of the Army 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:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Grafenwoehr	$11,600,000
Kwajelein Atoll.	Kwajalein Atoll	$19,800,000
OCONUS Classified.	Classified Locations.	$1,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(7)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Amount
Hawaii	Oahu Various.	200 units.	$23,000,000

Army: Family Housing—Continued

State	Installation	Purpose	Amount
Texas ...	Fort Hood.	227 units.	$28,000,000
Virginia	Fort Pickett.	26 units	$2,300,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(7)(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 $8,940,000.

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 2105(a)(7)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $149,160,000.

SEC. 2104. DEFENSE ACCESS ROADS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(3), the Secretary of the Army may make advances to the Secretary of Transportation for the construction of defense roads under section 210 of title 23, United States Code, at Camp McCain, Mississippi, in the total amount of $18,300,000.

SEC. 2105. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, repair of real property, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,735,735,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $349,220,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $32,400,000.

(3) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $18,300,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $54,803,000.

(5) For repair of real property authorized by section 2805 of title 10, United States Code, $448,795,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $112,300,000.

(7) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $211,400,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,375,517,000, of which not more than $358,241,000 may be obligated or expended for the leasing of military family housing worldwide.

(8) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $133,000,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2106. EXTENSIONS OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1990 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189, 103 Stat. 1645), authorizations for the projects set forth in the table in subsection (b), as provided in section 2101 of that Act and extended by section 2702(b) of the Military Construction Authorization Act for Fiscal Year 1992 (Public Law 102–190; 105 Stat. 1535), shall remain in effect until October 1, 1993, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1994, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 1990 Project Authorizations

State or country	Installation or location	Project	Amount
Colorado.	Fitzsimons Army Medical Center	Child development center	$2,100,000
Kansas	Fort Riley.	Child development center	$1,500,000
Louisiana.	Fort Polk.	Range modernization ...	$9,600,000
Pennsylvania.	New Cumberland Army Depot	Hazardous material storage facility	$14,000,000
Virginia.	Fort Lee.	Enlisted Petroleum Training Facility	$8,300,000

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION, REPAIR OF REAL PROPERTY, 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 such project, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
California	Camp Pendleton, Marine Corps Base	$25,500,000
	Lemoore, Naval Air Station ...	$680,000
	Mare Island Naval Shipyard	$8,000,000
	Miramar Naval Air Station ...	$9,700,000
	Port Hueneme, Naval Construction Battalion Center	$14,300,000
	Seal Beach, Naval Weapons Station ...	$2,150,000
	Twentynine Palms, Marine Corps Air-Ground Combat Center	$4,600,000
Connecticut.	New London, Naval Submarine Base ..	$12,500,000
Florida	Cecil Field, Naval Air Station	$5,850,000
Georgia ...	Albany, Marine Corps Logistics Base	$4,100,000
Hawaii	Barking Sands, Pacific Missile Range Facility	$4,580,000
	Honolulu, Naval Communication Area Master Station, Eastern Pacific	$1,400,000
	Pearl Harbor, Naval Supply Center	$7,700,000
	Pearl Harbor, Navy Public Works Center	$24,900,000
Indiana	Crane, Naval Surface Warfare Center	$6,000,000
Maryland	Annapolis, United States Naval Academy, Annapolis	$11,000,000
	Indian Head, Naval Ordnance Station	$7,590,000
	Patuxent River Naval Warfare Center, Aircraft Division	$60,990,000
Mississippi.	Meridian Naval Air Station ...	$1,100,000
Rhode Island.	Newport, Naval Education and Training Center	$540,000
	Newport, Naval Undersea Warfare Center	$14,000,000
South Carolina.	Charleston, Naval Weapons Station ...	$1,110,000
Tennessee	Memphis, Naval Air Station ...	$14,110,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
Texas	Corpus Christi, Naval Air Station	$4,900,000
	Kingsville, Naval Air Station	$20,120,000
Virginia ..	Damneck, Fleet Combat Training Center	$19,427,000
	Little Creek, Naval Amphibious Station	$13,300,000
	Norfolk, Naval Air Station ...	$3,450,000
	Norfolk, Naval Station	$880,000
	Norfolk, Naval Station, Fort Story Annex	$5,650,000
	Norfolk, Naval Supply Center	$12,400,000
	Oceana, Naval Air Station ...	$3,190,000
	Yorktown, Naval Weapons Station ...	$1,100,000
Washington.	Bangor, Trident Refit Facility	$1,550,000
	Bremerton, Puget Sound Naval Shipyard	$14,800,000
	Bremerton, Naval Inactive Ship Maintenance Facility	$1,200,000
	Everett, Naval Station	$5,600,000
	Puget Sound Naval Station	$13,300,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations 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, Naval Support Activity	$7,600,000
Various Locations.	Host Nation Infrastructure Support	$3,000,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(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	300 units.	$30,600,000
	San Diego Navy Public Works Center	300 units.	$30,400,000
Connecticut.	New London, Naval Submarine Base	100 units.	$11,850,000
Hawaii	Kauai, Pacific Missile Range Facility	13 units	$2,330,000
	Oahu, Naval Complex ..	100 units.	$11,820,000
New Jersey.	Earle, Naval Weapons Station ..	Community Center	$1,100,000
Washington.	Bangor/Bremerton Naval Complex ..	200 units.	$19,500,000
	Kitsap County	200 units.	$19,500,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(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 $14,200,000.

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)(6)(A), the Secretary of the Navy may improve existing military family housing units in the amount of $198,340,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, repair of real property, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,889,242,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $312,277,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $10,600,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $67,123,000.

(4) For repair of real property authorized by section 2805 of title 10, United States Code, $389,133,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $74,292,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $339,640,000; and

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $696,177,000, of which not more than $104,470,000 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 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) $50,990,000 (the balance of the amount authorized under section 2201(a) for the construction of the Large Anachoic Chamber Facility at the Patuxent River Naval Warfare Center, Aircraft Division, Maryland).

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama ..	Gunter Air Force Base.	$960,000
	Maxwell Air Force Base.	$10,700,000
Alaska	Clear Air Force Station.	$2,250,000
	Eielson Air Force Base.	$2,550,000
	Elmendorf Air Force Base.	$6,550,000
	Galena Airport	$4,850,000
	King Salmon Airport.	$6,400,000
	Shemya Air Force Base.	$3,350,000
Arizona ...	Libby Army Air Field.	$15,300,000
	Davis Monthan Air Force Base.	$3,500,000
Arkansas	Little Rock Air Force Base.	$710,000
California	Beale Air Force Base.	$5,600,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
	Edwards Air Force Base.	$19,500,000
	March Air Force Base.	$2,250,000
	McClellan Air Force Base.	$9,900,000
	Travis Air Force Base.	$11,680,000
	Vandenberg Air Force Base.	$26,250,000
Colorado ..	Peterson Air Force Base.	$3,500,000
	United States Air Force Academy.	$4,260,000
Delaware	Dover Air Force Base.	$21,260,000
District of Columbia.	Bolling Air Force Base.	$9,400,000
Florida	Cape Canaveral Air Force Station.	$40,800,000
	Eglin Air Force Base.	$1,680,000
	Homestead Air Force Base.	$1,200,000
	Patrick Air Force Base.	$7,700,000
Georgia ...	Moody Air Force Base.	$780,000
Illinois	Scott Air Force Base.	$960,000
Kansas	McConnell Air Force Base.	$960,000
Louisiana	Barksdale Air Force Base.	$3,320,000
Maryland	Andrews Air Force Base.	$820,000
Mississippi.	Keesler Air Force Base.	$6,550,000
Missouri ..	Whiteman Air Force Base.	$65,570,000
Montana ..	Malmstrom Air Force Base.	$1,100,000
Nebraska	Offutt Air Force Base.	$6,190,000
Nevada	Nellis Air Force Base.	$10,930,000
New Jersey.	McGuire Air Force Base.	$8,970,000
New Mexico.	Cannon Air Force Base.	$2,800,000
	Holloman Air Force Base.	$11,420,000
North Carolina.	Pope Air Force Base.	$22,150,000
	Seymour Johnson Air Force Base.	$5,230,000
North Dakota.	Cavalier Air Force Station.	$1,450,000
	Grand Forks Air Force Base.	$6,500,000
	Minot Air Force Base.	$6,600,000
Ohio	Wright-Patterson Air Force Base.	$12,170,000
Oklahoma	Altus Air Force Base.	$7,300,000
	Tinker Air Force Base.	$21,280,000
	Vance Air Force Base.	$2,350,000
South Carolina.	Charleston Air Force Base.	$30,000,000
	Shaw Air Force Base.	$2,380,000
South Dakota.	Ellsworth Air Force Base.	$3,880,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
Texas	Dyess Air Force Base.	$7,300,000
	Kelly Air Force Base.	$21,360,000
	Lackland Air Force Base.	$9,000,000
	Laughlin Air Force Base.	$6,000,000
	Randolph Air Force Base.	$1,250,000
	Sheppard Air Force Base.	$6,990,000
Utah	Hill Air Force Base.	$8,100,000
Virginia ..	Langley Air Force Base.	$7,050,000
Washington.	Fairchild Air Force Base.	$2,510,000
	McChord Air Force Base.	$2,540,000
Wyoming	F.E. Warren Air Force Base.	$1,050,000
Various Locations.	Various Locations.	$3,900,000

(b) OUTSIDE 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 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 ..	Rhein-Main Air Base.	$3,100,000
Greenland	Thule Air Base	$24,900,000
Guam	Andersen Air Force Base.	$23,240,000
Portugal ..	Lajes Field	$8,450,000

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 or Country	Installation	Purpose	Amount
California.	March Air Force Base	320 units.	$38,351,000
Florida	Patrick Air Force Base	250 units.	$16,000,000
Georgia	Robins Air Force Base	55 units	$3,153,000

Air Force: Family Housing—Continued

State or Country	Installation	Purpose	Amount
New Mexico.	Cannon Air Force Base	361 units.	$32,951,000
Utah	Hill Air Force Base	82 units	$6,353,000
Portugal.	Lajes Field.	Water wells.	$865,000

(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 $7,457,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $227,824,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, repair of real property, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,318,836,000.

(1) For military construction projects inside the United States authorized by section 2301(a), $540,810,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $59,690,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $82,000,000.

(4) For repair of real property authorized by section 2805 of title 10, United States Code, $271,094,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $95,000,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $332,954,000; and

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $937,288,000 of which not more than $150,800,000 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).

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1) and, in the case of the projects described in paragraphs (2), (3), (4), and (5) of section 2403(c), other amounts appropriated pursuant to authorizations enacted after this Act for such projects, the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Logistics Agency	Defense Reutilization and Marketing Office, March Air Force Base, California	$630,000
	Defense Reutilization and Marketing Office, Hill Air Force Base, Utah	$1,700,000
	Defense General Supply Center, Richmond, Virginia	$2,900,000
Defense Medical Facility Office	Beale Air Force Base, California.	$3,500,000
	March Air Force Base, California	$18,000,000
	Fitzsimons Army Medical Center, Colorado	$390,000,000
	Walter Reed Army Medical Center, District of Columbia	$147,300,000
	Fort Leonard Wood, Missouri	$3,000,000
	Fort Bragg, North Carolina	$250,000,000
	Millington Naval Air Station, Tennessee	$15,000,000
Defense Nuclear Agency	Eglin Air Force Base, Florida.	$64,000,000
National Security Agency	Fort Meade, Maryland.	$6,700,000
Section 6 Schools	Fort Bragg, North Carolina.	$3,950,000
Strategic Defense Initiative Organization	Barking Sands, Hawaii.	$5,400,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section

2402(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Medical Facilities Office	Classified Location.	$8,000,000
Defense Nuclear Agency ...	Johnston Island	$1,500,000
National Security Agency ...	Classified Locations.	$6,000,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(10), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, repair of real property, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $2,734,318,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a) $112,850,000.

(2) For military construction projects outside the United States authorized by section 2401(b) $15,500,000.

(3) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987, as amended, $27,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991, $16,000,000.

(5) For military construction projects at Homestead Air Force Base, Florida, authorized by section 2401(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993, $10,000,000.

(6) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $40,114,000.

(7) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(8) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $85,818,000.

(9) For conforming storage facilities constructed under the authority of section 2404(a) of the Military Construction Authorization Act, 1987, as amended, $3,580,000.

(10) For energy conservation projects authorized by section 2402, $60,000,000.

(11) For base closure and realignment activities as authorized by the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526), $440,700,000.

(12) For base closure and realignment activities as authorized by the Defense Realignment and Closure Act of 1990, section 2092 of the National Defense Authorization Act for Fiscal Year 1991, (Public Law 101–510, Stat. 1810), $1,743,600,000.

(13) For repair of real property authorized by section 2805 of title 10, United States Code, $140,756,000.

(14) For military family housing functions (including functions described in section 2833 of title 10, United States Code), $28,400,000, of which not more than $23,559,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) AUTHORIZATION OF UNOBLIGATED FUNDS.—Funds appropriated to the Department of Defense for fiscal years before fiscal year 1993 for military construction functions of the defense agencies that remain available for obligation on the date of enactment of this Act are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 2401(a) for the Defense Logistics Agency.

(c) 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 may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and subsection (b);

(2) $134,000,000 (the balance of the amount authorized for construction of the Walter Reed Institute of Research, District of Columbia);

(3) $32,000,000 (the balance of the amount authorized for the construction of the Climatic Test Chamber at Eglin Air Force Base, Florida);

(4) $240,000,000 (the balance of the amount authorized for construction of the Army Medical Center at Fort Bragg, North Carolina); and

(5) $388,000,000 (the balance of the amount authorized for Fitzsimons Army Medical Center, Colorado).

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, 1992 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 $121,200,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1992, for the costs of acquisition, architectural and engineering services, repair of real property, 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, $199,411,000; and

(B) for the Army Reserve, $31,500,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $37,772,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $261,259,000; and

(B) for the Air Force Reserve, $56,380,000.

SEC. 2602. AIR NATIONAL GUARD CONSTRUCTION, TRUAX FIELD, WISCONSIN.

(a) CONSTRUCTION AUTHORIZED.—Of the amounts appropriated for the Air National Guard of the United States pursuant to the authorization of appropriations in section 2601(3)(A), $4,250,000 shall be available to the Secretary of the Air Force to carry out construction projects for the Air National Guard of the United States at Truax Field, Madison, Wisconsin, for the purposes, and in the amounts, as follows:

(1) Alteration of hanger, $2,250,000.

(2) Alteration of fuel cell maintenance dock, $2,000,000.

(b) OFF-SETTING REDUCTION.—Within the authorization of appropriations in section 2601(3)(A), the account for repair of real property for the Air National Guard of the United States is hereby reduced by $4,250,000.

SEC. 2603. NATIONAL GUARD ARMORY, VIRGINIA.

(a) CONSTRUCTION AUTHORIZED.—Of the amounts appropriated for the Army National Guard of the United States pursuant to the authorization of appropriations in section 2601(1)(A), $2,137,000 shall be available to the Secretary of the Army to construct a new National Guard Armory on the campus of the Southwest Virginia Community College in Richlands, Virginia.

(b) OFF-SETTING REDUCTION.—Within the authorization of appropriations in section 2601(1)(A), the account for repair of real property for the Army National Guard is hereby reduced by $2,137,000.

TITLE XXVII— EXPIRATION 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, repair of real property, 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, 1995; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1996.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, repair of real property, 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, 1995; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1996 for military construction contracts, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 2702. EFFECTIVE DATES.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall be in effect as of October 1, 1992 or the date of enactment of a Military Construction Authorization Act for Fiscal Year 1993, whichever is later.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. DEFINITION OF MILITARY CONSTRUCTION.

(a) REVISION IN MILITARY CONSTRUCTION ACTIVITIES.—Subsection (a) of section 2801 of title 10, United States Code, is amended—

(1) by inserting ''alteration, repair,'' after ''conversion,''; and

(2) by striking out ''of any kind carried out with respect to a military installation.'' and inserting in lieu thereof ''of any kind that is carried out with respect to a military installation, costs more than $15,000, and extends the useful life of a facility.''.

(b) CONFORMING DEFINITION.—Subsection (c) of such section is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

''(3) The term 'extends the useful life of a facility' means any work that goes beyond preserving the physical structure of a facility or its support systems.''.

SEC. 2802. UNSPECIFIED MINOR CONSTRUCTION AND REPAIR.

(a) MILITARY CONSTRUCTION FUNDING.—Subsection (a)(1) of section 2805 of title 10, United States Code, is amended to read as follows:

''(a)(1) Except as provided in paragraph (2), within an amount equal to 125 percent of the amount authorized by law for such purpose, the Secretary concerned may carry out military construction not otherwise authorized by law. Military construction authorized by this section is—

''(A) a minor military construction project for a single undertaking at a military installation that has an approved cost equal to or less than $1,500,000; or

''(B) a repair project that costs more than $15,000 and extends the useful life of a facility.''.

(b) OPERATION AND MAINTENANCE FUNDING.—Subsection (c)(1) of such section is amended—

(1) by striking out ''military construction project costing not more than $300,000.'' and inserting in lieu thereof ''minor military construction project or repair project that costs not more than $15,000.''; and

(2) by adding at the end the following new sentence: ''Unspecified minor construction projects and repair projects at facilities funded by working capital funds established pursuant to section 2208 of this title may be funded by the working capital funds and shall not be subject to the dollar limitation prescribed in this paragraph.''.

(c) CONFORMING REPEAL REGARDING RENOVATIONS.—Section 2811 of title 10, United States Code, is repealed.

(d) AUTHORIZED COST VARIATIONS.—Section 2853 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out ''subsection (c) or (d)'' and inserting in lieu thereof ''subsection (c), (d), or (e)''; and

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

''(e) This section does not apply to minor construction projects or repair projects authorized by section 2805 of this title.''.

(e) CLERICAL AMENDMENTS.—(1) The heading of section 2805 of title 10, United States Code, is amended to read as follows:

''§ 2805. Unspecified minor construction and repair''.

(2) The table of sections at the beginning of subchapter I of chapter 169 of such title is amended—

(A) by striking out the item relating to section 2811; and

(B) by striking out the item relating to section 2805 and inserting in lieu thereof the following:

''2805. Unspecified minor construction and repair.''.

SEC. 2803. REDUCED AUTHORITY FOR USE OF OPERATION AND MAINTENANCE FUNDS TO CARRY OUT SMALL PROJECTS INVOLVING RESERVE COMPONENT FACILITIES.

Section 2233a(b) of title 10, United States Code, is amended by striking out ''$300,000'' and inserting in lieu thereof ''$15,000''.

SEC. 2804. NOTICE AND WAIT REQUIREMENTS FOR EMERGENCY CONSTRUCTION.

Section 2803(b) of title 10, United States Code, is amended—

(1) in the second sentence, by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by striking out the third sentence;

(3) by inserting ''(1)'' after ''(b)''; and

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

''(2) A military construction project under this section may be carried out only after—

''(A) in the case of a project determined by the Secretary concerned to be vital to national security, the end of the five-day period beginning on the date the report required by paragraph (1) is received by the appropriate committees of Congress; and

''(B) in the case of a project determined by the Secretary concerned to be vital to the protection of health, safety, or the quality of the environment, the end of the 21-day period beginning on the date such report is received by such committees.''.

SEC. 2805. AUTHORITY TO CARRY OUT ENERGY CONSERVATION CONSTRUCTION PROJECTS.

Section 2865 of title 10, United States Code, is amended—

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

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

''(d) ENERGY CONSERVATION CONSTRUCTION PROJECTS.—The Secretary of Defense may carry out a military construction project for energy conservation, not previously authorized, using funds appropriated or otherwise made available for that purpose.''.

Subtitle B—Defense Base Closure and Realignment

SEC. 2821. DEMONSTRATION PROJECT FOR THE USE OF NATIONAL RELOCATION CONTRACTOR TO ASSIST DEPARTMENT OF DEFENSE.

(a) USE OF NATIONAL RELOCATION CONTRACTOR.—The Secretary of Defense shall enter into a one-year contract with a private relocation contractor that operates on a nationwide basis to test the cost-effectiveness of using national relocation contractors to administer the homeowners assistance program under section 2832 of title 10, United States Code. The contract shall be competitively awarded not later than 30 days after the date of the enactment of this Act.

(b) REPORT ON CONTRACT.—Not later than September 30, 1993, the Comptroller General shall submit to Congress a report measuring the effectiveness of the national contractor in terms of total program cost and efficiency against the total cost of the program as operated by the Corps of Engineers using its own employees or through contracts with relocation companies located at the site of each base closure or realignment.

SEC. 2822. CHANGE IN DATE OF REPORT OF COMPTROLLER GENERAL TO CONGRESS AND DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

Section 2903(d)(5)(B) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking out ''May 15 of each year'' and inserting in lieu thereof ''April 15 of each year''.

SEC. 2823. CLARIFICATION ON AVAILABILITY OF EXCESS AND SURPLUS FEDERAL PROPERTY TO ASSIST THE HOMELESS.

(a) AVAILABILITY.—To facilitate the reutilization and disposal of excess and surplus Federal real property, including real property subject to disposal under 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) or the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note), the quarterly canvassing and publishing requirements for Federal public buildings and other Federal properties imposed by subsections (a) and (c) of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411) shall be considered to be limited to—

(1) buildings and other properties that have not been previously reported; and

(2) buildings and other properties that have been previously reported as unavailable to assist the homeless, but subsequently become available to assist the homeless.

(b) TECHNICAL CORRECTION.—Section 501(f)(2) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(f)(2)) is amended by inserting ''or'' after ''Unutilized''.

Subtitle C—Land Transactions

SEC. 2831. EXCHANGE OF CERTAIN REAL PROPERTY FOR REPLACEMENT FACILITIES, TUSTIN, CALIFORNIA.

(a) IN GENERAL.—Notwithstanding section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and subject to subsection (b), the Secretary of the Navy may convey, through one or more transactions, all right, title, and interest of the United States in and to a tract of real property consisting of approximately 1,250 acres and comprising the operations portion of Marine Corps Air Station (MCAS), Tustin, California. The operations portion of MCAS Tustin is that portion of the installation other than family housing, related personnel support facilities, and the Armed Forces Reserve Center. The transfer of the property shall be by competitive procedures and at not less than the fair market value of the property, as determined by the Secretary of the Navy.

(b) CONSIDERATION AND USE OF PROCEEDS.—(1) In consideration for the conveyance authorized by subsection (a), the transferee shall provide construction of new facilities and renovations of existing facilities at Marine Corps Base/MCAS Camp Pendleton or Marine Corps Air Ground Combat Center, Twentynine Palms, or the remaining portion of MCAS, Tustin, California, or any combination of these locations, as determined by the Secretary of the Navy to be necessary to support the remaining portion of MCAS Tustin and the missions of the Marine Aircraft Groups and supporting units being relocated or composited as a result of the conveyance authorized by subsection (a).

(2) If the combined value of the renovations and newly constructed facilities is less than the fair market value of the property conveyed pursuant to subsection (a), the transferee shall make a cash payment to the United States of an amount equal to the difference.

(3) All payments received under paragraph (2) shall be paid into the Department of Defense Base Closure Account 1990, established by section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(c) EXPIRATION OF AUTHORITY.—(1) The authority provided by this section shall expire 12 months after the date of the enactment of this Act, unless the Secretary determines that—

(A) there is a reasonable likelihood of executing an agreement accomplishing the conveyance authorized by subsection (a) within an additional period not to exceed twelve months; and

(B) further efforts to effect the conveyance authorized by this section are in the best interests of the United States.

(2) Upon making a determination under paragraph (1), the Secretary may extend the authority provided by this section for an additional period not to exceed twelve months.

(3) Upon the expiration of the authority provided by this section, the closure of the operations portion of MCAS Tustin shall proceed as a closure under the provisions 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).

(d) ADDITIONAL TERMS AND CONDITIONS.—(1) The exact acreage and legal descriptions of lands to be conveyed under this section shall be determined by surveys satisfactory to the Secretary.

(2) All renovations and new construction obtained under this section shall be performed to commercial standards to the maximum extent feasible.

(3) Any agreement entered into under this section shall be subject to such other terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2832. MODIFICATION OF LAND EXCHANGE, SAN DIEGO, CALIFORNIA.

Section 837 of the Military Construction Authorization Act, 1985 (Public Law 98–407; 98 Stat. 1529), is amended—

(1) in subsection (a) by striking out ''or the San Diego Energy Recovery Project, a joint powers agency of the city and county of San Diego (hereinafter in this section referred to as 'SANDER'),'';

(2) by striking out subsection (c);

(3) by redesignating subsections (d) and (e) as subsections (e) and (f);

(4) by inserting after subsection (b) the following new subsections:

''(c) ALTERNATIVE CONSIDERATION.—(1) In lieu of the 120 acres of land referred to in subsection (b) as consideration for the conveyance under subsection (a), the Secretary of the Navy may permit the City to convey to the Secretary—

''(A) other real property suitable for use, as determined by the Secretary, for military family housing;

''(B) an amount equal to the fair market value of the parcel conveyed under subsection (a), as determined by the Secretary; or

''(C) a combination of real property and cash.

''(2) The Secretary may permit the alternative conveyance under paragraph (1) only if the Secretary determines that the City will use the 120 acres of land for purposes associated with the clean water program of the City that are compatible with the mission and operations of the adjacent Naval Air Station, Miramar.

''(d) FAIR MARKET VALUE; USE OF PROCEEDS.—The total value of the consideration to be provided to the United States under subsections (b) and (c) shall be at least equal to the fair market value of the lands conveyed under subsection (a), as determined by the Secretary of the Navy. The City shall pay any difference to the United States. To the extent provided in appropriation Acts, the Secretary may use any amounts paid under this section solely for the purpose of acquiring in the San Diego area a suitable site for, or constructing or acquiring by direct purchase, military family housing. Any funds received by the Secretary under this section and not used within 30 months after receipt shall be deposited into the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).''; and

(5) in subsection (e), as redesignated by paragraph (3), by striking out ''or SANDER or by the City and SANDER''.

SEC. 2833. LAND ACQUISITION AND EXCHANGE, MYRTLE BEACH AIR FORCE BASE AND POINSETT WEAPONS RANGE, SOUTH CAROLINA.

(a) FINDINGS.—Congress finds the following:

(1) The Myrtle Beach Air Force Base was recommended for closure in the recommendations of the Defense Base Closure and Realignment Commission as submitted by the President to Congress on July 10, 1991, pursuant to section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510; 10 U.S.C. 2687 note).

(2) The Myrtle Beach Air Force Base is situated on some 3,744 acres of land, which the Secretary of Defense is required to dispose of under section 2905 of the Defense Base Closure and Realignment Act of 1990.

(3) The United States currently leases from the State of South Carolina and three other owners some 8,357.96 acres of land, located 7.5 miles south of Shaw Air Force Base in Sumter County, South Carolina. The Air Force has developed these leasehold tracts into a weapons and bombing range known as the Poinsett Weapons Range, which is used for weapons, air-to-ground ordnance, and bombing practice by aircraft from Shaw Air Force Base, Pope Air Force Base, Seymour Johnson Air Force Base, the South Carolina Air National Guard, the Ohio Air National Guard, Cherry Point Marine Air Station, and Beaufort Marine Air Station.

(4) The State of South Carolina has offered to convey to the United States its fee simple estate in the Poinsett Weapons Range, together with constituent parcels owned by other persons which the State will acquire and any contiguous parcels the Air Force may desire for range enhancement and reconfiguration, in exchange for land and improvements at Myrtle Beach Air Force Base that are equal in value.

(5) By acquiring title to the Poinsett Weapons Range, the Air Force will be able to enhance the utility of the Poinsett Weapons Range as a bombing and weapons range.

(b) CONVEYANCE.—Subject to subsection (c), the Secretary of the Air Force may convey to the State of South Carolina all right, title, and interest of the United States in and to all or a portion of the land and improvements comprising Myrtle Beach Air Force Base, South Carolina.

(c) CONSIDERATION.—(1) As consideration for the conveyance authorized under subsection (b), the State of South Carolina shall convey to the United States land and improvements in the Poinsett Weapons Range, which are currently being leased from the State of South Carolina, and any contiguous and surrounding parcels which the State may own or acquire to improve or enlarge the configuration of the Poinsett Weapons Range to suit the needs of the Air Force. The fair market value of the real property conveyed to the United States shall be at least equal to the fair market value of the real property conveyed to the State under subsection (b).

(2) The Poinsett Weapons Range contains approximately 8,357.96 acres and is situated in Sumter County, South Carolina. Its perimeter boundaries are described by bearings and distances on a plat of survey prepared by Palmer B. Mallard and Associates, South Carolina Registered Land Surveyors, dated May 1, 1967, last revised in October 1981.

(d) REVERSIONARY INTEREST.—The major portion of the land to be conveyed by the State of South Carolina under subsection (c)(1) was originally conveyed to the South Carolina State Forestry Commission by the United States under the Bankhead-Jones Farm Tenant Act (50 Stat. 522; 7 U.S.C. 1000 et seq.), subject to reservation of mineral rights and subject also to a reversion of title if the State ceased to use such properties for public purposes. The conveyance of such land to the United States under subsection (c)(1) shall be deemed to be in compliance with the public purpose covenants imposed upon conveyance to the South Carolina State Forestry Commission.

(e) RESERVATION FOR FOREST PRODUCTS HARVESTING.—The Secretary of Air Force may accept the land to be conveyed by the State of South Carolina under subsection (c)(1), subject to a reservation allowing the South Carolina Forestry Commission to harvest forest products on such terms as the Secretary may prescribe.

(f) ACQUISITION OF ADDITIONAL LAND.—The Secretary of the Air Force may acquire, to the extent provided in appropriation Acts, such additional parcels of land in the vicinity of the Poinsett Weapons Range as the Secretary considers to be necessary to reconfigure and enhance the Poinsett Weapons Range. Such acquisition shall be consistent with the requirements of section 2662(a) of title 10, United States Code.

SEC. 2834. LAND CONVEYANCE, PITTSBURGH, PENNSYLVANIA.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Army may convey, without reimbursement, to the Urban Redevelopment Authority of Pittsburgh, Pennsylvania, all right, title, and interest of the United States in and to a tract of real property (including improvements thereon) known as the Hays Army Ammunition Plant and consisting of approximately 11.9983 acres in the Borough of West Homestead and the City of Pittsburgh, Pennsylvania.

(b) CONDITION OF TRANSFER.—The Secretary of the Army may not make the conveyance authorized by subsection (a) unless the Secretary is able to issue a statement of condition certifying that the Hays Army Ammunition Plant is environmentally clean and safe for nonmilitary use.

(c) LEGAL DESCRIPTION AND SURVEY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by surveys that are satisfactory to the Secretary. The cost of such survey shall be borne by the Urban Redevelopment Authority of Pittsburgh.

(d) OTHER TERMS AND CONDITIONS.—The Secretary may require such other terms and conditions with respect to the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LEASE OF PROPERTY AT THE NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.

(a) LEASE AUTHORIZED.—Subject to subsections (b) and (c), the Secretary of the Navy may lease to the Union Pacific Railroad Company (in this section referred to as the ''Company'') not more than 15 acres of real property, together with improvements thereon, located at the Naval Supply Center, Oakland, California.

(b) TERM OF LEASE; RESTRICTIONS ON USE.—The lease entered into under subsection (a) shall be for an initial period of not more than 25 years. The Company shall be given an option to extend the lease for an additional period of not more than 25 years. The lease shall contain the condition that use of the leased property is restricted to freight transportation purposes.

(c) CONSIDERATION.—As consideration for the lease of the real property under subsection (a), the Company shall pay to the Secretary of the Navy—

(1) the fair market rental value of the leased property;

(2) an amount, determined by the Secretary and the Company, equal to the replacement cost of those facilities on the leased property requiring replacement by the Secretary; and

(3) an amount, determined by the Secretary and the Company, equal to the expenses to be incurred by the Secretary to relocate Navy operations currently conducted on the leased property to another location at the Naval Supply Center, Oakland, California.

(d) USE OF FUNDS.—(1) To the extent provided in appropriation Acts, the Secretary of the Navy may use amounts received under subsection (c)(1) to pay for improvement, maintenance, repair, construction, or restoration at the Naval Supply Center, Oakland, California.

(2) To the extent provided in appropriation Acts, the Secretary may use amounts received under paragraphs (2) and (3) of subsection (c) to pay for relocation expenses and constructing new facilities, or making modifications to existing facilities, that are necessary to replace facilities on the leased property. Amounts received in excess of the amounts used under this paragraph may be used for the purposes set forth in paragraph (1).

(e) AUTHORITY TO DEMOLISH AND CONSTRUCT FACILITIES.—Under the terms of the lease, the Secretary of the Navy may authorize the Company to demolish existing facilities on the leased property and construct new facilities on the property for the use of the Company. In lieu of payments required under subsection (c)(2), the Secretary may authorize the Company to construct replacement facilities for use by the Navy.

(f) ADDITIONAL TERMS.—The Secretary of the Navy may require such additional terms and conditions in connection with lease authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. GRANT OF EASEMENT AT NAVAL AIR STATION, MIRAMAR, SAN DIEGO, CALIFORNIA.

(a) AUTHORITY TO GRANT EASEMENT.—Subject to subsection (b), the Secretary of the Navy may grant to San Diego Gas and Electric Company (in this section referred to as ''SDG&E'') an easement on a parcel of real property consisting of approximately 120 acres that is located in the northeast portion of Naval Air Station, Miramar, California (in this section referred to as the ''Air Station''). The purpose of the easement is to enable SDG&E to construct, operate, and maintain an electric transmission substation and associated electric transmission lines.

(b) CONSIDERATION.—(1) In consideration for the grant of an easement to SDG&E under subsection (a), SDG&E shall pay to the United States an amount that is not less than the fair market value of that easement, as determined by the Secretary.

(2) The Secretary may accept from SDG&E, in lieu of payment of up to 50 percent of the agreed consideration, the following:

(A) The establishment of an alternative source of 12 kilovolts of electric power for the Air Station.

(B) Such improvements to the electrical distribution system of the Air Station as the Secretary designates for the purposes of this paragraph.

(c) USE OF PROCEEDS.—(1) The amounts of consideration paid under subsection (b) shall be deposited in the special account established for the Department of the Navy under section 2667(d)(1)(A) of title 10, United States Code.

(2) To the extent provided in appropriations Acts, of the sums in such account—

(A) there shall be available for facility maintenance and repair and for environmental restoration by the Department of the Navy the amount equal to 50 percent of the total agreed consideration for the grant of the easement under subsection (a); and

(B) there shall be available for facility maintenance and repair or environmental restoration of the Air Station, the amount equal to the excess (if any) of 50 percent of such total consideration over the amount equal to the sum of—

(i) the total cost incurred by SDG&E for the establishment of the alternative power source pursuant to subsection (b)(2)(A); and

(ii) the total cost of the improvements made by SDG&E pursuant to subsection (b)(2)(B).

(d) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property subject to the easement granted under this section shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by SDG&E.

(e) ADDITIONAL TERMS.—The Secretary may require any additional terms and conditions in connection with the grant of an easement under this section that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2837. LAND CONVEYANCE, NAVAL RESERVE CENTER, SANTA BARBARA, CALIFORNIA.

(a) CONVEYANCE.—Subject to subsections (b) and (c), the Secretary of the Navy may convey to the City of Santa Barbara (in this section referred to as the ''City'') all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately one acre and known as the Santa Barbara Naval Reserve Center.

(b) CONSIDERATION.—As consideration for the conveyance authorized in subsection (a), the City shall be required to pay to the United States an amount equal to the lesser of—

(1) $2,400,000; and

(2) the actual cost to construct a naval reserve center to replace the Santa Barbara Naval Reserve Center conveyed under subsection (a).

(c) CONDITIONS OF SALE.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) The City shall be required to enter into an agreement with the Coast Guard under which the City—

(A) will permit the Coast Guard to remain indefinitely at its current location on the property being conveyed under subsection (a) at no cost to the Federal Government; or

(B) will provide substitute facilities, acceptable to the Coast Guard, at no cost to the Federal Government.

(2) The City shall be required to enter into an agreement with the National Oceanic and Atmospheric Administration under which the City—

(A) will permit the National Oceanic and Atmospheric Administration to remain at least until May 1, 1993, at its current location on the property being conveyed under subsection (a), at no cost to the Federal Government; or

(B) will provide substitute facilities, acceptable to the National Oceanic and Atmospheric Administration, at no cost to the Federal Government.

(3) The City shall be required to enter into an agreement with the Secretary of the Navy under which the City will permit the Navy to continue to occupy, without cost to the Federal Government, the property being conveyed under subsection (a) until the replacement facility constructed under subsection (d) is suitable for occupancy.

(d) USE OF PROCEEDS.—The Secretary of the Navy may use the amounts paid by the City under subsection (b) to construct a replacement naval reserve center to be located upon the Naval Construction Battalion Center, Port Hueneme, California, or at another suitable location, as determined by the Secretary.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of such survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy 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. 2838. LAND CONVEYANCE, FOREST GLEN ANNEX, WALTER REED ARMY MEDICAL CENTER, MARYLAND.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Army shall convey, without consideration, to the Maryland-National Capital Park and Planning Commission (in this section referred to as the ''Commission'') all right, title, and interest of the United States in and to approximately 10 acres of real property at the Forest Glen Annex of the Walter Reed Army Medical Center, consisting of woodlands located north and west of Ireland Drive.

(b) CONDITION ON USE OF CONVEYED PROPERTY.—The conveyance required by subsection (a) shall be subject to the condition that the Commission use the property conveyed only as a public park and maintain the property in its entirety as woodlands for the public benefit.

(c) REVERSION.—If the Secretary of the Army determines at any time that the Commission is not complying with the condition specified in subsection (b), all right, title, and interest in and to the property conveyed pursuant to subsection (a) shall revert to the United States.

(d) LEGAL DESCRIPTION AND SURVEY.—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 of the Army. The Commission shall bear the expense of the survey.

SEC. 2839. LAND CONVEYANCE, WILLIAMS AIR FORCE BASE, ARIZONA.

(a) IN GENERAL.—(1) Subject to subsections (c) and (d), the United States shall acquire by condemnation or otherwise all right, title, and interest of the State of Arizona in and to the trust lands of the State of Arizona described in paragraph (2).

(2) The trust lands referred to in paragraph (1) are as follows:

(A) A parcel consisting of approximately 81,121 acres located in the Goldwater Aerial Gunnery Range, Yuma County and Maricopa County, Arizona, and used by the Air Force for activities relating to aerial gunnery and bombing practice.

(B) A parcel consisting of approximately 7,563 acres located in the Yuma Test Station, Yuma County, Arizona, and used by the Army for activities relating to field artillery testing.

(C) A parcel consisting of approximately 1,537 acres located in the Fort Huachuca East Range, Chocise County, Arizona, and used by the Army for activities relating to field training exercises.

(D) A parcel consisting of approximately 133 acres located in Davis-Monthan Air Force Base, Tucson, Arizona.

(b) CONSIDERATION.—As consideration for the acquisition by the United States of the

trust lands of the State of Arizona under subsection (a), the Secretary of the Air Force shall convey to the State of Arizona all right, title, and interest of the United States in and to a parcel of real property located at Williams Air Force Base, Arizona, together with any improvements thereon, that is approximately equal in fair market value to the fair market value of the property acquired under that subsection.

(c) CONDITIONS.—The Secretary of the Air Force may make the conveyance described in subsection (b) only if—

(1) the fair market value of the real property acquired by the United States under subsection (a) is at least equal to the fair market value of the property conveyed by the Secretary of the Air Force under subsection (b);

(2) the conveyance of the Secretary of the Air Force to the State of Arizona under subsection (b) is accepted as full consideration for the conveyance of property to the United States under subsection (a) and terminates all right, title, and interest of all parties other than the United States in and to the property conveyed to the United States under subsection (a); and

(3) the Secretary of the Air Force has complied with all environmental protection, remediation, and restoration laws that are applicable to the disposal of Williams Air Force Base, Arizona.

(d) LIMITATION ON CONVEYANCE AUTHORITY.—The conveyance of real property described in subsection (b) may not be made until adequate prior opportunity has been provided for the disposition of such property under provisions of law to which the disposition of excess property and surplus property is subject under section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), except the requirement of disposition by public advertising.

(e) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary of the Air Force shall determine the fair market value of the parcels of real property to be acquired pursuant to subsection (a) and conveyed pursuant to subsection (b). Such determinations shall be final.

(f) DESCRIPTIONS OF PROPERTY.—The exact acreages and legal descriptions of the parcels of real property to be acquired pursuant to subsection (a) and conveyed pursuant to subsection (b) shall be determined by surveys that are satisfactory to the Secretary of the Air Force. The cost of such surveys shall be borne by the State of Arizona.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require any additional terms and conditions in connection with the conveyance and acquisitions under this section that the Secretary determines appropriate to protect the interests of the United States.

Subtitle D—Miscellaneous

SEC. 2841. REAL PROPERTY TRANSACTIONS: REPORTS TO THE ARMED SERVICES COMMITTEES.

Section 2662 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) The reporting requirements of subsections (a), (b), and (e) are waived under the provisions of this subsection in the event of a declaration of war, in the event of a declaration of a national emergency by the President pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.), or for real property transactions required in connection with a contingency operation. The Secretary of a military department shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives not later than 30 days after entering into a transaction for which the prior congressional notification requirements imposed by this section are waived by operation of this subsection.''.

SEC. 2842. CLARIFICATION OF AUTHORITY TO LEASE NON-EXCESS PROPERTY.

Section 2667(b)(4) of title 10, United States Code, is amended by inserting '', in the case of the lease of real property,'' after ''shall provide''.

SEC. 2843. STORAGE AND DISPOSAL OF HAZARDOUS MATERIALS ON ARSENAL PROPERTY IN CONJUNCTION WITH THIRD-PARTY CONTRACTS.

Section 2692(b) of title 10, United States Code, is amended—

(1) by striking out ''and'' at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof ''; and''; and

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

''(8) the storage or 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 the Department of Defense.''.

SEC. 2844. LIMITATION ON LEASING OF MILITARY FAMILY HOUSING WORLDWIDE BY THE DEPARTMENT OF THE ARMY.

Section 2105(a)(6)(B) the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1512) is amended by striking out ''$360,783,000'' and inserting in lieu thereof ''$395,783,000''.

SEC. 2845. REPORT ON CONTINUED MILITARY NEED FOR BELLOWS AIR FORCE STATION, HAWAII.

(a) REPORT REQUIRED.—The Secretary of Defense, the Secretary of the Air Force, and the Secretary of the Navy shall jointly prepare a report evaluating the military necessity of maintaining Bellows Air Force Station on the Island of Oahu, Hawaii, as a military installation of the Department of Defense.

(b) COMMUNICATION FACILITY.—As part of the report, the Secretary of the Air Force shall describe one or more alternative locations under the jurisdiction of the Department of Defense in the State of Hawaii that would be suitable for the communication operations currently conducted at Bellows Air Force Station and the cost of relocating such operations.

(c) MARINE CORPS TRAINING.—As part of the report, the Secretary of the Navy shall describe one or more alternative locations under the jurisdiction of the Department of Defense in the State of Hawaii that would be suitable for the training activities of the Marine Corps periodically conducted at Bellows Air Force Station.

(d) SUBMISSION OF REPORTS.—The report required by this section shall be submitted to Congress not later than March 1, 1993.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for operating expenses incurred in carrying out weapons activities necessary for national security programs in the amount of $4,103,909,000, to be allocated as follows:

(1) For research and development, $1,175,900,000.

(2) For weapons testing, $429,500,000.

(3) For production and surveillance, $2,172,600,000.

(4) For program direction, $325,909,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out weapons activities necessary for national security programs as follows:

Project GPD–101, general plant projects, various locations, $28,650,000.

Project GPD–121, general plant projects, various locations, $27,350,000.

Project 93–D–102, Nevada support facility, North Las Vegas, Nevada, $2,000,000.

Project 93–D–122, life safety upgrades, Y–12 Plant, Oak Ridge, Tennessee, $2,700,000.

Project 93–D–123, complex–21, various locations, $26,000,000.

Project 92–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations, $35,000,000.

Project 92–D–122, health physics/environmental projects, Rocky Flats Plant, Golden, Colorado, $5,300,000.

Project 92–D–123, plant fire/security alarm systems replacement, Rocky Flats Plant, Golden, Colorado, $8,700,000.

Project 92–D–126, replace emergency notification systems, various locations, $10,900,000.

Project 91–D–127, criticality alarm and production annunciation utility replacement, Rocky Flats Plant, Golden, Colorado, $6,300,000.

Project 90–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $50,120,000.

Project 90–D–126, environmental, safety, and health enhancements, various locations, $9,200,000.

Project 88–D–104, safeguards and security upgrade, Phase II, Los Alamos, National Laboratory, New Mexico, $1,000,000.

Project 88–D–106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $34,400,000.

Project 88–D–122, facilities capability assurance program, various locations, $87,100,000.

Project 86–D–130, tritium loading facility replacement, Savannah River Plant, Aiken, South Carolina, $4,865,000.

Project 85–D–105, combined device assembly facility, Nevada Test Site, Nevada, $3,610,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for capital equipment not related to construction in carrying out weapons activities necessary for national security programs in the amount of $229,835,000.

(d) ADJUSTMENTS FOR SAVINGS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $128,200,000.

SEC. 3102. NEW PRODUCTION REACTORS.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for operating expenses incurred in carrying out new production reactor activities necessary for national security programs in the amount of $141,510,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for plant projects (including maintenance, restoration, planning, construction, acquisition,

modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out new production reactor activities necessary for national security programs as follows:

Project 88–D–154, new production reactor capacity, various locations, $149,290,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for capital equipment not related to construction in carrying out new production reactor activities necessary for national security programs in the amount of $6,000,000.

(d) ADJUSTMENTS FOR SAVINGS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $125,000,000.

SEC. 3103. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for operating expenses incurred in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $3,952,918,000, to be allocated as follows:

(1) For corrective activities—environment, $2,431,000.

(2) For corrective activities—defense program, $7,386,000.

(3) For environmental restoration, $1,380,670,000.

(4) For waste management, $2,186,260,000.

(5) For technology development, $330,700,000.

(6) For transportation management, $19,335,000.

(7) For program direction, $26,136,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out environmental restoration and waste management activities necessary for national security programs as follows:

Project GPD–171, general plant projects, various locations, $83,285,000.

Project 93–D–172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, $1,000,000.

Project 93–D–174, plant drain waste water treatment upgrades, Y–12, Oak Ridge, Tennessee, $1,800,000.

Project 93–D–175, industrial waste compaction facility, Y–12, Oak Ridge, Tennessee, $2,200,000.

Project 93–D–176, Oak Ridge reservation storage facility, K–25, Oak Ridge, Tennessee, $4,000,000.

Project 93–D–177, disposal of K–1515 sanitary water treatment plant waste, K–125, Oak Ridge, Tennessee, $1,500,000.

Project 93–D–178, building 374 liquid waste treatment facility, Rocky Flats, Golden, Colorado, $2,700,000.

Project 93–D–180, environmental monitoring–RCRA groundwater monitoring installation, Richland, Washington, $8,700,000.

Project 93–D–181, radioactive liquid waste line replacement, Richland, Washington, $350,000.

Project 93–D–182, replacement of cross-site transfer system, Richland, Washington, $4,495,000.

Project 93–D–183, multi-tank waste storage facility, Richland, Washington, $10,300,000.

Project 93–D–184, 325 facility compliance/renovation, Richland, Washington, $1,500,000.

Project 93–D–185, landlord program safety compliance, Phase II, Richland, Washington, $849,000.

Project 93–D–186, 200 area unsecured core area fabrication shop, Richland, Washington, $1,000,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River, Aiken, South Carolina, $2,000,000.

Project 93–D–188, new sanitary landfill, Savannah River, Aiken, South Carolina, $2,000,000.

Project 92–D–171, mixed waste receiving and storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $3,000,000.

Project 92–D–172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, $1,900,000.

Project 92–D–173, nitrogen oxide abatement facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $7,000,000.

Project 92–D–177, tank 101–AZ waste retrieval system, Richland, Washington, $3,000,000.

Project 92–D–180, inter-area line upgrade, Savannah River, Aiken, South Carolina, $5,840,000.

Project 92–D–181, INEL fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $8,000,000.

Project 92–D–182, INEL sewer system upgrade, Idaho National Engineering Laboratory, Idaho, $3,700,000.

Project 92–D–183, INEL transportation complex, Idaho National Engineering Laboratory, Idaho, $5,860,000.

Project 92–D–184, Hanford infrastructure underground storage tanks, Richland, Washington, $3,700,000.

Project 92–D–185, road, ground, and lighting safety improvements, 300/1100 areas, Richland, Washington, $6,500,000.

Project 92–D–187, 300 area electrical distribution, conversion, and safety improvements, Phase II, Richland, Washington, $1,724,000.

Project 92–D–188, waste management ES&H, and compliance activities, various locations, $1,000,000.

Project 92–D–402, sanitary sewer system rehabilitation, Lawrence Livermore National Laboratory, California, $5,500,000.

Project 92–D–403, tank upgrade project, Lawrence Livermore National Laboratory, California, $10,100,000.

Project 91–EM–100, environmental and molecular sciences laboratory, Richland, Washington, $28,500,000.

Project 91–D–171, waste receiving and processing facility, module 1, Richland, Washington, $21,800,000.

Project 91–D–172, high-level waste tank farm replacement, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $57,530,000.

Project 91–D–173, hazardous low-level waste processing tanks, Savannah River, South Carolina, $15,300,000.

Project 91–D–175, 300 area electrical distribution, conversion, and safety improvements, Phase I, Richland, Washington, $981,000.

Project 90–D–103, environment, safety, and health improvements, various locations, Los Alamos National Laboratory, $6,315,000.

Project 90–D–174, decontamination laundry facility, Richland, Washington, $7,442,000.

Project 90–D–175, landlord program safety compliance-I, Richland, Washington, $4,753,000.

Project 90–D–176, transuranic (TRU) waste facility, Savannah River, South Carolina, $5,000,000.

Project 90–D–177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $41,700,000.

Project 89–D–122, production waste storage facilities, Y–12 Plant, Oak Ridge, Tennessee, $4,200,000.

Project 89–D–172, Hanford environmental compliance, Richland, Washington, $44,950,000.

Project 89–D–173, tank farm ventillation upgrade, Richland, Washington, $7,000,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River, South Carolina, $15,795,000.

Project 89–D–175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina, $7,900,000.

Project 88–D–173, Hanford waste vitrification plant, Richland, Washington, $81,471,000.

Project 87–D–181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $3,386,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, California, $2,755,000.

Project 83–D–148, nonradioactive hazardous waste management, Savannah River, South Carolina, $9,612,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for capital equipment not related to construction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $149,198,000, to be allocated as follows:

(1) For corrective activities—defense programs, $1,120,000.

(2) For waste management, $128,749,000.

(3) For technology development, $16,200,000.

(4) For transportation management, $465,000.

(5) For program direction, $2,664,000.

SEC. 3104. NUCLEAR MATERIALS PRODUCTION AND OTHER DEFENSE PROGRAMS.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for operating expenses incurred in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For nuclear materials production, $1,420,475,000.

(2) For verification and control technology, $222,215,000.

(3) For nuclear safeguards and security, $81,837,000.

(4) For security investigations, $58,289,000.

(5) For security evaluations, $15,150,000.

(6) For nuclear safety, $20,000,000.

(7) For naval reactors development, $634,400,000.

(8) For enriched material, $77,000,000.

(9) For education programs, $22,400,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For materials production:

Project GPD–146, general plant projects, various locations, $38,260,000.

Project 93–D–147, domestic water system upgrade, Phase I, Savannah River, South Carolina, $1,000,000.

Project 93–D–148, replace high-level drain lines, Savannah River, South Carolina, $800,000.

Project 93–D–152, environmental modification for production facilities, Savannah River, South Carolina, $2,000,000.

Project 93–D–153, uranium recovery hydrogen fluoride system upgrade, Y–12 Plant, Oak Ridge, Tennessee, $2,400,000.

Project 92–D–140, F&H canyon exhaust upgrades, Savannah River, South Carolina, $16,200,000.

Project 92–D–141, reactor seismic improvement, Savannah River, South Carolina, $5,000,000.

Project 92–D–142, nuclear material processing training center, Savannah River, South Carolina, $11,700,000.

Project 92–D–143, health protection instrument calibration facility, Savannah River, South Carolina, $8,000,000.

Project 92–D–150, operations support facilities, Savannah River, South Carolina, $4,100,000.

Project 92–D–153, engineering support facility, Savannah River, South Carolina, $3,500,000.

Project 90–D–141, Idaho Chemical Processing Plant fire protection, Idaho National Engineering Laboratory, Idaho, $1,553,000.

Project 90–D–149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, $39,685,000.

Project 90–D–150, reactor safety assurance, Phases I, II, and III, Savannah River, South Carolina, $4,210,000.

Project 89–D–149, additional separations safeguards, Savannah River, South Carolina, $13,104,000.

Project 89–D–148, improved reactor confinement system, Savannah River, South Carolina, $4,240,000.

Project 86–D–149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations, $11,651,000.

Project 86–D–152, reactor electrical distribution system, Savannah River, South Carolina, $5,647,000.

Project 85–D–139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $15,000,000.

Project 85–D–145, fuel production facility, Savannah River Site, South Carolina, $17,000,000.

(2) For verification and control technology:

Project 90–D–186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, $10,000,000.

(3) For nuclear safeguards and security:

Project GPD–186, general plant projects, Central Training Academy, Albuquerque, New Mexico, $2,000,000.

(4) For naval reactors development:

Project GPN–101, general plant projects, various locations, $8,500,000.

Project 93–D–200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $2,200,000.

Project 92–D–200, laboratories facilities upgrades, various locations, $7,500,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $13,600,000.

Project 90–N–103, advanced test reactor off-gas treatment system, Idaho National Engineering Laboratory, Idaho, $500,000.

Project 90–N–104, facilities renovation, Knolls Atomic Power Laboratory, Niskayuna, New York, $2,900,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for capital equipment not related to construction in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For nuclear materials production, $80,900,000.

(2) For verification and control technology, $9,500,000.

(3) For nuclear safeguards and security, $5,327,000.

(4) For naval reactors development, $60,400,000.

(d) ADJUSTMENTS.—The total amount that may be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced—

(1) by $400,000,000 (for recovery of overpayment to the Savannah River Pension Fund); and

(2) by $31,082,000 (for anticipated savings).

SEC. 3105. FUNDING USES AND LIMITATIONS.

(a) INERTIAL CONFINEMENT FUSION.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1993 for operating expenses and plant and capital equipment, $212,310,000 shall be available for the defense inertial confinement fusion program.

(b) NONNUCLEAR RECONFIGURATION.—None of the funds appropriated or otherwise made available for the Department of Energy for fiscal year 1993 may be obligated to implement the reconfiguration of nonnuclear activities of the Department of Energy until the occurrence of the following:

(1) The Secretary of Energy submits a report to the congressional defense committees that contains an analysis of the projected costs and benefits of the proposed nonnuclear reconfiguration and an analysis of the alternatives considered. The analyses shall take into account all relevant costs and benefits and shall include a discounted cash flow analysis of each alternative.

(2) The Secretary of Energy submits to the congressional defense committees a certification that the discounted cash flow analysis demonstrates—

(A) that the proposed nonnuclear reconfiguration is cost-effective; and

(B) in the case of components proposed to be produced in a government-owned, contractor-operated facility, that such production is cost-effective on a component-by-component basis.

(3) A period of 90 days has elapsed after the later of—

(A) the submission of the report under paragraph (1); and

(B) the submission of the certification under paragraph (2).

(c) ALLOWABLE FUNDING.—Nothing in this subsection prohibits the obligation of funds for studies, analysis, or preparation of conceptual designs that are necessary to assess the cost-effectiveness or feasibility of nonnuclear reconfiguration.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—

(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) $10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may not be taken until—

(A) the Secretary of Energy has submitted to the congressional defense committees a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed $1,200,000.

(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 $1,200,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—

(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, 3103, and 3104 of this title, 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 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 actions and the circumstances making such actions necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

Funds appropriated pursuant to this title may be transferred to other agencies of Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—

(1) Within the amounts authorized by this title for plant engineering and design, the Secretary of Energy may carry out advance planning and construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In the case of any project in which the total estimated cost for advance planning and design exceeds $300,000, the Secretary shall notify the congressional defense committees in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such planning and

design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, 3103, 3104, to perform planning, design, and construction activities for any Department of Energy defense activity construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b) does not apply to emergency planning, design, and construction activities conducted under this section.

(d) REPORT.—The Secretary of Energy shall promptly report to the congressional defense committees any exercise of authority under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses or for plant and capital equipment may remain available until expended.

Subtitle C—Miscellaneous

SEC. 3131. USE OF FUNDS FOR PAYMENT OF PENALTY ASSESSED AGAINST FERNALD ENVIRONMENTAL MANAGEMENT PROJECT.

The Secretary of Energy may pay to the Environmental Protection Agency, from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3103, a stipulated civil penalty in the amount of $100,000 assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) against the Fernald Environmental Management Project.

SEC. 3132. ONE-YEAR MORATORIUM ON NUCLEAR TESTING.

During the one-year period beginning on the date of the enactment of this Act, none of the funds made available under any provision of law may be available to conduct any explosive nuclear weapons test unless the President certifies to Congress that any of the independent states of the former Soviet Union has conducted an explosive nuclear weapons test during that period.

Subtitle D—International Fissile Material and Warhead Control

SEC. 3141. FINDINGS.

The Congress makes the following findings:

(1) The United States is now observing a de facto moratorium on the production of fissile materials and has not produced highly enriched uranium for nuclear weapons since 1964, while Russia has ceased production of highly enriched uranium for nuclear weapons but continues to operate reactors for the production of plutonium for nuclear weapons.

(2) The United States and Russia have recently announced major reductions in their nuclear arsenals well below the levels required by the START Treaty, and both nations expect to make further reductions in strategic arms, which will create a large surplus of nuclear weapons material.

(3) On February 12, 1992, the government of Russia proposed a reciprocal exchange of information between all nuclear powers on inventories of nuclear weapons and fissile materials, and on nuclear weapons production, storage, and elimination facilities.

(4) On May 29, 1991, the President called on the nations of the Middle East to implement a verifiable ban on the production of nuclear weapons material in order to control the proliferation of nuclear weapons.

(5) A bilateral or multilateral ban on the production of nuclear weapons materials would raise nonproliferation barriers because nuclear weapons cannot be built without adequate supplies of these materials. If such a ban were extended to other nations it would prevent the production of nuclear weapons by countries that do not possess nuclear materials.

(6) Inspection and safeguards procedures for verifying dismantlement of downloaded and retired nuclear warheads and the disposition of the removed fissile materials should be examined for inclusion in future arms reduction agreements or verification protocols, for the purpose of making reductions in nuclear arsenals irreversible. Such inspections and safeguards would insure against rapid redeployment of warheads in the empty spaces on downloaded missiles, bar potential reuse of surplus warheads on delivery systems not limited by existing agreements, and reduce inventories of nuclear materials available for potential breakout from the agreement.

SEC. 3142. NEGOTIATIONS.

(a) IN GENERAL.—The Congress urges the President to enter into negotiations with member states of the Commonwealth of Independent States, to complement ongoing and future arms reduction negotiations and agreements, with the goal of achieving verifiable agreements in the following areas:

(1) Dismantlement of nuclear weapons.

(2) The safeguard and permanent disposal of nuclear materials.

(3) An end by the United States and member states of the Commonwealth of Independent States to the production of plutonium and highly enriched uranium for nuclear weapons.

(4) The extension of negotiations on these issues to all nations capable of producing nuclear weapons materials.

(b) EXCHANGES OF INFORMATION.—The Congress urges the President, in order to establish a data base on production capabilities of member states of the Commonwealth of Independent States and their stockpiles of fissile materials and nuclear weapons, to seek to achieve agreements with such states to reciprocally release information on—

(1) United States and the member states nuclear weapons stockpiles, including the number of warheads and bombs by type, and schedules for weapons production and dismantlement;

(2) the location, mission, and maximum annual production capacity of United States and member states facilities that are essential to the production of tritium for replenishment of that nation's tritium stockpile;

(3) the inventory of United States and member states facilities dedicated to the production of plutonium and highly enriched uranium for weapons purposes; and

(4) United States and members states stockpiles of plutonium and highly enriched uranium used for nuclear weapons.

(c) TECHNICAL WORKING GROUPS.—The Congress urges the President, in order to facilitate the achievement of agreements referred to in subsection (a), to establish with member states of the Commonwealth of Independent States and with other nations capable of producing nuclear weapons material bilateral or multilateral technical working groups to examine and demonstrate cooperative technical monitoring and inspection arrangements that could be applied to the verification of—

(1) information on mission, location, and maximum annual production capacity of nuclear material production facilities and the size of stockpiles of plutonium and highly enriched uranium;

(2) nuclear arms reduction agreements that would include provisions requiring the verifiable dismantlement of nuclear warheads; and

(3) bilateral or multilateral agreements to halt the production of plutonium and highly enriched uranium for nuclear weapons.

(d) REPORT.—The President shall submit to the Congress, not later than December 15, 1992, a report on the progress made by the President in implementing the actions called for in subsections (a) through (c).

(e) PRODUCTION BY COMMONWEALTH OF INDEPENDENT STATES.—The Congress urges the Presidents of the member states of the Commonwealth of Independent States—

(1) to institute a moratorium on production of plutonium and highly enriched uranium for nuclear weapons; and

(2) to pledge to continue such moratorium for so long as the United States maintains its moratorium on production of such materials.

SEC. 3143. AUTHORITY TO RELEASE CERTAIN RESTRICTED DATA.

Section 142 of the Atomic Energy Act of 1954 (42 U.S.C. 2162) is amended by adding at the end the following new subsection:

''f. Notwithstanding any other law, the President may publicly release Restricted Data regarding the nuclear weapons stockpile of the United States if the United States and member states of the Commonwealth of Independent States reach reciprocal agreement on the release of such data.''.

SEC. 3144. DEVELOPMENT AND DEMONSTRATION PROGRAM.

(a) PROGRAM.—The Secretary of Energy shall use not less than $10,000,000 of the funds available to the Secretary for national security programs of the Department of Energy for fiscal year 1993 to carry out a program—

(1) to develop and demonstrate a means for verifiable dismantlement of nuclear warheads;

(2) to safeguard and dispose of nuclear materials; and

(3) to develop reliable techniques and procedures for verifying a global ban on the production of fissile materials for weapons purposes.

(b) REPORT.—The Secretary shall include a report on such program in budget justification documents submitted to Congress in support of the budget of the Department of Energy for fiscal year 1994. The report shall be submitted in both classified and unclassified form.

SEC. 3145. PRODUCTION OF TRITIUM.

Nothing in this part may be construed as intending to affect the production of tritium.

Subtitle E—Defense Nuclear Workers

SEC. 3161. PROGRAM TO MONITOR DEPARTMENT OF ENERGY WORKERS EXPOSED TO HAZARDOUS AND RADIOACTIVE SUBSTANCES.

(a) IN GENERAL.—The Secretary shall establish and carry out a program for the identification and on-going medical evalua-

tion of current and former Department of Energy employees who are subject to significant health risks as a result of the exposure of such employees to hazardous or radioactive substances during such employment.

(b) IMPLEMENTATION OF PROGRAM.—(1) In establishing and carrying out the program referred to in this section, the Secretary shall—

(A) identify the hazardous substances and radioactive substances to which current and former Department of Energy employees may have been exposed as a result of such employment;

(B) prescribe guidelines for determining the levels of exposure to such substances that present such employees with significant health risks;

(C) prescribe guidelines for determining the appropriate number, scope, and frequency of medical evaluations and laboratory tests to be provided to such employees to permit the Secretary to evaluate fully the extent, nature, and medical consequences of such exposure:

(D) identify (pursuant to the guidelines referred to in subparagraph (B)) each employee referred to in subparagraph (A) who received a level of exposure referred to in subparagraph (B); and

(E) provide (pursuant to the guidelines referred to in subparagraph (C)) the evaluations and tests referred to in subparagraph (C) to the employees referred to in subparagraph (D).

(2)(A) The Secretary carry out his responsibilities under subparagraphs (A) through (C) of paragraph (1) with the concurrence of the Secretary of Health and Human Services.

(B) In prescribing guidelines under paragraph (1)(C), the Secretary shall permit the participation of appropriate representatives of the following entities:

(i) The American College of Physicians.

(ii) The National Academy of Sciences.

(iii) Any labor organization or other bargaining unit authorized to act on the behalf of employees of a Department of Energy defense nuclear facility.

(C) The Secretary of Health and Human Services shall carry out his responsibilities under this paragraph with the assistance of the Director of the Centers for Disease Control and the Director of the National Institute for Occupational Safety and Health.

(3) The Secretary shall notify each employee identified under paragraph (1)(D) and provided with any medical examination or test under paragraph (1)(E) of the identification and the results of any such examination or test. Each notification under this paragraph shall be provided in a form that is readily understandable by the employee.

(4) The Secretary shall collect and assemble information relating to the examinations and tests carried out under paragraph (1)(E).

(5) The Secretary shall commence carrying out the program described in this subsection not later than one year after the date of the enactment of this Act.

(c) AGREEMENT WITH SECRETARY OF HEALTH AND HUMAN SERVICES.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall enter into an agreement with the Secretary of Health and Human Services pursuant to which the Secretary and the Secretary of Health and Human Services shall carry out the respective activities of the Secretary and the Secretary of Health and Human Services under this section.

SEC. 3162. DEFINITIONS.

For purposes of this subtitle:

(1) The term ''Department of Energy defense nuclear facility'' means—

(A) a production facility or utilization facility (as the term is defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)) that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the tritium loading facility at Savannah River, South Carolina, the 236 H facility at Savannah River, South Carolina; and the Mound Laboratory, Ohio), but the term does not include any facility that does not conduct atomic energy defense activities;

(B) a nuclear waste storage or disposal facility that is under the control or jurisdiction of the Secretary;

(C) a testing and assembly facility that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the test site facility in Nevada; the Pinnellas Plant, Florida; and the Pentex facility, Texas);

(D) a nuclear weapons research facility that is under the control or jurisdiction of the Secretary (including the Lawrence Livermore, Los Alamos, and Sandia National Laboratories); or

(E) any facility described in paragraphs (1) through (4) that—

(i) is no longer in operation;

(ii) was under the control or jurisdiction of the Department of Defense, the Atomic Energy Commission, or the Energy Research and Development Administration; and

(iii) was operated for national security purposes.

(2) The term ''Department of Energy employee'' means any employee of the Department of Energy employed at a Department of Energy defense nuclear facility, including any employee of a contractor or subcontractor of the Department of Energy employed at such a facility.

(3) The term ''Secretary'' means the Secretary of Energy.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1993, $13,000,000 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

Subtitle A—Modernization Program

SEC. 3301. DISPOSAL OF OBSOLETE AND EXCESS MATERIALS CONTAINED IN THE NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL REQUIRED.—In order to modernize the National Defense Stockpile, the President shall dispose of obsolete and excess materials currently contained in the stockpile. The materials subject to disposal under this subsection and the quantity of each material to be disposed of by the President are set forth in the following table:

Required Stockpile Disposals

Material for disposal	Unit	Quantity
Aluminum Oxide, Abrasive Grain.	ST	50,904
Aluminum Oxide, Abrasive Grain, NSG.	ST	118
Aluminum Oxide, Fused Crude.	ST	249,867
Antimony	ST	2,000
Antimony, NSG.	ST	7
Asbestos, Amosite.	ST	34,005

Required Stockpile Disposals—Continued

Material for disposal	Unit	Quantity
Asbestos, Amosite, NSG.	ST	1
Asbestos, Chrysotile.	ST	9,787
Asbestos, Chrysotile, NSG.	ST	916
Bismuth	LB	1,825,955
Cadmium	LB	6,328,570
Celestite	SDT	13,500
Chromite, Chemical & Met. Grade Ore.	SDT	1,200,000
Chromite, Chem. & Met. Grade Ore, NSG.	SDT	217,441
Chromite, Refractory Grade Ore.	SDT	232,414
Chromium, Ferro, NSG.	ST	18,990
Cobalt	LBCO	6,000,000
Columbium Group, NSG.	LB Cb	1,201,725
Copper	ST	29,047
Copper, NSG	ST	604
Fluorspar, Acid Grade.	SDT	892,856
Fluorspar, Acid Grade, NSG.	SDT	899
Fluorspar, Metallurgical Grade, NSG.	SDT	100,822
Graphite, Natural, Malagasy, Crystalline.	ST	17,217
Graphite, Natural, Malagasy, Crystalline, NSG.	ST	9
Graphite, Natural, Other than Ceylon & Malagasy.	ST	1,933
Graphite, Natural, Other, NSG.	ST	870
Industrial Diamond Bort.	KT	14,020,961
Industrial Diamond Stones.	KT	2,500,000
Iodine	LB	6,054,564
Iodine, NSG	LB	1,342
Jewel bearings, NSG.	PC	51,778,337
Lead, NSG	ST	10
Kyanite	SDT	1,300

Required Stockpile Disposals—Continued

Material for disposal	Unit	Quantity
Manganese Ore, Chem. & Met. Grades.	SDT	1,600,000
Manganese Ore, Chem. & Met. Grades, NSG.	SDT	882,969
Manganese, Battery Grade, Natural Ore.	SDT	169,511
Manganese, Battery Grade, Natural Ore, NSG.	SDT	19,425
Manganese, Battery Grade, Synthetic Dioxide.	SDT	3,011
Mercury	FL	156,853
Mercury, NSG.	FL	3
Mica, Muscovite Film, 1st & 2nd Qualities.	LB	1,155,698
Mica, Muscovite Film, 1st & 2nd Qualities, NSG.	LB	640
Mica, Muscovite Splittings.	LB	14,355,260
Mica, Muscovite, Block, Stained & Better.	LB	4,699,701
Mica, Muscovite, Block, Stained & Better, NSG.	LB	206,730
Mica, Phlogopite Block, NSG.	LB	114,027
Mica, Phlogopite Splittings.	LB	1,486,596
Quartz Crystals, Natural.	LB	800,000
Quinidine	Av Oz	2,471,359
Quinidine, NSG.	Av Oz	1,691
Quinine	Av Oz	2,770,115
Quinine, NSG.	Av Oz	475,950
Rutile	ST	39,130
Rutile, NSG	ST	56
Sapphire & Ruby.	KT	16,305,502
Sebacic Acid	LB	5,009,697
Silicon Carbide.	ST	45,080
Silver	Tr Oz	20,000,000
Talc	ST	1,081
Thorium Nitrate.	LB	7,097,687
Tin	MT	20,000

Required Stockpile Disposals—Continued

Material for disposal	Unit	Quantity
Vegetable Tannin, Chestnut.	LT	11,692
Vegetable Tannin, Quebracho.	LT	121,642
Vegetable Tannin, Wattle.	LT	14,997
Vegetable Tannin, Wattle, NSG.	LT	1

(b) CHANGES IN STOCKPILE REQUIREMENTS.—The stockpile requirement established pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b) for the quantity of a material to be stockpiled under that Act shall not apply with respect to a material set forth in the table in subsection (a) to the extent that the stockpile requirement for that material is inconsistent with the required disposal of that material under that subsection.

(c) SPECIAL RULE FOR SILVER.—The disposal of silver under subsection (a) may only occur in the form of coins.

(d) EFFECT ON PREVIOUS DISPOSAL AUTHORITIES.—The authority provided to the President under subsection (a) to dispose of specific quantities of materials in the stockpile shall supersede any authority of the President or the National Defense Stockpile Manager in effect on the day before the date of the enactment of this Act regarding the disposal of specific quantities of materials in the stockpile.

(e) DEFINITIONS.—For purposes of this part:

(1) The terms ''National Defense Stockpile'' and ''stockpile'' mean the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term ''NSG'', with regard to a material specified in the table in subsection (a), means non-specification grade material.

SEC. 3302. REQUIREMENTS OF MODERNIZATION PROGRAM.

(a) EXISTING DISPOSAL AND ACQUISITION PROCEDURES.—The disposal of materials in the National Defense Stockpile under section 3301(a) shall be carried out in the manner provided in section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(b)), including the requirement to avoid undue disruption of the usual markets of producers, processors, and consumers of such materials.

(b) USE OF BARTER AUTHORIZED.—The President may enter into barter arrangements to dispose of materials under section 3301(a) in order to acquire strategic and critical materials for, or upgrade strategic and critical materials in, the stockpile.

(c) DEPOSIT OF PROCEEDS.—All moneys received from the sale of materials under section 3301(a) shall be deposited in the National Defense Stockpile Transaction Fund established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 3303. REPORT ON IMPLEMENTATION OF MODERNIZATION PROGRAM.

Not later than February 15, 1993, the President shall submit to Congress a report describing the manner in which the President is implementing and carrying out the disposal of stockpile materials under section 3301(a).

SEC. 3304. ADVISORY COMMITTEE REGARDING MODERNIZATION PROGRAM.

(a) APPOINTMENT.—Not later than December 1, 1992, the President shall appoint an advisory committee under section 10 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–1) to assist the President in the preparation of the report required by section 3303 and to advise the President regarding the disposal of stockpile materials under section 3301(a).

(b) MEMBERSHIP.—The members of the committee shall include—

(1) employees of Federal agencies (including the Departments of Commerce, Defense, Interior, and State) who have expertise regarding strategic and critical materials;

(2) representatives of mining, processing, and fabricating industries that would be affected by the modernization program; and

(3) other persons who have expertise regarding strategic and critical materials.

SEC. 3305. TRANSFER OF STOCKPILE FUNDS TO SUPPORT OTHER DEFENSE ACTIVITIES.

(a) TRANSFER AUTHORIZED.—During fiscal year 1993, the Secretary of Defense may transfer, to the extent provided in advance in appropriation Acts, an amount not to exceed $612,000,000 from the unobligated balance of the National Defense Stockpile Transaction Fund established under section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) to appropriation accounts available to the Department of Defense and authorized by law to receive the transfer. A transfer may be made under this subsection only if the President determines that the amount to be transferred is excess to current and projected funding needs for the modernization of the National Defense Stockpile.

(b) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under subsection (a).

Subtitle B—Programmatic Changes

SEC. 3311. REPEAL OF CURRENT DISPOSAL LIMITATIONS.

(a) LIMITATION ON EXCESS BALANCE IN FUND.—Section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(b)) is amended—

(1) by striking out ''(1)''; and

(2) by striking out '', or (2)'' and all that follows through ''$100,000,000.'' and inserting in lieu thereof a period.

(b) FISCAL YEAR 1993 DISPOSAL PROGRAM.—Section 3301 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1583) is repealed.

TITLE XXXIV—CIVIL DEFENSE

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated $132,565,000 for fiscal year 1993 for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.).

TITLE XXXV—PANAMA CANAL COMMISSION

SEC. 3501. SHORT TITLE.

This title may be cited as the ''Panama Canal Act Amendments of 1992''.

SEC. 3502. COSTS OF DISSOLUTION.

(a) IN GENERAL.—The Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) is amended by inserting after section 1304 the following:

''DISSOLUTION OF COMMISSION

''SEC. 1305. (a)(1) The Commission shall conduct a study of—

''(A) the costs associated with the dissolution of the Commission, including the costs of the office authorized to be established under subsection (b); and

''(B) costs and liabilities incurred or administered by the Commission that will not be paid before the date of that dissolution.

''(2) The Commission shall submit to the Congress, by not later than September 30, 1996, a report on the findings and conclusions of the study under this subsection. The report shall include an estimate of the period of time which may be required to close out the affairs of the Commission after the termination of the Panama Canal Treaty of 1977.

''(b) The Commission shall establish an office to close out the affairs of the Commission that are still pending after the termination of the Panama Canal Treaty of 1977.

''(c)(1) There is established in the Treasury of the United States a fund to be known as the 'Panama Canal Commission Dissolution Fund' (hereinafter in this section referred to as the 'Fund'). The Fund shall be managed by the Commission until the termination of the Panama Canal Treaty of 1977 and by the office established under subsection (b) thereafter.

''(2)(A) Subject to paragraph (5), the Fund shall be available after September 30, 1998, to pay—

''(i) the costs of operating the office established under subsection (b); and

''(ii) the costs and liabilities associated with dissolution of the Commission, including such costs incurred or identified after the termination of the Panama Canal Treaty of 1977.

''(B) Payments from the Fund made during the period beginning on October 1, 1998, and ending with the termination of the Panama Canal Treaty of 1977 shall be subject to the approval of the Board provided for in section 1102.

''(3) The Fund shall consist of—

''(A) such amounts as may be deposited into the Fund by the Commission, from amounts collected as toll receipts, to pay the costs described in paragraph (2); and

''(B) amounts credited to the Fund under paragraph (4).

''(4)(A) The Secretary of the Treasury shall invest excess amounts in the Fund in public debt securities with maturities suitable to the needs of the Fund, as determined by the manager of the Fund.

''(B) Securities invested under subparagraph (A) shall bear interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

''(C) Interest earned on securities invested under subparagraph (A) shall be credited to and form part of the Fund.

''(5) Amounts in the Fund may not be obligated or expended in any fiscal year unless the obligation or expenditure is specifically authorized by law.

''(6) The Fund shall terminate on October 1, 2004. Amounts in the Fund on that date shall be deposited in the general fund of the Treasury of the United States.''.

(b) CONFORMING AMENDMENTS.—

(1) AVAILABILITY OF TOLL RECEIPTS.—Section 1302(c) of the Panama Canal Act of 1979 (22 U.S.C. 3712(c)) is amended—

(A) in paragraph (1), by inserting after ''toll receipts'' in the first sentence the following: ''(other than amounts of toll receipts deposited into the Panama Canal Commission Dissolution Fund under section 1305)''; and

(B) in paragraph (3)(A), by inserting ''and the Panama Canal Dissolution Fund'' after ''Panama Canal Revolving Fund''.

(2) BASES OF TOLLS.—Section 1602(b) of the Panama Canal Act of 1979 (22 U.S.C. 3792(b)) is amended by striking ''Panama Canal,'' and inserting ''Panama Canal (including costs authorized to be paid from the Panama Canal Dissolution Fund under section 1305(c)),''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Panama Canal Act of 1979 is amended by inserting after the item relating to section 1304 the following new item:

''1305. Dissolution of Commission.''.

SEC. 3503. RECOMMENDATIONS BY PRESIDENT ON CHANGES TO PANAMA CANAL COMMISSION STRUCTURE.

(a) REPORT.—The President shall develop a plan setting forth recommendations for such changes to the Panama Canal Commission for the operation of the Panama Canal during the period before the termination of the Panama Canal Treaty of 1977 as the President determines would facilitate and encourage the operation of the canal through an autonomous entity under the Government of Panama after the transfer of the canal on December 31, 1999, pursuant to the Panama Canal Treaty of 1977 and related agreements. The President shall submit the plan to Congress, together with a legislative proposal containing any changes to existing law required to implement the plan, not later than one year after the date of the enactment of this Act.

(b) PREPARATION OF PLAN.—Recommendations to the President for purposes of the plan required by subsection (a) shall be prepared with the participation of a representative of each of the following:

(1) The Secretary of State.
(2) The Secretary of Defense.
(3) The Secretary of the Treasury.
(4) The Secretary of Commerce.
(5) The Secretary of Transportation.
(6) The Panama Canal Commission.

(c) PLAN TO BE CONSISTENT WITH PANAMA CANAL TREATY.—The plan submitted by the President pursuant to subsection (a) shall be consistent with the Panama Canal Treaty of 1977 and related agreements.

SEC. 3504. REPORT BY COMPTROLLER GENERAL ON CHANGES TO PANAMA CANAL COMMISSION STRUCTURE.

(a) REPORT.—The Comptroller General shall submit to Congress a report analyzing the effectiveness of the fiscal, operational, and management structure of the Panama Canal Commission and setting forth recommendations for such changes to that structure as the Comptroller General determines would, if implemented, enable the Commission to operate more efficiently and, thereby, serve as a model for the Government of Panama for the operation of the Panama Canal after the transfer of the Panama Canal on December 31, 1999, pursuant to the Panama Canal Treaty of 1977 and related agreements. The Comptroller General shall submit the report to Congress not later than one year after the date of the enactment of this Act.

(b) PREPARATION OF REPORT.—In developing the report required by subsection (a), the Comptroller General shall seek the views of each of the following:

(1) The Secretary of State.
(2) The Secretary of Defense.
(3) The Secretary of the Treasury.
(4) The Secretary of Commerce.
(5) The Secretary of Transportation.
(6) The Panama Canal Commission.

(c) REPORT TO BE CONSISTENT WITH PANAMA CANAL TREATY.—The recommendations in the report submitted by the Comptroller General pursuant to subsection (a) shall be consistent with the Panama Canal Treaty of 1977 and related agreements.

DIVISION D—DEFENSE REINVESTMENT FOR ECONOMIC GROWTH

SEC. 4001. SHORT TITLE.

This division may be cited as the ''Defense Reinvestment Act of 1992''.

SEC. 4002. FINDINGS.

Congress makes the following findings:

(1) Profound changes in the military threat to the United States as a result of the collapse of the Soviet Union will lead to a significant decrease in the defense budget of the United States over the next five years.

(2) The reductions in the defense budget during that period may mean the elimination of over 1,100,000 defense industrial and Department of Defense civilian jobs and the separation of over 350,000 active-duty military personnel from the Armed Forces.

(3) These reductions, combined with low levels of economic growth or recession, will cause serious and severe dislocations for defense dependent communities and limit employment opportunities for displaced defense workers and military personnel separated from active and reserve duty unless immediate steps are taken.

(4) Over the same five-year period, United States economic security will continue to come under challenges that will require a comprehensive, cooperative response from Government, business, and labor.

(5) The skills of displaced defense workers and the expertise of defense industries form the foundation of the critical industrial and technical skill base on which the military depends and that the Nation can ill afford to lose.

(6) The men and women separating from the Armed Forces represent a valuable national resource as a result of the Nation's investment in their education and training.

(7) In the interest of national security and the United States international competitive position, the Department of Defense should undertake a more active and direct role in managing the defense build-down through a program of reinvestment of defense resources that—

(A) promotes economic growth in high-wage, high-technology industries and preserves the industrial and technical skill base;

(B) bolsters the national technology base, including support and exploitation of critical technologies with both military and civilian application;

(C) supports retraining of separated military, defense civilian, and defense industrial personnel for jobs in activities important to national economic growth;

(D) assists those activities being undertaken at the State and local level to support defense economic adjustment and diversification efforts;

(E) provides direct support to small businesses adversely affected by the defense build-down; and

(F) builds on existing Federal programs in this area.

(8) The Department of Defense should assume a leading role in the development of a long-range plan of action to preserve militarily critical technologies and skills essential for national security.

(9) Such a defense reinvestment program complements the traditional role of the Department of Defense to provide for the security of the United States.

(10) The breadth and scope of the long-term economic problems resulting from the drawdown over the next five fiscal years in the Department of Defense budget will require continued Federal Government involvement, particularly on the part of other Federal agencies which traditionally have expertise relating to such economic problems.

TITLE XLI—IMPLEMENTATION

SEC. 4101. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Defense for fiscal year 1993 the sum of $1,000,000,000 for defense reinvestment programs authorized by this title. Sums appropriated pursuant to the preceding sentence shall remain available until expended.

SEC. 4102. BUDGET DETERMINATION BY THE DIRECTOR OF OMB.

(a) REQUIREMENT FOR DETERMINATION.—No amount appropriated pursuant to the authorization in section 4101 may be obligated for any program established by a provision of this title unless expenditures for that program have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EFFECT ON APPROPRIATIONS FOR PROGRAMS NOT COUNTED AGAINST DEFENSE CATEGORY.—Any amount appropriated for fiscal year 1993 for a program established by this title that is determined by the Director of the Office of Management and Budget under subsection (a) not to be counted against the defense category (as described in that subsection) shall be reallocated to the programs under this title that are counted against the defense category. The allocation of all such amounts shall be made on a proportionate basis so that the funding levels, relative to each other, of programs under this title that are counted against the defense category shall be the same as if the amounts allocated had reverted to the Treasury.

SEC. 4103. ASSISTANT SECRETARY OF DEFENSE FOR REINVESTMENT.

(a) DESIGNATION OF ASSISTANT SECRETARY.—During the five-year period beginning on October 1, 1992, there may be an Assistant Secretary of Defense for Reinvestment, appointed from civilian life by the President, by and with the advise and consent of the Senate. The Assistant Secretary appointed under this subsection shall be in addition to the Assistant Secretaries of Defense authorized by section 136 of title 10, United States Code.

(b) SUPERVISION AND COORDINATION OF ADJUSTMENT ACTIVITIES.—The principal duty of the Assistant Secretary shall be the overall supervision of the implementation of economic reinvestment, adjustment, and retraining activities undertaken by the Department of Defense in connection with the redeployment and reutilization of defense resources following reductions in military programs, projects, and activities. The Assistant Secretary shall be the principal adviser to the Secretary of Defense regarding such reinvestment, adjustment, and retraining activities. The Assistant Secretary shall coordinate the economic reinvestment, adjustment, education, and retraining activities of the Department of Defense with those of other Federal agencies.

(c) RESPONSIBILITY FOR OFFICE OF ECONOMIC ADJUSTMENT.—The Assistant Secretary shall be responsible for the operation of the Office of Economic Adjustment of the Department of Defense, including the activities of the Office under section 2391(b) of title 10, United States Code, to assist State and local governments to plan and carry out community adjustment and economic diversification programs. The director of the Office shall serve as the Deputy Assistant Secretary of Defense for Reinvestment.

(d) ASSIGNMENT OF FUNCTIONS WHEN POSITION NOT FILLED.—If the position of Assistant Secretary of Defense for Reinvestment is not filled, the Secretary of Defense shall provide that the functions and duties assigned by this Act to that Assistant Secretary shall be performed by an officer in the Office of the Secretary of Defense whose appointment was made by the President, by and with the advice and consent of the Senate.

(e) COMPENSATION.—The Assistant Secretary of Defense for Reinvestment shall, subject to the availability of appropriations, be paid at the rate of basic pay payable for level IV of the Executive Schedule, as provided in section 5315 of title 5, United States Code.

SEC. 4104. COLLECTION AND USE OF INFORMATION REGARDING DEFENSE REINVESTMENT.

(a) COLLECTION.—The Assistant Secretary of Defense for Reinvestment shall collect and analyze on an annual basis information regarding the effect of changes in defense spending on the economy of the United States, including the effect of these changes on specific types of defense and civilian industries and on particular regions of the United States.

(b) USE.—The Assistant Secretary shall use the information collected under subsection (a) to advise the Secretary of Defense regarding, and improve the operation of, economic reinvestment, adjustment, and retraining activities undertaken by the Department of Defense in response to changes in defense spending.

SEC. 4105. LONG-RANGE PLANS OF ACTION FOR NATIONAL NEEDS.

(a) LONG-RANGE PLANS.—The Assistant Secretary of Defense for Reinvestment shall survey the resources and national security requirements of the Department of Defense and shall develop a long-range plan to preserve the critical national industrial and technological skill base, with attention to the security problem of responding as a nation to unforeseen military threats. The plan shall report on the prospects of using defense resources to address national needs of the United States by including the following:

(1) A long-range plan for technology development and model demonstration facilities for environmental restoration and waste management.

(2) A long-range national transportation plan to develop advanced technology to carry out transportation projects that are militarily critical.

(3) A long-range national energy plan to achieve the objectives of energy independence, availability, and environmental compatibility.

(4) A long-range national communications networking plan.

(b) CONSULTATION.—To develop the long-range plans required by this section, the Assistant Secretary shall consult, as appropriate, with the Office of Science Technology Policy, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Transportation, and such other Federal officials as may be appropriate.

(c) INTERIM REPORT.—Not later than six months after the date of the enactment of this Act, the Assistant Secretary shall submit to the Committee on Armed Services of the Senate and House of Representatives a report regarding the progress made on developing the long-range plans required by this section.

SEC. 4106. ESTABLISHMENT OF A CENTER FOR THE STUDY OF DEFENSE ECONOMIC ADJUSTMENT WITHIN THE NATIONAL DEFENSE UNIVERSITY.

(a) ESTABLISHMENT REQUIRED.—The Secretary of Defense shall establish within the National Defense University a Defense Economic Adjustment Center for the study of issues related to the conversion and reutilization of defense personnel, resources, and facilities. The Center shall be affiliated with the Industrial College of the Armed Forces and the Institute for National Strategic Studies of the National Defense University and the activities of the Center shall be integrated with existing activities and studies regarding acquisition, mobilization, the defense industrial base, and reconstitution.

(b) PRIMARY RESPONSIBILITIES.—In conducting studies of economic conversion, the Center shall focus on the development of defense economic adjustment methods and the technical assistance necessary to implement these methods. In accordance with procedures established by the Secretary of Defense, the Center shall coordinate its activities with other education and training elements of the Department of Defense that the Secretary may establish or assign to assist in the defense conversion effort.

(c) PROVISION OF INFORMATION; PROMOTION OF COOPERATION.—The Center shall—

(1) develop and provide information regarding the conversion of defense-related industries toward operations for the nondefense economy and the retraining of defense workers, including funding resources and Federal programs available to support economic adjustment and conversion; and

(2) facilitate the cooperation of the Department of Defense with other entities involved in defense economic adjustment and transition, such as institutions of higher education, private defense contractors, and other Federal agencies.

(d) STAFF AND FACILITIES.—The staff and facilities of the Center shall be provided using funds made available under subsection (i). Upon the request of the Secretary of Defense, the head of a Federal agency may detail, on a reimbursable basis, personnel of the agency to serve on the staff of the Center.

(e) OTHER SERVICES.—(1) The Center may make office space available to personnel of universities and defense contractors invited to participate in defense economic adjustment activities of the center.

(2) To the extent personnel are detailed to the Center with the requisite expertise, the Center shall collect and make available information regarding job training resources and community programs to facilitate the reemployment of displaced defense workers.

(f) ADDITIONAL CENTERS AND CONVERSION ACTIVITIES.—The Secretary of Defense shall establish additional Defense Economic Adjustment Centers or similar entities within the educational and training structure of the Department of Defense or shall assign additional economic conversion functions to existing organizations within such structure as may be necessary to assist the Center established pursuant to subsection (a). These additional functions may include the provision of training and technical assistance to implement economic adjustment methods developed by the Center.

(g) TIME FOR ESTABLISHMENT.—The Secretary of Defense shall—

(1) establish the Center not later than 60 days after the date of the enactment of this Act; and

(2) take such additional measures as may be required by subsection (f) not later than 120 days after the date of the enactment of this Act.

(h) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the implementation of this section.

(i) FUNDING FOR FISCAL YEAR 1993.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 0.2 percent shall be made available to the Secretary of Defense to carry out this section.

TITLE XLII—DEFENSE TECHNOLOGY AND INDUSTRIAL SUPPORT PROGRAMS

SEC. 4201. DEFENSE DUAL-USE CRITICAL TECHNOLOGY CONSORTIUM PROGRAM.

(a) IN GENERAL.—(1) Chapter 150 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2527. Defense dual-use critical technology consortium program

''(a) ESTABLISHMENT OF PROGRAM.—(1) The Secretary of Defense shall carry out a pro-

gram under this section to encourage the development and application of dual-use critical technologies through projects carried out (in the case of any such technology) in cooperation with a consortium of commercial firms that have expertise and experience with that technology. The program under this section shall be known as the 'dual-use critical technology consortium program'. The goal of the program shall be to encourage the maintenance of a responsive defense technology base that can rapidly adapt and exploit advances in commercial technology.

''(2) Projects which shall be carried out in cooperation with consortia under this section shall include projects in the following areas or on technologies that are otherwise suitable to the goal of the dual-use critical technology consortium program:

''(A) Digital communications and processing methods.

''(B) Optical electronics.

''(C) Lightweight, low-clearance multipassenger ground vehicles.

''(D) Advanced materials.

''(E) Interferrometric synthetic apature radar technology.

''(F) Electrical propulsion of ground vehicles for reduced signature emission.

''(G) Marine biotechnology.

''(H) Environmentally compliant manufacturing technologies in the production of computers and other items for both military and commercial use as may be identified by the consortium.

''(I) Fuel cell and high-density energy storage.

''(J) Unexploded ordnance disposal technology.

''(K) Microchip Module integration.

''(L) Robotics application to defense environmental restoration activities.

''(b) IDENTIFICATION OF QUALIFYING CONSORTIA.—A consortium of commercial firms that desires to participate in the dual-use critical technology consortium program shall apply to the Secretary of Defense for such participation. The Secretary shall establish criteria for the selection of consortia under the program. Among the criteria for selection shall be requirements that—

''(1) the consortium encourage representation of small business concerns;

''(2) the consortium be composed only of United States firms (as defined in subsection (j); and

''(3) firms in the consortium, in selecting personnel to work on projects under the program, shall give preference to former and retired members of the armed forces, to former Department of Defense employees, and to former defense industry employees, who are separated or displaced due to reductions in defense spending or closure or realignment of military installations.

''(c) DOD AGREEMENT WITH SELECTED CONSORTIUM.—The Secretary shall enter into an agreement with the consortium selected for purposes of the program for a particular dual-use critical technology. The agreement shall include a requirement that the costs of any project undertaken under the program shall be shared by the consortium and the Department of Defense in an equitable manner, as determined by the Secretary of Defense (with the share of the costs allocated to the consortium to be not in excess of 50 percent of the costs of the program).

''(d) DARPA.—The Secretary of Defense shall carry out the dual-use critical technology consortium program through the Director of the Defense Advance Research Projects Agency, in consultation with the Assistant Secretary of Defense for Reinvestment and the National Institute of Standards and Technology. In carrying out the program, the Director shall consult with appropriate officials in the Department of Commerce, including particularly officials with responsibilities relating to technology development and exploitation.

''(e) USE OF DOD LABS.—The Secretary of Defense shall make available, as appropriate for the work to be performed by each consortium, equipment and facilities of Department of Defense laboratories (including the scientists and engineers at those laboratories) to a consortium recognized under this section for purposes of any project that is approved by the Secretary for the development and exploitation of that technology. The consortium involved in a particular project shall select the laboratory at which the project will be carried out, subject to the approval of the Secretary of Defense.

''(f) COORDINATION WITH STATE AND LOCAL GOVERNMENT AGENCIES.—Before a project is carried out at a laboratory, the Secretary and the consortium shall consult with appropriate State and local government agencies with responsibilities relating to technology development and exploitation.

''(g) TECHNOLOGY DIFFUSION TO INDUSTRY.—The Secretary of Defense shall encourage a consortium that is recognized under the program and that carries out joint projects with Department of Defense laboratories for the development and exploitation of a dual-use critical technology to conduct activities (including periodic industry conferences) to provide for the diffusion to United States firms of the results of such projects.

''(h) COORDINATION WITH OTHER PROGRAMS.—The Secretary of Defense shall administer the dual-use critical technology consortium program in a manner consistent with other related Department of Defense programs, including the SEMATECH program and the programs under this chapter and chapter 149. The Secretary may not reduce activities under those programs by reason of the establishment of the dual-use critical technology consortium program.

''(i) FUNDING.—(1) The Secretary of Defense shall provide that funds available for any fiscal year for Department of Defense laboratories shall be available for projects under the dual-use critical technology consortium program in a total amount not to exceed 5 percent for fiscal year 1993 and 10 percent for each subsequent fiscal years of the total amount of funds available for that fiscal year for those laboratories.

''(j) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the dual-use critical technology consortium program.

''(k) DEFINITIONS.—In this section, the term 'United States firm' means a company or other business entity that (as determined by the Secretary of Commerce)—

''(1) conducts the preponderant level of its research, development, engineering, and manufacturing activities in the United States; and

''(2) is a company or other business entity the majority ownership or control of which is by United States citizens.''.

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

''2527. Defense dual-use critical technology consortium program.''.

(b) FISCAL YEAR 1993 FUNDING.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, the Secretary of Defense shall obligate 15 percent for the purpose of projects under the dual-use critical technology consortium program established by section 2527 of title 10, United States Code, as added by subsection (a). For fiscal year 1993, the maximum amount specified under subsection (i) of such section shall be reduced by the amount made available for the program pursuant to the preceding sentence.

(b) DEADLINE FOR IMPLEMENTING REGULATIONS.—Regulations for the administration of such program shall be prescribed under subsection (j) of such section not later than 90 days after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Section 2527 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1992.

SEC. 4202. DEFENSE TECHNOLOGY EXTENSION PROGRAM.

(a) IN GENERAL.—Section 2517 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) DOD TECHNOLOGY EXTENSION PROGRAM.—(1)(A) The Secretary of Defense shall carry out a program in the Department of Defense to facilitate access by qualifying firms (particularly small business firms) to information and manufacturing processes and technologies developed and used by the Department of Defense that have potential for both military and commercial application. The program shall be known as the Department of Defense Technology Extension Program.

''(B) The goals of the program shall be—

''(i) to encourage the maintenance of a viable defense supplier base consisting of diversified small- and medium-sized businesses;

''(ii) to encourage modernization through the extension of technology and information developed and used by the Department of Defense in order to modernize manufacturing processes of small- and medium-sized businesses as a means of improving efficiency; and

''(iii) to assist those defense suppliers that may need to seek alternative markets due to defense budget reductions and program terminations.

''(2) The Secretary shall identify those processes and technologies developed by the Department of Defense that have potential for both military and commercial application and that are otherwise appropriate for inclusion in the technology extension program under this section. For purposes of the program under this section, the Secretary may provide qualifying firms—

''(A) assistance in the same manner as is provided by State, local and university technology extension services, as determined by the Secretary;

''(B) counseling services on market development and other business practices to promote diversification;

''(C) access to manufacturing and training facilities of the Department of Defense for the purpose of technology diffusion;

''(D) access to technologies developed by Department of Defense that would have commercial application;

''(E) access to the Defense Technology Information Network; and

''(F) grants for the construction or renovation of facilities for manufacturing technology transfer centers.

''(3) The expansion of technology and manufacturing extension activities of the Department of Defense authorized by this subsection shall include the following:

''(A) Computer-aided acquisition and logistics support.

''(B) Production modeling and simulation of prototypes.

''(C) Flexible computer-aided manufacturing.

''(D) Product data exchange specifications.

''(E) Concurrent engineering.

''(F) Rapid acquisition of manufactured parts.

''(4) A firm is a qualifying firm for the purposes of the program under this subsection if the firm is a United States firm that—

''(A) is a supplier to the Department of Defense under a covered defense contract or subcontract; or

''(B) is a firm that has been, or is threatened to be, substantially and seriously affected (as defined in paragraph (7)) by—

''(i) the closure of a military installation;

''(ii) the termination of a covered defense contract or subcontract; or

''(iii) reductions in defense spending.

''(5) The program under this subsection shall be carried out through the Director of Defense Research and Engineering, in consultation and coordination with the Director of the Office of Small and Disadvantaged Business of the Department of Defense. There shall be established under the Director a separate office to be responsible for the administration of the program.

''(6) The Secretary shall carry out the program under this subsection in coordination with manufacturing, technology, and industrial extension service programs operated by States and universities across the United States and in coordination with the Secretary of Commerce.

''(7) In this subsection:

''(A) The term 'substantially and seriously affected'', with respect to a business firm, means a firm that—

''(i) held a covered contract with the Department of Defense or covered subcontract before a reduction in the defense budget;

''(ii) experiences a reduction, or the threat of a reduction, of—

''(I) 25 percent or more in sales or production; or

''(II) 80 percent or more of the workforce of such firm in any division of such firm or at any plant or other facility of such firm; and

''(iii) establishes, by evidence, that the reductions referred to in clause (ii) occurred as a direct result of a reduction in the defense budget.

''(B) The term 'covered contract or subcontract' means—

''(i) a covered contract with the Department of Defense in an amount not less than $100,000 (without regard to the date on which the contract was awarded); and

''(ii) a subcontract which—

''(I) is entered into in connection with a contract described in clause (i) (without regard to the effective date of the subcontract); and

''(II) is in an amount not less than $50,000.''.

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

(1) in subsection (a), by inserting ''IMPROVEMENT OF THE SUBTIER DEFENSE INDUSTRY.—'' after ''(a)''; and

(2) in subsection (b), by inserting ''SUPPORT OF NON-DOD MANUFACTURING EXTENSION PROGRAMS.—'' after ''(b)''.

(c) EFFECTIVE DATE.—The Secretary of Defense may not carry out the Department of Defense Technology Extension program authorized by subsection (c) of section 2517 of title 10, United States Code, as added by subsection (a), before October 1, 1992.

(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations for such program. Such regulations shall be prescribed not later than 90 days after the date of the enactment of this Act.

(e) FUNDING FOR FISCAL YEAR 1993.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs 2.5 percent shall be made available for the program authorized by section 2517(c) of title 10, United States Code, as added by subsection (a).

SEC. 4203. DEFENSE SMALL BUSINESS ASSISTANCE AND DIVERSIFICATION PROGRAM.

(a) IN GENERAL.—Section 2517 of title 10, United States Code, as amended by section 4202, is further amended by adding at the end the following new subsection:

''(d) SMALL BUSINESS ASSISTANCE AND DIVERSIFICATION.—(1) The Secretary of Defense shall carry out a program to provide small business defense contractors and subcontractors with access to services that would enable them to develop new products and attain the technical support needed to bring those new products to market. The goal of the program shall be to encourage the maintenance of a viable defense supplier base consisting of diversified small businesses.

''(2) The program shall provide the following services or alternative services that support the goal of the program:

''(A) Access to a national network of scientists and engineers that can help minimize technical risk, assist in making better technical decisions, and help in solving technical problems.

''(B) Access to the world's technical and marketing literature through an interactive process that enables the small business firm to work jointly with a searching expert in finding the needed print material.

''(C) Access to a vendor service enabling ready identification of suppliers, joint venture partners, subcontractors, and other related business firms.

''(D) Access to information on other sources of assistance (such as Manufacturing Technology Centers, Small Business Development Centers, and Procurement Technical Assistance Centers) and to information on technologies and products that have been developed with Federal funds.''.

(b) FUNDING FOR FISCAL YEAR 1993.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 1 percent shall be made available for the program authorized by section 2517(d) of title 10, United States Code, as added by subsection (a).

SEC. 4204. EXPANSION OF SMALL BUSINESS INNOVATION RESEARCH (SBIR) PROGRAM FOR DEFENSE RESEARCH AND DEVELOPMENT ACTIVITIES.

(a) EXTENSION OF DURATION OF PROGRAM.—Subject to subsection (h), the Small Business Innovation Research Program shall apply to the Department of Defense (including the military departments) as if the date specified in section 5 of the Small Business Innovation Development Act of 1982 (15 U.S.C. 638 note) for the repeal of such program were October 1, 2000 (rather than October 1, 1993).

(b) REPEAL OF EXCLUSION OF CERTAIN DOD R&D ACTIVITIES.—Subsection (e)(1) of section 9 of the Small Business Act (15 U.S.C. 638) is amended by striking out ''except that for the Department of Defense'' and all that follows through ''development, and''.

(c) REPEAL OF EXCLUSION OF DOE DEFENSE-RELATED R&D ACTIVITIES.—Subsection (f) of such section is amended—

(1) by striking out ''(1)'' after ''(f)''; and

(2) by striking out paragraph (2).

(d) INCLUSION OF CERTAIN DOD INTELLIGENCE ACTIVITIES.—Subsection (e)(2) of such section is amended by striking out ''any agency within the Intelligence Community (as such term is defined in section 3.4(f) of Executive Order 11333 or its successor orders)'' and inserting in lieu thereof ''any agency for which funds are provided through the National Foreign Intelligence Program (as such term is defined in section 3.4(g) of Executive Order 11333 or its successor orders)''.

(e) PERCENTAGE OF REQUIRED EXPENDITURES FOR SBIR CONTRACTS.—The Small Business Innovation Research Program shall apply to the Department of Defense (including the military departments) as if the percentage specified in section 9(f)(1) of the Small Business Act (15 U.S.C. 638(f)(1)) with respect to fiscal years after fiscal year 1982 were 2.5 percent (rather than 1.25 percent).

(f) INCREASE IN ALLOWABLE AMOUNT OF AWARDS.—The maximum amount of a contract that the Department of Defense (including the military departments) may award under the Small Business Innovation Research program in the first phase of a particular small business innovation research program generally should not exceed $75,000.

(g) ENCOURAGEMENT OF COMMERCIALIZATION UNDER SBIR PROJECTS.—The Small Business Innovation Research Program shall apply to the Department of Defense (including the military departments) by substituting for subparagraphs (A), (B), and (C) of section 9(e)(4) of the Small Business Act (15 U.S.C. 638(e)(4)) the following:

''(A) a first phase for determining, insofar as possible, the scientific and technical merit and feasibility of ideas that appear to have commercial potential (as described in subparagraph (C)) and that are submitted pursuant to SBIR program solicitations;

''(B) a second phase, to further develop proposed ideas which meet particular program needs, in which awards shall be made based on the scientific and technical merit and feasibility of the idea as evidenced by the first phase and by giving consideration to factors relating to the commercial potential of the idea, such as—

''(i) whether or not the idea is proposed by a small business concern that has been successful in the commercial application of SBIR research;

''(ii) whether or not there are commitments for contributions to second phase funding of the idea;

''(iii) whether or not there are third phase, follow-on commitments for the idea; and

''(iv) whether or not the idea has other qualities indicating commercial potential; and

''(C) where appropriate, a third phase in which non-Federal capital pursues commercial applications of the research or research and development and which may also involve follow-on, non-SBIR funded awards with a Federal agency for products or processes intended for use by the United States Government and which is a continuation of research or research and development that has been competitively selected using peer review or scientific review criteria established pursuant to subparagraphs (A) and (B).''.

(h) SBIR PROGRAM DEFINED.—For purposes of this section, the Small Business Innovation Research Program is the program established under the following provisions of section 9 of the Small Business Act (15 U.S.C. 638):

(1) Paragraphs (4) through (7) of subsection (b).

(2) Subsections (e) through (k).

(i) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on October 1, 1992, and shall apply with respect to fiscal years after fiscal year 1992.

SEC. 4205. COOPERATIVE AGREEMENTS FOR ADVANCED RESEARCH PROJECTS.

(a) FISCAL YEAR 1993 FUNDING.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 5 percent shall be made available to carry out section 2371 of title 10, United States Code (relating to cooperative agreements for advanced research projects).

(b) CONDITION OF COOPERATIVE AGREEMENTS, ETC..—Section 2371(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) The Secretary shall require as a condition of a cooperative agreement or other transaction under this section that the other party to the agreement or transaction, in selecting personnel to work on a project for which funds are provided through such agreement or transaction, shall give preference to former and retired members of the armed forces, to former Department of Defense employees, and to former defense industry employees, who are separated or dis-

placed due to reductions in defense spending or closure or realignment of military installations.

SEC. 4206. REGIONAL DEFENSE TECHNOLOGY CLUSTERS.

(a) ESTABLISHMENT OF PROGRAM.—(1) Section 2524 of title 10, United States Code, is amended to read as follows:

"§ 2524. Regional defense technology clusters: assistance program

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense shall conduct a program to provide assistance for the activities of eligible regional defense technology clusters and consortia in the United States. The program shall be carried out in consultation and coordination with the Secretary of Commerce. The goals of the program shall be—

"(1) to increase the availability to the Department of Defense of technology that enhances national security; and

"(2) to preserve the defense industrial and technology base on which the military depends.

"(b) ELIGIBLE REGIONAL DEFENSE TECHNOLOGY CLUSTERS.—A regional technology cluster is eligible for assistance under the program if—

"(1) the purpose of the cluster is to facilitate the use of one or more defense critical technologies for defense and commercial purposes by an industry in the region served by that cluster in order to maintain within the United States industrial capabilities that are vital to the national security of the United States; and

"(2) the cluster meets the other requirements of this section.

"(c) PROGRAM PARTICIPANTS.—(1) The participants in a regional defense technology cluster shall include eligible firms that conduct business in the region of the United States served or to be served by the cluster and a sponsoring agency in that region. The participants may also include other organizations considered appropriate by the Secretary of Defense.

"(2)(A) A sponsoring agency of a cluster may be any agency described in subparagraph (B) that, as determined by the Secretary, provides adequate assurances that it will—

"(i) meet the financial requirements in subsection (e); and

"(ii) provide assistance in the management of the cluster.

"(B) An agency referred to in subparagraph (A) is any of the following:

"(i) An agency of a State or local government.

"(ii) A nonprofit organization established, or performing functions, pursuant to an agreement entered into by two or more States or local governments.

"(iii) A membership organization in which a State or local government is a member.

"(d) ACTIVITIES AUTHORIZED.—The activities of a cluster may include the following:

"(1) Facilitation of the sharing of information, equipment, personnel, and expertise among eligible firms participating in the cluster and by such firms and other sources of labor, capital, and technological expertise in the region served by the cluster when such sharing will enhance the ability of such firms to use a national critical technology for a commercial purpose that strengthens the defense technology base and enhances national security.

"(2) Other activities designed to enhance the degree of communication and collaboration among participants in a cluster for the purpose of increasing the productivity and ability to compete internationally of such participants.

"(3) The joint provision, by participants in the cluster to other participants in the cluster, of services that, as jointly determined by the eligible firms participating in the cluster, will enhance directly the ability of each such firm to use a national critical technology for a commercial purpose. Such services may include the following—

"(A) operation of equipment testbed and scale-up facilities;

"(B) development, testing, and evaluation of prototypes;

"(C) sharing of technical expertise relating to design and management;

"(D) dissemination of information relating to market trends and technical advances in materials and production equipment;

"(E) technical education and worker training;

"(F) quality testing and standards certification;

"(G) identification and promotion of export opportunities;

"(H) facilitation of communication between managers and workers; and

"(I) other services that no such firm is likely to provide for on its own.

"(4) Joint research and development that—

"(A) is generally applicable to the needs of all of the eligible firms participating in the cluster; and

"(B) is jointly determined by such firms, will enhance directly the ability of such firms to use a national critical technology for a commercial purpose.

"(5) Subject to subsection (e)(2), proprietary research and development that, as determined by one or more eligible firms participating in the cluster, will enhance directly the ability of any such firm to apply a national critical technology for a commercial purpose.

"(e) ASSISTANCE AUTHORIZED.—(1) Under the program, the Secretary may provide—

"(A) financial assistance for the activities of a regional defense technology cluster (including, in the case of a proposed cluster, the establishment of such a cluster) in any amount not in excess of 50 percent of the cost of conducting such activities (including the cost of establishing a proposed cluster) during the period covered by the financial assistance; and

"(B) technical assistance for the activities (and, in the case of a proposed cluster, the establishment) of a cluster awarded financial assistance authorized by subparagraph (A).

"(2) The Secretary may not provide financial assistance under the program for construction of facilities.

"(3) The Secretary may furnish assistance to a regional defense technology cluster under the program for not more than six years.

"(f) FINANCIAL CONTRIBUTIONS OF CLUSTER PARTICIPANTS.—(1) The sponsoring agency of a regional defense technology cluster and the eligible firms participating in the cluster shall pay at least 50 percent of the total cost incurred each year for the activities of the cluster. Funds contributed for the activities of the cluster by institutions of higher education or private, nonprofit organizations participating in the cluster shall be considered as funds contributed by the sponsoring agency.

"(2) If the right to use or license the results of any research and development activity of a cluster is limited by participants in the cluster to one or more, but less than half, of the eligible firms participating in the cluster, the non-Federal Government participants in the cluster shall pay the total cost incurred for such activity.

"(g) MANAGEMENT PLAN.—A regional defense technology cluster shall operate under a management plan that includes provisions for the eligible firms participating in the cluster to have the primary responsibility for directing the activities of the cluster and to exercise that responsibility through, among any other means, majority voting membership of such firms on the board of directors of the cluster.

"(h) ADMINISTRATION OF PROGRAM.—The Secretary shall prescribe regulations that, to the extent practicable, apply the same requirements and authorities in the administration of this section as apply under subsections (d) and (e) of section 2523 of this title.

"(i) SELECTION CRITERIA.—The criteria for selection of a cluster to receive financial assistance under this section shall include the following:

"(1) The potential for the activities of the cluster to result in—

"(A) increased availability of technology for the enhancement of national security;

"(B) increased international competitiveness and productivity of eligible firms within the region to be served by the cluster in support of the critical technology base on which the military depends; and

"(C) the emergence in such region of new firms that are capable of applying dual-use critical technologies.

"(2) The extent to which the proposed activities of the cluster meet important commercial needs of eligible firms within the region to be served by the cluster and the quality of those activities for meeting such needs.

"(3) The potential for the cluster to be able to apply critical technology research and development supported or conducted by Federal laboratories and institutions of higher education in the advancement of national security interests of the United States.

"(4) The potential for the cluster to sustain itself through support from industry and other non-Federal Government sources after the termination of the Federal assistance provided pursuant to this section.

"(5) The level of involvement of appropriate State and local agencies, institutions of higher education, and private, nonprofit entities in the center.

"(6) The potential for assisting participating eligible firms to convert from defense-related production to nondefense commercial production.

"(7) Such other criteria as the Secretary prescribes.

"(i) SELECTION REQUIREMENT.—As a condition of providing assistance to a regional cluster under this section, the Secretary of Defense shall require firms participating in the cluster, in selecting personnel, to work on projects for which financial assistance is provided under this section, shall give preference to former and retired members of the armed forces, to former Department of Defense employees, and to former defense industry employees, who are separated or displaced due to reductions in defense spending or closure or realignment of military installations.".

(2) The item relating to such section in the table of sections at the beginning of chapter 150 of such title is amended to read as follows:

"2524. Regional defense technology clusters: assistance program.".

(b) FUNDING.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 2.5 percent shall be made available for the program authorized by section 2524 of title 10, United States Code, as amended by subsection (a).

(c) DEADLINE FOR IMPLEMENTING REGULATIONS.—Regulations for the administration of the program authorized by section 2524 of title 10, United States Code, as amended by subsection (a), shall be prescribed not later than 90 days after the date of the enactment of this Act.

TITLE XLIII—EDUCATION AND TRAINING PROGRAMS

Subtitle A—Defense Efforts to Relieve Shortages of Elementary and Secondary School Teachers and Teachers' Aides

SEC. 4301. TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAM FOR SEPARATED MEMBERS OF THE ARMED FORCES.

(a) PLACEMENT PROGRAM.—(1) Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1151. Assistance to separated members to obtain certification and employment as teachers or employment as teachers' aides

"(a) PLACEMENT PROGRAM.—The Secretary of Defense shall establish a program—

"(1) to assist eligible members of the armed forces after their separation from active duty to obtain—

"(A) certification as elementary or secondary school teachers; or

"(B) the credentials necessary to serve as teachers' aides; and

"(2) to facilitate the employment of such members by local educational agencies experiencing a shortage of teachers or teachers' aides.

"(b) STATES WITH ALTERNATIVE CERTIFICATION REQUIREMENTS AND TEACHER AND TEACHER'S AIDE SHORTAGES.—The Secretary of Defense, in consultation with the Secretary of Education, shall—

"(1) conduct a survey of States to identify those States with alternative certification requirements for teachers;

"(2) periodically request information from States identified under paragraph (1) to identify local educational agencies in these States that are experiencing a shortage of qualified teachers, in particular a shortage of science, mathematics, or engineering teachers; and

"(3) periodically request information from all States to identify local educational agencies that are experiencing a shortage of teachers' aides.

"(c) ELIGIBLE MEMBERS.—(1) Except as provided in paragraph (2), a member shall be eligible for selection by the Secretary of Defense to participate in the placement program if the member—

"(A) during the five-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—

"(i) in the case of a member applying for assistance for placement as an elementary or secondary school teacher, a baccalaureate or advanced degree from an accredited institution of higher education; or

"(ii) in the case of a member applying for assistance for placement as a teacher's aide in an elementary or secondary school, an associate, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college; and

"(C) satisfies such other criteria for selection as the Secretary may prescribe.

"(2) A member who is discharged or released from service under other than honorable conditions shall not be eligible to participate in the program.

"(3) The Secretary may accept an application from a member who was discharged or released from active duty during the period beginning on October 1, 1990, and ending on the date of the enactment of this Act if the member otherwise satisfies the eligibility criteria specified in paragraph (1).

"(d) SELECTION OF PARTICIPANTS.—(1) The Secretary of Defense shall select members to participate in the program on the basis of applications submitted to the Secretary before the date of the discharge or release of the members from active duty. In the case of members referred to in subsection (c)(3), the Secretary shall establish a reasonable time period after the date of the enactment of this section for the submission of applications. An application shall be in such form and contain such information as the Secretary may require. The Secretary shall make applications available to members when they receive preseparation counseling under section 1142 of this title.

"(2) In selecting participants to receive assistance for placement as elementary or secondary school teachers, the Secretary shall give priority to members who—

"(A) have educational or military experience in science, mathematics, or engineering and agree to seek employment as science, mathematics, or engineering teachers in elementary or secondary schools; or

"(B) have educational or military experience in another subject area identified by the Secretary, in consultation with the Secretary of Education, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

"(3) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsections (f) and (g) with respect to that member.

"(e) AGREEMENT.—A member selected to participate in the program shall be required to enter into an agreement with the Secretary in which the member agrees—

"(1) to obtain, within one year after the discharge or release of the member from active duty, certification as an elementary or secondary school teacher or the necessary credentials to serve as a teacher's aide in an elementary or secondary school; and

"(2) to accept—

"(A) in the case of a member selected for assistance for placement as a teacher, an offer of full-time employment as an elementary or secondary school teacher for not less than two school years with a local educational agency identified under subsection (b)(2), to begin the school year after obtaining that certification; or

"(B) in the case of a member selected for assistance for placement as a teacher's aid, an offer of full-time employment as a teacher's aide in an elementary or secondary school for not less than two school years with a local educational agency identified under subsection (b)(3), to begin the school year after obtaining the necessary credentials.

"(f) STIPEND FOR PARTICIPANTS.—(1) The Secretary of Defense shall pay a $5,000 stipend to each participant in the program to assist the participant with living expenses while the participant—

"(A) is obtaining teacher certification or the necessary credentials to serve as a teacher's aide; and

"(B) is seeking employment as an elementary or secondary school teacher or teacher's aide.

"(2) A stipend provided under paragraph (1) shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

"(g) GRANTS TO FACILITATE PLACEMENT.—(1) In the case of a participant in the program obtaining teacher certification, the Secretary of Defense shall offer to enter into an agreement under this subsection with the first local educational agency identified under subsection (b)(2) that employs the participant as a full-time elementary or secondary school teacher after the participant obtains teacher certification.

"(2) In the case of a participant in the program obtaining credentials to serve as a teacher's aide, the Secretary shall offer to enter into an agreement under this subsection with the first local educational agency identified under subsection (b)(3) that employs the participant as a full-time teacher's aide.

"(3) Under an agreement referred to in paragraph (1) or (2)—

"(A) the local educational agency shall agree to employ the participant full time for not less than two consecutive school years at a basic salary to be certified to the Secretary; and

"(B) the Secretary shall agree to pay to the local educational agency an amount equal to the lesser of—

"(i) the basic salary to be paid by the local educational agency to the participant during the two years; and

"(ii) $50,000.

"(4) Payments required under paragraph (2) may be made by the Secretary in such installments as the Secretary may determine.

"(5) If a participant leaves the employment of a local educational agency before the end of the two years of required service, the local educational agency shall reimburse the Secretary in an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion bears to the two years of required service.

"(6) The Secretary may not make a grant under this subsection to a local educational agency if the Secretary determines that the agency terminated the employment of another employee in order to fill the vacancy so created with a participant.

"(h) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—(1) If a participant in the placement program fails to obtain certification or employment as an elementary or secondary school teacher or employment as a teacher's aide as required under the agreement or voluntarily leaves, or is terminated for cause, from the employment during the two years of required service, the participant shall be required to reimburse the Secretary of Defense for the stipend provided under subsection (f) in an amount that bears the same ratio to the amount of the stipend as the unserved portion of required service bears to the two years of required service.

"(2) The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the Secretary. Any amount owed by a participant under paragraph (1) shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of ninety days or less and shall accrue from the day on which the participant is first notified of the amount due.

"(i) EXCEPTIONS TO REIMBURSEMENT PROVISIONS.—(1) A participant in the placement program shall not be considered to be in violation of an agreement entered into under subsection (e) during any period in which the participant—

"(A) is pursuing a full-time course of study related to the field of teaching at an eligible institution;

"(B) is serving on active duty as a member of the Armed Forces;

"(C) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

"(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

"(E) is seeking and unable to find full-time employment as a teacher or teacher's aide in

an elementary or secondary school for a single period not to exceed 27 months; or

''(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary of Defense.

''(2) A participant shall be excused from reimbursement under subsection (h) if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

''(j) DEFINITIONS.—In this section:

''(1) The term 'State' includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands.

''(2) The term 'alternative certification requirements' means State or local teacher certification requirements that permit a demonstrated competence in appropriate subject areas gained in careers outside of education to be substituted for traditional teacher training course work.''.

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

''1151. Assistance to separated members to obtain certification and employment as teachers or employment as teachers' aides.''.

(b) INFORMATION REGARDING PLACEMENT PROGRAM IN PRESEPARATION COUNSELING.—Section 1142(b)(4) of such title is amended by inserting before the period the following: ''and information regarding the program established under section 1151 of this title to assist members obtain employment as elementary or secondary school teachers or teachers' aides.''.

SEC. 4302. TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAM FOR TERMINATED DEFENSE EMPLOYEES.

(a) PLACEMENT PROGRAM.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1598. Assistance to terminated employees to obtain certification and employment as teachers or employment as teachers' aides

''(a) PLACEMENT PROGRAM.—The Secretary of Defense shall establish a program—

''(1) to assist eligible civilian employees of the Department of Defense and the Department of Energy after the termination of their employment to obtain—

''(A) certification as elementary or secondary school teachers; or

''(B) the credentials necessary to serve as teachers' aides; and

''(2) to facilitate the employment of such employees by local educational agencies experiencing a shortage of teachers or teachers' aides.

''(b) ELIGIBLE EMPLOYEES.—(1) A civilian employee of the Department of Defense or the Department of Energy shall be eligible for selection by the Secretary of Defense to participate in the placement program if the employee—

''(A) during the five-year period beginning on 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 or the Secretary of Energy, as the case may be;

''(B) has received—

''(i) in the case of an employee applying for assistance for placement as an elementary or secondary school teacher, a baccalaureate or advanced degree from an accredited institution of higher education; or

''(ii) in the case of an employee applying for assistance for placement as a teacher's aide in an elementary or secondary school, an associate, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college; and

''(C) 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 the date of the enactment of this section if the member 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 program on the basis of applications submitted to the Secretary after the employees receive a notice of termination. An application shall be filed within such time, in such form, and contain such information as the Secretary of Defense may require.

''(2) In selecting participants to receive assistance for placement as elementary or secondary school teachers, the Secretary of Defense shall give priority to civilian employees who—

''(A) have educational, military, or employment experience in science, mathematics, or engineering and agree to seek employment as science, mathematics, or engineering teachers in elementary or secondary schools; or

''(B) have educational, military, or employment experience in another subject area identified by the Secretary, in consultation with the Secretary of Education, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

''(3) The Secretary of Defense 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 member.

''(d) AGREEMENT.—A civilian employee selected to participate in the program shall be required to enter into an agreement with the Secretary of Defense in which the employee agrees—

''(1) to obtain, within one year after the termination of the employee, certification as an elementary or secondary school teacher or the necessary credentials to serve as a teacher's aide in an elementary or secondary school; and

''(2) to accept—

''(A) in the case of an employee selected for assistance for placement as a teacher, an offer of full-time employment as an elementary or secondary school teacher for not less than two school years with a local educational agency identified under section 1151(b)(2) of this title, to begin the school year after obtaining that certification; or

''(B) in the case of an employee selected for assistance for placement as a teacher's aid, an offer of full-time employment as a teacher's aide in an elementary or secondary school for not less than two school years with a local educational agency identified under section 1151(b)(3) of this title, to begin the school year after obtaining the necessary credentials.

''(e) STIPEND; PLACEMENT OF PARTICIPANTS AS TEACHERS AND TEACHERS' AIDES.—Subsections (f) through (j) of section 1151 of this title shall apply with respect to the placement program established 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:

''1598. Assistance to terminated employees to obtain certification and employment as teachers or employment as teachers' aides.''.

SEC. 4303. TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAM FOR DISPLACED SCIENTISTS AND ENGINEERS OF DEFENSE CONTRACTORS.

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

''§ 2410c. Displaced contractor employees: assistance to obtain certification and employment as teachers or employment as teachers' aides

''(a) ASSISTANCE PROGRAM.—The Secretary of Defense may enter into a cooperative agreement with a defense contractor in order—

''(1) to assist an eligible scientist or engineer employed by the contractor whose employment is terminated to obtain—

''(A) certification as an elementary or secondary school teacher; or

''(B) the credentials necessary to serve as a teacher's aide; and

''(2) to facilitate the employment of the scientist or engineer by a local educational agency experiencing a shortage of teachers or teachers' aides.

''(b) ELIGIBLE DEFENSE CONTRACTORS.—(1) The Secretary of Defense shall establish an application and selection process for the participation of defense contractors in a cooperative agreement under subsection (a).

''(2) The Secretary shall determine which defense contractors are eligible to participate in the program on the basis of applications submitted under subsection (c). The Secretary shall limit participation to those defense contractors or subcontractors that—

''(A) produce goods or services for the Department of Defense pursuant to a defense contract or operate nuclear weapons manufacturing facilities for the Department of Energy; and

''(B) have recently reduced operations, or are likely to reduce operations, due to the completion or termination of a defense contract or program or by reductions in defense spending.

''(3) The Secretary shall give special consideration to defense contractors who are located in areas that have been hit particularly hard by reductions in defense spending.

''(c) DEFENSE CONTRACTOR APPLICATIONS.—(1) A defense contractor desiring to enter into a cooperative agreement with the Secretary of Defense under subsection (a) shall submit an application to the Secretary containing the following:

''(A) Evidence that the contractor has been, or is expected to be, adversely affected by the completion or termination of a defense contract or program or by reductions in defense spending.

''(B) An explanation that scientists and engineers employed by the contractor have been terminated, laid off, or retired, or are likely to be terminated, laid off, or retired, as a result of the completion or termination of a defense contract or program or reductions in defense spending.

''(C) A description of programs implemented or proposed by the contractor to assist these scientists and engineers.

''(D) A commitment to help fund the costs associated with the assistance program by paying $2,500 of the stipend provided under subsection (g) to an employee or former employee of the contractor selected to receive assistance under this section.

''(2) Once a cooperative agreement is entered into under subsection (a) between the Secretary and the defense contractor, the

contractor shall publicize the program and distribute applications to prospective participants, and assist the prospective participants with the State screening process.

''(d) ELIGIBLE SCIENTISTS AND ENGINEERS.—An individual shall be eligible for selection by the Secretary of Defense to receive assistance under this section if the individual—

''(1) is employed or has been employed for not less than five years as a scientist or engineer with a private defense contractor that has entered into an agreement under subsection (a);

''(2) has received—

''(A) in the case of an individual applying for assistance for placement as an elementary or secondary school teacher, a baccalaureate or advanced degree from an accredited institution of higher education; or

''(B) in the case of an individual applying for assistance for placement as a teacher's aide in an elementary or secondary school, an associate, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college; and

''(3) has been terminated or laid off (or received notice of termination or lay off) as a result of the completion or termination of a defense contract or program or reductions in defense spending; and

''(4) satisfies such other criteria for selection as the Secretary may prescribe.

''(e) SELECTION OF PARTICIPANTS.—(1) In selecting participants to receive assistance for placement as elementary or secondary school teachers, the Secretary shall give priority to individuals who—

''(A) have educational, military, or employment experience in science, mathematics, or engineering and agree to seek employment as science, mathematics, or engineering teachers in elementary or secondary schools; or

''(B) have educational, military, or employment experience in another subject area identified by the Secretary, in consultation with the Secretary of Education, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

''(2) The Secretary may not select an individual under this section unless the Secretary has sufficient appropriations to carry out this section available at the time of the selection to satisfy the obligations to be incurred by the United States under this section with respect to that individual.

''(f) AGREEMENT.—An individual selected under this section shall be required to enter into an agreement with the Secretary in which the participant agrees—

''(1) to obtain, within one year after the selection of the individual, certification as an elementary or secondary school teacher or the necessary credentials to serve as a teacher's aide in an elementary or secondary school; and

''(2) to accept—

''(A) in the case of an individual selected for assistance for placement as a teacher, an offer of full-time employment as an elementary or secondary school teacher for not less than two school years with a local educational agency identified under section 1151(b)(2) of this title, to begin the school year after obtaining that certification; or

''(B) in the case of an individual selected for assistance for placement as a teacher's aid, an offer of full-time employment as a teacher's aide in an elementary or secondary school for not less than two school years with a local educational agency identified under section 1151(b)(3) of this title, to begin the school year after obtaining the necessary credentials.

''(g) STIPEND FOR PARTICIPANTS.—(1) The Secretary of Defense shall pay a $5,000 stipend to each participant selected under this section to assist the participant with living expenses while the participant—

''(A) is obtaining teacher certification or the necessary credentials to serve as a teacher's aide; and

''(B) is seeking employment as an elementary or secondary school teacher or teacher's aide.

''(2) A stipend provided under this section shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

''(h) PLACEMENT OF PARTICIPANTS AS TEACHERS AND TEACHERS' AIDES.—Subsections (g) through (k) of section 1151 of this title shall apply with respect to the placement as teachers and teachers' aides of individuals selected 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:

''2410c. Displaced contractor employees: assistance to obtain certification and employment as teachers or employment as teachers' aides.''.

SEC. 4304. FUNDING FOR FISCAL YEAR 1993.

Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 18 percent shall be made available for the programs authorized by sections 1151, 1598, and 2410c of title 10, United States Code, as added by this subtitle.

Subtitle B—Environmental Education and Retraining Provisions

SEC. 4311. ENVIRONMENTAL SCHOLARSHIP AND FELLOWSHIP PROGRAMS FOR THE DEPARTMENT OF DEFENSE.

(a) ESTABLISHMENT.—The Secretary of Defense (hereinafter in this section referred to as the ''Secretary'') shall conduct scholarship and fellowship programs for the purpose of enabling individuals to qualify for employment in the field of environmental restoration and waste management in the Department of Defense.

(b) ELIGIBILITY.—To be eligible to participate in the scholarship or fellowship program, an individual must—

(1) be accepted for enrollment or be currently enrolled as a full-time student at an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(2) be pursuing a program of education that leads to an appropriate higher education degree in engineering, biology, chemistry, or another qualifying field related to environmental restoration and waste management, as determined by the Secretary;

(3) sign an agreement described in subsection (c);

(4) be a citizen or national of the United States or be an alien lawfully admitted to the United States for permanent residence; and

(5) meet any other requirements prescribed by the Secretary.

(c) AGREEMENT.—An agreement between the Secretary and an individual participating in a scholarship or fellowship established in subsection (a) shall be in writing, shall be signed by the individual, and shall include the following provisions:

(1) The agreement of the Secretary to provide the individual with educational assistance for a specified number of school years (not to exceed 5 years) during which the individual is pursuing a course of education in a qualifying field. The assistance may include payment of tuition, fees, books, laboratory expenses, and (in the case of a fellowship) a stipend.

(2) The agreement of the individual to perform the following:

(A) Accept such educational assistance.

(B) Maintain enrollment and attendance in the educational program until completed.

(C) Maintain, while enrolled in the educational program, satisfactory academic progress as prescribed by the institution of higher education in which the individual is enrolled.

(D) Serve, upon completion of the educational program and selection by the Secretary under subsection (e), as a full-time employee in an environmental restoration or waste management position in the Department of Defense for the applicable period of service specified in subsection (d).

(d) PERIOD OF SERVICE.—The period of service required under subsection (c)(2)(D) is as follows:

(1) For an individual who completes a bachelor's degree under a scholarship program established under subsection (a), a period of 12 months for each school year or part thereof for which the individual is provided a scholarship under the program.

(2) For an individual who completes a master's degree under a fellowship program established under subsection (a), a period of 24 months for each school year or part thereof for which the individual is provided a fellowship under the program.

(e) SELECTION FOR SERVICE.—The Secretary shall annually review the number and performance under the agreement of individuals who complete educational programs under the scholarship and fellowship programs during the preceding year. From among such individuals, the Secretary shall select individuals for environmental and waste management positions in the Department of Defense, based on the type and availability of such positions.

(f) REPAYMENT.—(1) Except as provided in paragraph (5), any individual participating in a scholarship or fellowship program under this section shall agree to pay to the United States the total amount of educational assistance provided to the individual under the program, plus interest at the rate prescribed in paragraph (4), if—

(A) the individual does not complete the educational program as agreed to pursuant to subsection (c)(2)(B), completes the educational program but is not selected by the Secretary under subsection (e), or is selected by the Secretary under such subsection but declines to serve, or fails to complete the service, in a position in the Department of Defense as agreed to pursuant to subsection (c)(2)(D); or

(B) in the case of an individual selected by the Secretary under subsection (e), the individual is voluntarily separated from service or involuntarily separated for cause from the Department of Defense before the end of the period for which the individual has agreed to continue in the service of the Department of Defense.

(2) If an individual fails to fulfill the agreement of the individual to pay to the United States the total amount of educational assistance provided under a program established under subsection (a), plus (except as provided in paragraph (5)) interest at the rate prescribed in paragraph (4), a sum equal to the amount of the educational assistance (plus such interest, if applicable) shall be recoverable by the United States from the individual or his estate by—

(A) in the case of an individual who is an employee of the Department of Defense, set off against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the United States; and

(B) such other method provided by law for the recovery of amounts owing to the United States.

(3) The Secretary may waive in whole or in part a required repayment under this subsection if the Secretary determines the recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) Except as provided in paragraph (5), the total amount of educational assistance provided to an individual under a program established under subsection (a) shall, for purposes of repayment under this section, bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(5) The requirement to pay interest under this subsection shall not apply to an individual who completes an educational program as agreed to under subsection (c)(2)(B) but is not selected by the Secretary under subsection (e).

(g) PREFERENCE.—In evaluating applicants for the award of a scholarship or fellowship under a program established under subsection (a), the Secretary shall give a preference to—

(1) individuals who are, or have been, employed by the Department of Defense or its contractors and subcontractors or by the Department of Energy or its contractors and subcontractors who have been engaged in defense-related activities; and

(2) individuals who are or have been members of the Armed Forces.

(h) COORDINATION OF BENEFITS.—A scholarship or fellowship awarded under this section shall be taken into account in determining the eligibility of the individual for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(i) AWARD OF SCHOLARSHIPS AND FELLOWSHIPS.—(1) Subject to paragraph (2), the Secretary shall award not less than 100 scholarships (for undergraduate students) and not less than 30 fellowships (for graduate students) in fiscal year 1993.

(2) The requirement under paragraph (1) to award not less than 100 scholarships and not less than 30 fellowships shall apply only to the extent there is a sufficient number of applicants qualified for such awards.

(j) REPORT TO CONGRESS.—Not later than January 1, 1994, the Secretary shall submit to the Congress a report on activities undertaken under the programs established under subsection (a) and recommendations for future activities under the programs.

(k) FUNDING FOR FISCAL YEAR 1993.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs—

(1) 0.7 percent shall be made available to carry out the scholarship and fellowship programs established in subsection (a); and

(2) 0.3 percent shall be made available to provide training to Department of Defense personnel to obtain the skills required to comply with existing environmental statutory and regulatory requirements.

SEC. 4312. GRANTS TO COMMUNITY COLLEGES TO PROVIDE TRAINING IN ENVIRONMENTAL RESTORATION AND HAZARDOUS WASTE MANAGEMENT.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense may establish a program to assist community colleges to provide education and training in environmental restoration and hazardous waste management.

(b) FINANCIAL ASSISTANCE.—The Secretary may award grants to community colleges under the program established under subsection (a).

(c) ELIGIBILITY AND SELECTION.—(1) To be eligible for financial assistance under this section, a community college shall submit to the Secretary a proposal for such assistance in the time and manner and containing the information required by the Secretary.

(2) The Secretary shall select community colleges to receive funding under this section based upon—

(A) the extent to which a community college proposes to provide training and education under the program that is applicable to defense manufacturing sites and Department of Defense and Department of Energy defense facilities; and

(B) any other criteria prescribed by the Secretary.

(d) DEFINITION.—In this section, the term ''community college'' has the meaning given the term ''junior or community college'' in section 312(e) of the Higher Education Act of 1965 (20 U.S.C. 1058(e)).

(e) FUNDING FOR FISCAL YEAR 1993.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 0.5 percent shall be made available to carry out the program established under subsection (a).

SEC. 4313. ENVIRONMENTAL CLEANUP TRAINING DEMONSTRATION GRANT PROGRAM.

(a) IN GENERAL.—(1) Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2709. Environmental cleanup training demonstration grant program.

''(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Labor, may make grants to substate grantees, employers, representatives of employees, labor-management committees, and States to carry out demonstration projects to train eligible employees to—

''(1) carry out environmental cleanup at military installations, including cleanup of hazardous waste at such installations; and

''(2) carry out the destruction or disposal of weapons at such installations.

''(b) PURPOSE.—The purpose of the demonstration grant program established under subsection (a) is to increase the number of individuals qualified to conduct environmental restoration or hazardous waste cleanup at military installations.

''(c) DEFINITIONS.—In this section:

''(1) The term 'eligible employee' has the meaning given such term in section 325 of the Job Training Partnership Act (29 U.S.C. 1662d).

''(2) The terms 'labor-management committees', 'State', and 'substate grantee' have the meanings given such terms in section 301(b) of such Act (29 U.S.C. 1651(b)).''.

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

''2709. Environmental training cleanup demonstration grant program.''.

(b) FUNDING FOR FISCAL YEAR 1993.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 0.5 percent shall be made available to carry out section 2709 of title 10, United States Code, as added by subsection (a).

SEC. 4314. DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES WORK FORCE RESTRUCTURING PLAN.

(a) IN GENERAL.—The Secretary of Energy (hereinafter in this section referred to as the ''Secretary'') shall develop a plan for restructuring the work force of Department of Energy defense nuclear facilities that takes into account—

(1) reconfiguration of defense nuclear facilities; and

(2) the plan for the nuclear weapons stockpile that is the most recently prepared plan at the time of the development of the plan referred to in this subsection.

(b) CONSULTATION.—(1) In developing the plan referred to in subsection (a) and any updates of the plan under subsection (e), the Secretary shall consult with the Secretary of Labor, appropriate representatives of local and national collective-bargaining units of individuals employed at Department of Energy defense nuclear facilities, appropriate representatives of departments and agencies of State and local governments, appropriate representatives of State and local institutions of higher education, and appropriate representatives of community groups in communities affected by the restructuring plan.

(2) The Secretary shall determine appropriate representatives of the units, governments, institutions, and groups referred to in paragraph (1).

(c) OBJECTIVES.—In preparing the plan required under subsection (a), the Secretary shall be guided by the following objectives:

(1) Changes in the work force at Department of Energy defense nuclear facilities—

(A) should be accomplished so as to minimize social and economic impacts;

(B) should be made only after the provision of notice of such changes not later than 120 days before the commencement of such changes to such employees and the communities in which such facilities are located; and

(C) should be accomplished, when possible, through the use of retraining, early retirement, attrition, and other options that minimize layoffs.

(2) Employees whose employment in positions at such facilities is terminated shall, to the extent practicable, receive preference in any hiring of the Department of Energy (consistent with applicable employment seniority plans or practices of the Department of Energy and with section 3152 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1682)).

(3) Employees shall, to the extent practicable, be retrained for work in environmental restoration and waste management activities at such facilities or other facilities of the Department of Energy.

(4) The Department of Energy should provide relocation assistance to employees who are transferred to other Department of Energy facilities as a result of the plan.

(5) The Department of Energy should assist terminated employees in obtaining appropriate retraining, education, and reemployment assistance (including employment placement assistance).

(6) To the extent that funds are authorized and appropriated for such programs, the Department of Energy should provide local impact assistance to communities that are affected by the restructuring plan and coordinate the provision of such assistance with—

(A) programs carried out by the Department of Labor pursuant to the Job Training Partnership Act (29 U.S.C. 1501 et seq.);

(B) programs carried out pursuant to the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 (10 U.S.C. 2391 note); and

(C) programs carried out by the Department of Commerce pursuant to title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241 et seq.).

(d) IMPLEMENTATION.—The Secretary shall work on an ongoing basis with representatives of the Department of Labor, work force bargaining units, and States and local communities in carrying out the plan required under subsection (a).

(e) PLAN UPDATES.—Not later than one year after issuing the plan referred to in subsection (a) and on an annual basis thereafter, the Secretary shall issue an update of the plan. Each updated plan under this subsection shall—

(1) be guided by the objectives referred to in subsection (c), taking into account any changes in the function or mission of the Department of Energy defense nuclear facilities

and any other changes in circumstances that the Secretary determines to be relevant;

(2) contain an evaluation by the Secretary of the implementation of the plan during the year preceding the report; and

(3) contain such other information and provide for such other matters as the Secretary determines to be relevant.

(f) SUBMITTAL TO CONGRESS.—The Secretary shall submit the plan referred to in subsection (a) and any updates of the plan under subsection (e) to the Speaker of the House of Representatives and the President of the Senate. The plan shall be submitted not later than 180 days after the date of the enactment of this Act.

Subtitle C—Job Training and Employment and Educational Opportunities

SEC. 4321. TRAINING, ADJUSTMENT ASSISTANCE, AND EMPLOYMENT SERVICES FOR DISCHARGED MILITARY PERSONNEL, TERMINATED DEFENSE EMPLOYEES, AND DISPLACED EMPLOYEES OF DEFENSE CONTRACTORS.

(a) IN GENERAL.—Title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.) is amended by inserting after section 325 the following new section:

"SEC. 325A. DEFENSE DIVERSIFICATION PROGRAM.

''(a) IN GENERAL.—

''(1) GRANTS TO SUBSTATE GRANTEES.—The Secretary of Defense, in consultation with the Secretary of Labor, shall make grants to substate grantees to provide defense diversification or conversion assistance to affected facilities and training, adjustment assistance, and employment services to eligible individuals described in subsection (b) located within the substate area of such grantee who are directly affected by reductions in expenditures by the United States for defense or by closures of United States military facilities. If a substate grantee fails to apply for a grant under this paragraph within 60 days after notification of the dislocation or potential dislocation of eligible individuals (or such reasonable time as the Secretary of Defense may prescribe in the case of training, assistance, and services for eligible members of the Armed Forces), the Secretary shall make such grants as provided in paragraphs (2) and (3).

''(2) GRANTS TO EMPLOYERS, REPRESENTATIVES OF EMPLOYEES, AND LABOR-MANAGEMENT COMMITTEES.—If a substate grantee fails to apply under paragraph (1) before the end of the application period provided in such paragraph, the Secretary of Defense shall make grants to employers, representatives of employees, or labor-management committees which are located in the substate area of such grantee for the purpose of providing the services described in such paragraph.

''(3) GRANTS TO STATES.—If a substate grantee fails to apply under paragraph (1) and the entities described in paragraph (2) fail to apply under such paragraph, the Secretary of Defense shall make grants to States in which such grantees are located for the purpose of providing the services described in paragraph (1).

''(4) DEFINITIONS.—For purposes of this section:

''(A) LABOR-MANAGEMENT COMMITTEE.—The term 'labor-management committee'—

''(i) has the meaning given such term in section 301(b)(1); and

''(ii) includes a committee established at a military installation to assist members of the Armed Forces who are being separated and civilian employees of the Department of Defense and the Department of Energy who are being terminated.

''(B) DEFENSE CONTRACTOR.—The term 'defense contractor' means a private person producing goods or services pursuant to—

''(i) one or more defense contracts which have a total amount not less than $500,000 entered into with the Department of Defense; or

''(ii) one or more subcontracts entered into in connection with a defense contract and which have a total amount not less than $500,000.

''(b) INDIVIDUALS ELIGIBLE FOR TRAINING, ASSISTANCE, AND SERVICES.—

''(1) CERTAIN MEMBERS OF THE ARMED FORCES.—A member of the Armed Forces shall be eligible for training, adjustment assistance, and employment services under this section if the member—

''(A) was on active duty or full-time National Guard duty on September 30, 1990;

''(B) during the five-year period beginning on that date—

''(i) is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or

''(ii) is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under section 1174a of title 10, United States Code, or the voluntary separation incentive program under section 1175 of that title;

''(C) is not entitled to retired or retainer pay incident to that separation; and

''(D) applies for such training, adjustment assistance, or employment services before the end of the 180-day period beginning on the date of that separation.

''(2) CERTAIN DEFENSE EMPLOYEES.—A civilian employee of the Department of Defense or the Department of Energy shall be eligible for training, adjustment assistance, and employment services under this section if the employee—

''(A) during the five-year period beginning on October 1, 1992, is terminated or laid off (or receives a notice of termination or lay off) 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 the Secretary of Energy, except that, in the case of a notice of termination or lay off, the eligibility of the employee shall not begin until 180 days before the projected date of the termination or lay off; and

''(B) is not entitled to retired or retainer pay incident to that termination or lay off.

''(3) CERTAIN DEFENSE CONTRACTOR EMPLOYEES.—An employee of a private defense contractor (as defined in section 4405(d) of the Defense Reinvestment Act of 1992) shall be eligible for training, adjustment assistance, and employment services under this section if the employee—

''(A) during the five-year period beginning on October 1, 1992, is terminated or laid off (or receives a notice of termination or lay off) 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, except that, in the case of a notice of termination or lay off, the eligibility of the employee shall not begin until 180 days before the projected date of the termination or lay off;

''(B) on the date of such termination or lay off, was employed for not less than five years with that private defense contractor; and

''(C) is not entitled to retired or retainer pay incident to that termination.

''(c) APPLICATION REQUIREMENTS.—

''(1) IN GENERAL.—To receive a grant under subsection (a), an applicant shall submit to the Secretary of Defense an application which contains such information as the Secretary may require and which meets the following requirements:

''(A) CONVERSION PLAN.—

''(i) SUBSTATE GRANTEES.—In the case of an applicant that is a substate grantee, such grantee shall, in conjunction with the labor-management committee established pursuant to subparagraph (B)(ii) at the affected facility, submit a conversion plan developed in consultation with the State dislocated worker unit (and where appropriate, representatives from the Department of Defense) that meets the requirements of clause (v).

''(ii) EMPLOYERS AND REPRESENTATIVES OF EMPLOYEES.—In the case of an applicant that is an employer or representative of employees, such employer or representative of employees shall, in conjunction with the labor-management committee established pursuant to subparagraph (B)(ii) at the affected facility of such employer or representatives of employees, submit a conversion plan developed in consultation with the State dislocated worker unit (and where appropriate, representatives from the Department of Defense) that meets the requirements of clause (v).

''(iii) LABOR-MANAGEMENT COMMITTEES.—In the case of an applicant that is a labor-management committee, such committee shall submit a conversion plan developed in consultation with the State dislocated worker unit (and where appropriate, representatives from the Department of Defense) that meets the requirements of clause (v).

''(iv) STATES.—In the case of an applicant that is a State, such State shall, in conjunction with the labor-management committee established pursuant to subparagraph (B)(ii) at the affected facility, submit a conversion plan developed in consultation with the State dislocated worker unit (and where appropriate, representatives from the Department of Defense) that meets the requirements of clause (v).

''(v) REQUIREMENTS.—A conversion plan meets the requirements of this clause if such plan—

''(I) provides an assessment of basic skills, career interests, and income needs of eligible individuals;

''(II) provides a preliminary outline of a program to convert the defense base or facility to a commercial facility; and

''(III) contains economic development strategies, new product marketing strategies, plant or military base conversion proposals, a labor market analysis, and proposals for the effective use or conversion of surplus Federal property.

''(B) PROVISION OF STATE DISLOCATED WORKER SERVICES.—The applicant shall provide verification that the State dislocated worker unit has provided, or is in the process of providing, in addition to the services described in section 311(b)(3) and 314(b), the following activities and services:

''(i) The State dislocated worker unit, in conjunction with the substate grantee (and where appropriate, representatives from the Department of Defense), has established on-site contact with employers and employee representatives affected by a dislocation or potential dislocation of eligible individuals not later than 2 business days after notification of such dislocation.

''(ii) The State dislocated worker unit has assisted in the formation of a labor-management committee in the case of a facility affected by an employee dislocation or potential dislocation in accordance with section 314(b)(1)(B), including the provision of technical assistance and, where appropriate, financial assistance to cover the start-up costs of such committee. If the labor-management committee has not been established by the State dislocated worker unit, the Secretary of Defense, in consultation with the Secretary of Labor, may waive the requirement described in the preceding sentence if the Secretary determines that the State dislocated worker unit has made a good-faith effort to establish such committee.

''(iii) The State dislocated worker unit has provided, in conjunction with the labor-man-

agement committee established pursuant to clause (ii), the following services:

''(I) An initial survey of potential eligible individuals to determine the approximate number of such individuals interested in receiving services under this section, orientation sessions, counseling services, and early intervention services for eligible individuals and management. Such services may be provided in coordination with representatives from the United States Employment Service, the Interstate Job Bank, the Department of Defense, and the National Occupational Information Coordinating Committee.

''(II) Initial basic readjustment services in conjunction with such services provided by substate grantees.

''(C) SKILLS ENHANCEMENT RETRAINING.—The applicant shall provide assurances satisfactory to the Secretary of Defense, in consultation with the Secretary of Labor, that if the applicant uses amounts from a grant under subsection (a) for skills enhancement retraining at defense facilities pursuant to subsection (f)(2)—

''(i) the applicant will maintain its expenditures from all other sources for skills enhancement retraining at or above the average level of such expenditures in the fiscal year preceding the date of the enactment of this section; and

''(ii) such retraining will not be conducted during the individual's normal working hours.

''(2) TECHNICAL ASSISTANCE.—The Secretary of Labor may provide technical assistance to an applicant for the purpose of assisting the applicant to meet the application requirements under paragraph (1).

''(3) TIMELY DECISION.—The Secretary of Defense shall make a final determination with regard to an application received under paragraph (1) within 60 days after receipt of the application.

''(4) TIMELY NOTIFICATION.—The Secretary of Defense shall provide timely written notification to an applicant upon determination by such Secretary that the applicant has not satisfied the requirements under paragraph (1).

''(d) SELECTION REQUIREMENTS.—

''(1) NEEDS-RELATED PAYMENTS REQUIREMENT.—The Secretary of Defense, in consultation with the Secretary of Labor, shall not approve an application for a grant under subsection (a) unless the application contains assurances that the applicant will use amounts from a grant to provide needs-related payments in accordance with subsection (h).

''(2) SUBSTATE GRANTEES.—In reviewing applications for grants to substate grantees under subsection (a)(1), the Secretary of Defense shall select applications—

''(A) from areas most severely impacted by the reduction in defense expenditures and base closures, particularly areas with existing high poverty levels or existing high unemployment levels;

''(B) from areas which have the greatest number of eligible individuals, taking into account the ratio of eligible individuals in the affected community to the population of such community; and

''(C) which include the input and participation of the labor-management committee in the development of the conversion plan required under subsection (c)(1)(A).

''(3) PRIORITY FOR LABOR-MANAGEMENT COMMITTEES.—In reviewing applications for grants under subsection (a)(2), the Secretary of Defense shall give priority to applications received from labor-management committees.

''(e) RETENTION OF PORTION OF GRANT AMOUNT BY SECRETARY.—

''(1) PORTION RELATING TO CONVERSION PLAN.—The Secretary of Defense shall retain 25 percent of the amount of a grant awarded under subsection (a) and shall disburse the amount not later than 90 days after the date on which such Secretary determines that the applicant has satisfied the requirements of the conversion plan required under subsection (c)(1)(A).

''(2) PORTION RELATING TO STATE DISLOCATED WORKER SERVICES.—The Secretary shall retain up to 20 percent of the amount of the grant awarded under subsection (a) (not to exceed $100,000) to reimburse the State dislocated worker unit for expenses incurred in providing the services described under subsection (c)(1)(B).

''(f) USE OF FUNDS.—Subject to the requirements of subsections (g), (h), and (i), grants under subsection (a) may be used for—

''(1) any purpose for which funds may be used under section 314 or this part; and

''(2) skills enhancement retraining at defense facilities which are being converted to commercial facilities for the purpose of supplementing existing skills enhancement efforts for non-professional and non-managerial positions at such facilities.

''(g) ADJUSTMENT ASSISTANCE REQUIREMENTS.—The adjustment assistance requirements described in section 326(e) shall apply for purposes of grants made under subsection (a) for adjustment assistance.

''(h) NEEDS-RELATED PAYMENTS REQUIREMENTS.—The Secretary of Labor shall prescribe regulations with respect to the use of funds from grants under subsection (a) for needs-related payments in accordance with the requirements described in section 326(f) in order to enable eligible individuals to complete training or education programs. Priority for needs-related payments shall be given to eligible individuals participating in certificate vocational training or education programs of 1 year or more.

''(i) DEPARTMENT OF DEFENSE FINANCIAL ASSISTANCE REQUIREMENT.—The Secretary of Defense, in consultation with the Secretary of Labor, shall prescribe regulations to ensure that student financial assistance authorized under programs for employees of the Department of Defense and veterans is provided prior to adjustment assistance under subsection (g), needs-related payments under subsection (h), and any other student financial assistance provided under Federal law.

''(j) DEMONSTRATION PROJECTS.—In carrying out the grant program established under subsection (a), the Secretary of Defense, in consultation with the Secretary of Labor, may make grants to the entities referred to in that subsection for the purpose of developing demonstration projects to encourage and promote innovative responses to the dislocation resulting from reductions in expenditures by the United States for defense or by the closure of United States military installations. Such demonstration projects may include—

''(1) projects to facilitate the placement of eligible individuals in occupations experiencing skill shortages that will make use of the skills acquired by the eligible individuals during their employment;

''(2) projects to assist in retraining and reorganization efforts designed to avert layoffs that would otherwise occur as a result of such reductions or closures; and

''(3) projects to assist communities in addressing and reducing the impact of such economic dislocation.''.

(b) FUNDING FOR FISCAL YEAR 1993.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 10 percent shall be made available to carry out section 325A of the Job Training Partnership Act, as added by subsection (a).

SEC. 4322. DEFENSE CONTRACTOR HIRING PREFERENCE FOR DISPLACED DEFENSE WORKERS.

(a) CONDITION OF DEFENSE CONTRACTS.—Any contract entered into by the Secretary of Defense with a major defense contractor during the period specified in subsection (g) shall include a provision requiring that during the period that the contract remains in effect the contractor, in hiring new employees in an occupational specialty, shall give a first right of hire to any displaced defense worker with skills in that occupational specialty.

(b) DISPLACED DEFENSE WORKER DEFINED.—For purposes of this section, an individual shall be considered to be a displaced defense worker if the individual was employed for a period of not less than five years as an employee of the Department of Defense, of a contractor of the Department of Defense, or of the national security laboratories of the Department of Energy immediately preceding a qualifying dislocation.

(c) QUALIFYING DISLOCATION DEFINED.—For purposes of this section, a qualifying dislocation is a termination of employment that the Secretary of Defense or the Secretary of Energy, as the case may be, determines was due to reductions in levels of defense expenditures.

(d) MAJOR DEFENSE CONTRACTOR DEFINED.—For purposes of this section, a business firm shall be considered to be a major defense contractor if the average annual dollar volume of contracts of that firm with the Department of Defense for the fiscal years 1989, 1990, and 1991 was greater than $100,000,000.

(e) PROTECTION OF FURLOUGHED WORKERS.—Subsection (a) may not be construed to require a contractor to hire a displaced defense worker in preference to recalling a furloughed employee of the contractor.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to relieve an employer of the affirmative action requirements pertaining to veterans set forth in section 4212 of title 38, United States Code.

(g) APPLICABILITY.—This section shall apply to contracts entered into after the end of the 90-day period beginning on the date of the enactment of this Act and before October 1, 1997.

SEC. 4323. PARTICIPATION OF DISCHARGED MILITARY PERSONNEL IN UPWARD BOUND PROJECTS TO PREPARE FOR COLLEGE.

(a) PROGRAM.—The Secretary of Defense may carry out a program to assist a member of the Armed Forces described in subsection (b) who is accepted to participate in an upward bound project assisted under section 417C of the Higher Education Act of 1965 (20 U.S.C. 1070d–1a) to cover the cost of providing services through the project to the member to assist the member to prepare for and pursue a program of higher education upon separation from active duty. Assistance provided under the program may include a stipend provided under subsection (d) of such section.

(b) ELIGIBLE MEMBERS.—A member of the Armed Forces shall be eligible for assistance under subsection (a) if the member—

(1) was on active duty or full-time National Guard duty on September 30, 1990;

(2) during the five-year period beginning on that date, is discharged or released from such duty (under other than adverse circumstances); and

(3) submits an application to the Secretary of Defense within such time, in such form, and containing such information as the Secretary of Defense may require.

(c) NOTIFICATION OF MEMBERS PREVIOUSLY SEPARATED.—To the extent feasible, the Secretary of Defense shall notify members of the Armed Forces who, between September

30, 1990, and the date of the enactment of this Act, were discharged or released from active duty or full-time National Guard duty regarding the availability of the program under subsection (a). The Secretary may establish a time limit within which such members may apply to participate in the program.

(d) PROVISION OF ASSISTANCE.—

(1) DETERMINATION OF AMOUNT.—The amount of assistance provided under subsection (a) to a member of the Armed Forces shall be equal to the anticipated cost of providing services to the member through an upward bound project, subject to the limitation that such amount may not exceed the monthly basic pay to which the member is entitled at the time of the separation of the member. The Secretary of Defense may provide assistance in excess of that limitation if the Secretary determines, on a case by case basis, that such assistance is warranted by the special training needs of the member.

(2) CONSULTATION.—The Secretary of Education may assist the Secretary of Defense in determining the amount to be provided under paragraph (1).

(e) USE OF ASSISTANCE.—A member of the Armed Forces who is selected to participate in the program may receive services through any upward bound project assisted under section 417C of the Higher Education Act of 1965 (20 U.S.C. 1070d–1a) to the same extent as other individuals eligible to receive such services. A member may not participate after the end of the two-year period beginning on the date on which the member is discharged or released from active duty, except that, in the case of a member described in subsection (b) who was discharged or released from active duty before the date of the enactment of this Act, the period for participation in the program shall be two years from the date of the enactment of this Act.

(f) REIMBURSEMENT.—Upon submission to the Secretary of Defense of a request for reimbursement of the costs to provide services to a participant, the Secretary shall reimburse the upward bound project submitting the request for the actual cost of providing services (including a stipend) to the member, not to exceed the amount provided under subsection (d)(1). Funds provided under this subsection shall be in addition to the funds otherwise provided to the project under the Higher Education Act of 1965. Not more than 10 percent of the funds provided under this subsection may be used for administrative costs.

(g) FUNDING FOR FISCAL YEAR 1993.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 0.5 percent shall be made available to provide assistance under this section.

SEC. 4324. IMPROVEMENTS TO EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS UNDER THE JOB TRAINING PARTNERSHIP ACT.

(a) ADDITIONAL STATE DISLOCATED WORKER UNIT ASSISTANCE REQUIREMENTS.—Section 311(b) of the Job Training Partnership Act (29 U.S.C. 1661(b)) is amended—

(1) in paragraph (3)(D), by inserting before the semicolon at the end the following: ‘‘, including immediate notification to substate grantees of current or projected permanent closures or substantial layoffs in the substate area of such grantee to continue and expand the services initiated by the rapid response teams’’;

(2) in paragraph (9), by striking ‘‘on the plan; and’’ and inserting ‘‘on the plan;’’;

(3) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

‘‘(11) the State unit will provide the Secretary with a cost breakdown of all funds made available under this title used by such unit for administrative expenditures; and

‘‘(12) the State will not transfer any of the rapid response assistance functions of the State unit under section 314(b) to any other entity.’’.

(b) EXPANDED DEFINITION OF SUBSTANTIAL LAYOFF FOR RAPID RESPONSE ASSISTANCE PROVIDED UNDER SECTION 325.—Section 314(b) of such Act (29 U.S.C. 1661c(b)) is amended by adding at the end the following new paragraph:

‘‘(3) For purposes of rapid response assistance provided by a State dislocated worker unit, the term ‘substantial layoff’ means a layoff of 50 or more individuals.’’.

(c) LIMITATION ON USE OF FUNDS FOR NEEDS-RELATED PAYMENTS AND SUPPORTIVE SERVICES.—Section 315(b) of such Act (29 U.S.C. 1661d(b)) is amended by striking ‘‘Not more than 25 percent’’ and inserting ‘‘Except for funds expended under section 325 or 325A, not more than 25 percent’’.

(d) PROHIBITION OF USE OF FUNDS UNDER JOB TRAINING PROGRAMS FOR TRANSFER OF FEDERAL PROPERTY AND EQUIPMENT BETWEEN FEDERAL AGENCIES.—Section 141 of such Act (29 U.S.C. 1551) is amended by adding at the end the following new subsection:

‘‘(q) Notwithstanding any other provision of law, the transfer of Federal property and equipment to a job training program under this Act or an education program shall be provided to such program at no cost.’’.

SEC. 4325. JOB BANK PROGRAM FOR DISCHARGED MILITARY PERSONNEL, TERMINATED DEFENSE EMPLOYEES, AND DISPLACED EMPLOYEES OF DEFENSE CONTRACTORS.

(a) INTERSTATE JOB BANK PROGRAM.—The Secretary of Defense may establish a program to expand the services of and provide access to the Interstate Job Bank program in the United States Employment Service to individuals eligible for training, adjustment assistance, and employment services under section 325 or 325A of the Job Training Partnership Act (29 U.S.C. 1501 et seq.) and, in the case of members of the Armed Forces so eligible, the spouses of such members. The Secretary may establish such program in coordination with the Defense Outplacement Referral System and other automated job opening networks.

(b) SERVICES INCLUDED.—The program established under subsection (a) may include the following services:

(1) A phone bank reachable by a toll-free number, staffed by an international ‘‘help desk’’ of individuals familiar with the services provided under section 1144 of title 10, United States Code, and related transition programs under chapter 58 of such title (in the case of members of the Armed Forces, priority shall be given to recently-discharged veterans, members of the Armed Forces who have been separated from active duty, and their spouses).

(2) Interstate Job Bank satellite offices or systems at defense contractor plants by State employment security agencies and at all military bases for direct access and self service to job listings.

(3) Specialized job banks to integrate with the Interstate Job Bank for specialized listings or services such as the Defense Outplacement Referral System (DORS) of resumes, National Academy of Sciences Network, commercial systems, and the outplacement of defense-related personnel in high-tech occupations through the expansion and coordination of existing networks to ensure that resources are available at all service locations.

(4) A system by which individuals and public and private organizations may access the Interstate Job Bank using individual modems or related automated employment systems (such system shall also demonstrate a fee-for-service access to the Interstate Job Bank).

(c) FUNDING FOR FISCAL YEAR 1993.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 0.6 percent shall be made available to carry out the program established under subsection (a).

Subtitle D—Service Members Occupational Conversion and Training

SEC. 4351. SHORT TITLE.

This subtitle may be cited as the ‘‘Service Members Occupational Conversion and Training Act of 1992’’.

SEC. 4352. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the men and women serving in our Nation’s Armed Forces are of the highest caliber—intelligent, dedicated, and disciplined—and hundreds of thousands of these service members will be separating from the Armed Forces due to the drawdown in military personnel;

(2) these men and women will be entering the civilian workforce during a time of economic instability and uncertainty;

(3) many of these service personnel specialized in critical skills such as combat arms which will not transfer to the civilian workforce;

(4) as part of the Nation’s obligation to these service members, the Secretary of Defense has a unique responsibility and obligation to provide them with the tools they need to be reassimilated into the civilian community and continue to be outstanding, productive citizens;

(5) the rapid placement of separated military personnel in civilian employment and training opportunities will significantly reduce the Department of Defense’s costs relative to unemployment compensation for ex-service members;

(6) military personnel are a national resource whose skills and abilities must be absorbed by and integrated into the civilian workforce; and

(7) providing such training will reduce the total cost of the drawdown and is important to the national defense function of the Department of Defense.

(b) PURPOSE.—The purpose of this subtitle is to provide additional means by which the Secretary of Defense can manage the drawdown of the Armed Forces and to provide additional forms of assistance to members of the Armed Forces who are forced or induced to leave military service by reason of the drawdown of the Armed Forces, thereby facilitating the Secretary’s ability to achieve end strength reductions caused by the drawdown.

SEC. 4353. DEFINITIONS.

For the purposes of this subtitle:

(1) The term ‘‘Secretary’’ means the Secretary of Defense.

(2) The terms ‘‘compensation’’, ‘‘service-connected’’, ‘‘State’’, and ‘‘active military, naval, or air service’’ have the meanings given such terms in paragraphs (13), (16), (20), and (24), respectively, of section 101 of title 38, United States Code.

SEC. 4354. ESTABLISHMENT OF PROGRAM.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this subtitle, the Secretary shall carry out a program in accordance with this subtitle to assist eligible persons in obtaining employment through participation in programs of significant training for employment in stable and permanent positions. The Secretary may enter into an agreement with the Secretary of Veterans Affairs and the Secretary of Labor for the implementation of the program. The program shall be carried out through payments to employers who employ and train eligible persons in such positions.

Such payments shall be made to assist such employers in defraying the costs of necessary training.

(b) STATE APPROVING AGENCIES.—(1) The implementing official may enter into contracts or agreements with State approving agencies, as designated pursuant to section 3671(a) of title 38, United States Code, to carry out any duty of the implementing official under this subtitle. Payment may be made to such agencies pursuant to any such contract or agreement for reasonable and necessary expenses of salary and travel incurred by employees of such agencies in carrying out such duties. Each such payment may be made only from funds available to the implementing official pursuant to section 4366(a)(3).

(2) Each State approving agency with which a contract or agreement is entered into under this section shall submit to the implementing official on a monthly or quarterly basis, as determined by the agency, a report containing a certification of such expenses for the period covered by the report. The report shall be submitted in the form and manner required by such official.

SEC. 4355. ELIGIBILITY FOR PROGRAM; DURATION OF ASSISTANCE.

(a) IN GENERAL.—(1) To be eligible for participation in a job training program under this subtitle, an eligible person—

(A) must be an eligible person described in paragraph (2)—

(i) who—

(I) is unemployed at the time of applying for participation in a program under this subtitle; and

(II) has been unemployed for at least 10 of the 15 weeks immediately preceding the date of such eligible person's application for participation in a program under this subtitle;

(ii) who separates from the active military, naval, or air service and whose primary or secondary occupational specialty in the Armed Forces is (as determined under regulations prescribed by the Secretary and in effect before the date of such separation) not readily transferable to the civilian workforce; or

(iii) who served in the active military, naval, or air service and is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under the laws administered by the Secretary of Veterans Affairs for a disability rated at 30 percent or more, as determined by the implementing official; and

(B) who submits an application under subsection (b) during the period ending four years after the date of the last discharge or the date of enactment of this subtitle, whichever is later.

(2) For purposes of paragraph (1), an eligible person referred to in paragraph (1) is a veteran described in section 101(2) of title 38, United States Code, who was discharged on or after August 2, 1990, and—

(A) served in the active military, naval, or air service for a period of more than 90 days; or

(B) was discharged or released from active duty because of a service-connected disability.

(3) For purposes of paragraph (1), an eligible person shall be considered to be unemployed during any period such person is without a job and wants and is available for work. In determining whether a person is unemployed for purposes of paragraph (1), the implementing official shall not take into consideration part-time or temporary employment, as defined by such official.

(b) APPLICATION PROCESS.—(1) An eligible person who desires to participate in a program of job training under this subtitle shall submit to the implementing official an application for participation in such a program. Such an application—

(A) shall include a certification by the eligible person that the eligible person meets the criteria for eligibility prescribed by clause (i), (ii), or (iii) of subsection (a)(1);

(B) shall include an opportunity for the eligible person to request counseling under section 4364(a); and

(C) shall be in such form and contain such additional information as such official may prescribe.

(2)(A) Subject to subparagraph (B), an application by an eligible person for participation in a program of job training under this subtitle shall be approved unless the implementing official finds that the eligible person is not eligible to participate in a program of job training under this subtitle.

(B) Approval of an application of an eligible person under this subtitle may be withheld if the implementing official determines that, because of limited funds available for the purpose of making payments to employers under this subtitle, it is necessary to limit the number of participants in the program carried out under this subtitle.

(3)(A) Subject to section 4362(c), the implementing official shall certify as eligible for participation under this subtitle an eligible person whose application is approved under this subsection and shall furnish the eligible person with a certificate of that eligible person's eligibility for presentation to an employer offering a program of job training under this subtitle. Any such certificate shall expire 180 days after it is furnished to the eligible person. The date on which a certificate is furnished to an eligible person under this paragraph shall be stated on the certificate.

(B) A certificate furnished under this paragraph may, upon the eligible person's application, be renewed in accordance with the terms and conditions of subparagraph (A).

(c) PERIOD OF TRAINING.—The maximum period of training for which assistance may be provided on behalf of an eligible person under this subtitle is 15 months.

SEC. 4356. EMPLOYER JOB TRAINING PROGRAMS.

(a) MINIMUM PERIOD.—(1) Except as provided in paragraph (2), in order to be approved as a program of job training under this subtitle, a program of job training of an employer approved under section 4357 must provide training for a period of not less than 12 months in an occupation in a growth industry or in an occupation requiring the use of new technological skills.

(2) A program of job training providing training for a period of at least 6 months may be approved if the implementing official determines (in accordance with standards which the Secretary shall prescribe) that the purpose of this subtitle would be met through that program.

(b) ENTRY INTO PROGRAM.—Subject to section 4360 and the other provisions of this subtitle, an eligible person who has been approved for participation in a program of job training under this subtitle and has a current certificate of eligibility for such participation may enter a program of job training that has been approved under section 4357 and that is offered to the eligible person by the employer.

SEC. 4357. APPROVAL OF EMPLOYER PROGRAMS.

(a) IN GENERAL.—(1) An employer may be paid assistance under section 4358(a) on behalf of an eligible person employed by such employer and participating in a program of job training offered by that employer only if the program is approved under this section.

(2) Except as provided in subsection (b), a proposed program of job training of an employer shall be approved unless the implementing official determines that the application does not contain a certification and other information meeting the requirements established under this subtitle or that withholding of approval is warranted under subsection (g).

(b) INELIGIBLE PROGRAMS.—A program of job training—

(1) for employment which consists of seasonal, intermittent, or temporary jobs;

(2) for employment under which commissions are the primary source of income;

(3) for employment which involves political or religious activities;

(4) for employment with any department, agency, instrumentality, or branch of the Federal Government (including the United States Postal Service and the Postal Rate Commission); or

(5) for employment outside of a State,

may not be approved under this subtitle.

(c) APPLICATION.—An employer offering a program of job training that the employer desires to have approved for the purposes of this subtitle shall submit to the implementing official a written application for such approval. Such application shall be in such form as such official shall prescribe.

(d) CERTIFICATION.—An application under subsection (c) shall include a certification by the employer of the following:

(1) That the employer is planning that, upon an eligible person's completion of the program of job training, the employer will employ the eligible person in a position for which the eligible person has been trained and that the employer expects that such a position will be available on a stable and permanent basis to the eligible person at the end of the training period.

(2) That the wages and benefits to be paid to an eligible person participating in the employer's program of job training will be not less than the wages and benefits normally paid to other employees participating in a comparable program of job training.

(3) That the employment of an eligible person under the program—

(A) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits); and

(B) will not be in a job (i) while any other individual is on layoff from the same or any substantially equivalent job, or (ii) the opening for which was created as a result of the employer having terminated the employment of any regular employee or otherwise having reduced its work force with the intention of hiring an eligible person in such job under this subtitle.

(4) That the employer will not employ in the program of job training an eligible person who is already qualified by training and experience for the job for which training is to be provided.

(5) That the job which is the objective of the training program is one that involves significant training.

(6) That the training content of the program is adequate, in light of the nature of the occupation for which training is to be provided and of comparable training opportunities in such occupation, to accomplish the training objective certified under paragraph (2) of subsection (e).

(7) That each participating eligible person will be employed full time in the program of job training.

(8) That the training period under the proposed program is not longer than the training periods that employers in the community customarily require new employees to complete in order to become competent in the occupation or job for which training is to be provided.

(9) That there are in the training establishment or place of employment such space, equipment, instructional material, and instructor personnel as needed to accomplish the training objective certified under subsection (e)(2).

(10) That the employer will keep records adequate to show the progress made by each eligible person participating in the program and otherwise to demonstrate compliance with the requirements established under this subtitle.

(11) That the employer will furnish each participating eligible person, before the eligible person's entry into training, with a copy of the employer's certification under this subsection and will obtain and retain the eligible person's signed acknowledgment of having received such certification.

(12) That, as applicable, the employer will provide each participating eligible person with the full opportunity to participate in a personal interview pursuant to section 4364(b)(1)(B) during the eligible person's normal workday.

(13) That the program meets such other criteria as the Secretary, in consultation with the Secretary of Veterans Affairs and the Secretary of Labor, may determine are essential for the effective implementation of the program established by this subtitle.

(e) HOURS AND TRAINING CONTENT.—A certification under subsection (d) shall include—

(1) a statement indicating (A) the total number of hours of participation in the program of job training to be offered an eligible person, (B) the length of the program of job training, and (C) the starting rate of wages to be paid to a participant in the program; and

(2) a description of the training content of the program (including any agreement the employer has entered into with an educational institution under section 4360) and of the objective of the training.

(f) STATUS OF CERTIFIED MATTERS.—(1) Except as specified in paragraph (2), each matter required to be certified to in paragraphs (1) through (11) of subsection (d) shall be considered to be a requirement established under this subtitle.

(2)(A) For the purposes of section 4358(c), only matters required to be certified in paragraphs (1) through (10) of subsection (d) shall be so considered.

(B) For the purposes of section 4361, a matter required to be certified under paragraph (12) of subsection (d) shall also be so considered.

(g) WITHHOLDING APPROVAL; DISAPPROVAL.—In accordance with regulations which the Secretary shall prescribe, the implementing official may withhold approval of an employer's proposed program of job training pending the outcome of an investigation under section 4362 and, based on the outcome of such an investigation, may disapprove such program.

(h) ON-JOB TRAINING.—For the purposes of this section, approval of a program of apprenticeship or other on-job training for the purposes of section 3687 of title 38, United States Code, shall be considered to meet all requirements established under the provisions of this subtitle (other than subsection (b) and (d)(3)) for approval of a program of job training.

SEC. 4358. PAYMENTS TO EMPLOYERS; OVERPAYMENT.

(a) PAYMENTS.—(1)(A) Except as provided in subsection (b) and subject to section 4355(c), the implementing official shall make payments to employers in accordance with this section. The amount payable to such an employer on behalf of an eligible person with respect to an approved program of job training under this subtitle shall be determined by such official at the beginning of such program. Except as provided in subparagraph (B), that amount shall be equal to 50 percent of the product of (i) the starting hourly rate of wages paid to the eligible person by the employer (without regard to overtime or premium pay), and (ii) the number of hours to be worked by the eligible person during the entire program period.

(B) In no case may the amount determined under subparagraph (A) exceed—

(i) $12,000 for an eligible person with a service-connected disability rated at 30 percent or more; or

(ii) $10,000 for an eligible person not described in clause (i).

(2)(A) Except as provided in subparagraph (B) of this paragraph and subject to the provisions of section 4359, the payments described in paragraph (1) shall be made to an employer of an eligible person participating in an approved program of job training under this subtitle as follows:

(i) One-third of the amount determined under paragraph (1) shall be paid upon completion by such eligible person of one-half of the period of training for which payment is to be made under this subtitle.

(ii) One-third of such amount shall be paid upon completion of such period of training.

(iii) One-third of such amount shall be paid at the end of the six month period of employment beginning on the date of completion of such period of training.

(B)(i) In any case in which the employment of the eligible person is terminated for any reason described in clause (iii) during a period after a payment is made under subparagraph (A) and before the next payment is due under such subparagraph, the payment for such period shall be equal to the pro rata share of the payment for that period based on the hours actually worked, determined in accordance with the formula specified in paragraph (1)(A).

(ii) In any case in which the employment of an eligible person is terminated, in any period with respect to which a payment is to be made under clause (i), (ii), or (iii) of subparagraph (A), for any reason other than one described in clause (iii), no payment may be made with respect to such eligible person for such period.

(iii) The reasons referred to in clauses (i) and (ii) are the following:

(I) The eligible person voluntarily leaves employment with the employer.

(II) The eligible person becomes disabled and unable to continue his employment.

(III) The eligible person is terminated for good cause shown.

(b) LIMITATIONS.—(1) Payment may not be made to an employer for a period of training under this subtitle on behalf of an eligible person until the implementing official has received—

(A) from the eligible persons, a certification that the eligible person was employed full time by the employer in a program of job training during such period; and

(B) from the employer, a certification—

(i) that the eligible person was employed by the employer during that period and that the eligible person's performance and progress during such period were satisfactory; and

(ii) of the number of hours worked by the eligible person during that period.

With respect to the first such certification by an employer with respect to an eligible person, the certification shall indicate the date on which the employment of the eligible person began and the starting hourly rate of wages paid to the eligible person (without regard to overtime or premium pay).

(2) Payment may not be made to an employer for a period of training under this subtitle on behalf of an eligible person for which a request for payment is made after two years after the date on which that period of training ends.

(c) OVERPAYMENTS.—(1)(A) Whenever the implementing official finds that an overpayment under this subtitle has been made to an employer on behalf of an eligible person as a result of a certification, or information contained in an application, submitted by an employer which was false in any material respect, the amount of such overpayment shall constitute a liability of the employer to the United States.

(B) Whenever such official finds that an employer has failed in any substantial respect to comply for a period of time with a requirement established under this subtitle (unless the employer's failure is the result of false or incomplete information provided by the eligible person), each amount paid to the employer on behalf of an eligible person for that period shall be considered to be an overpayment under this subtitle, and the amount of such overpayment shall constitute a liability of the employer to the United States.

(2) Whenever such official finds that an overpayment under this subtitle has been made to an employer on behalf of an eligible person as a result of a certification by the eligible person, or as a result of information provided to an employer or contained in an application submitted by the eligible person, which was willfully or negligently false in any material respect, the amount of such overpayment shall constitute a liability of the eligible person to the United States.

(3) Any overpayment referred to in paragraph (1) or (2) may be recovered in the same manner as any other debt due the United States. Any overpayment recovered shall be credited to funds available to make payments under this subtitle. If there are no such funds, any overpayment recovered shall be deposited into the Treasury.

(4) Any overpayment referred to in paragraph (1) or (2) may be waived, in whole or in part, in accordance with the terms and conditions set forth in section 5302 of title 38, United States Code.

SEC. 4359. ENTRY INTO PROGRAM OF JOB TRAINING.

Notwithstanding any other provision of this subtitle, the implementing official shall withhold or deny approval of an eligible person's entry into an approved program of job training if such official determines that funds are not available to make payments under this subtitle on behalf of the eligible person to the employer offering that program. Before the entry of an eligible person into an approved program of job training of an employer for purposes of assistance under this subtitle, the employer shall notify such official of the employer's intention to employ that eligible person. The eligible person may begin such program of job training with the employer two weeks after the notice is transmitted to such official unless within that time the employer has received notice from such official that approval of the eligible person's entry into that program of job training must be withheld or denied in accordance with this section.

SEC. 4360. PROVISION OF TRAINING THROUGH EDUCATIONAL INSTITUTIONS.

An employer may enter into an agreement with an educational institution that has been approved for the purposes of chapter 106 of title 10, United States Code, in order that such institution may provide a program of job training (or a portion of such a program) under this subtitle. When such an agreement has been entered into, the application of the employer under section 4357 shall so state and shall include a description of the training to be provided under the agreement.

SEC. 4361. DISCONTINUANCE OF APPROVAL OF PARTICIPATION IN CERTAIN EMPLOYER PROGRAMS.

(a) FAILURE TO MEET REQUIREMENTS.—If the implementing official finds at any time that a program of job training previously approved for the purposes of this subtitle thereafter fails to meet any of the require-

ments established under this subtitle, such official may immediately disapprove further participation by eligible persons in that program. Such official shall provide to the employer concerned, and to each eligible person participating in the employer's program, a statement of the reasons for, and an opportunity for a hearing with respect to, such disapproval. The employer and each such eligible person shall be notified of such disapproval, the reasons for such disapproval, and the opportunity for a hearing. Notification shall be by a certified or registered letter, and a return receipt shall be secured.

(b) RATE OF COMPLETION.—(1) If the implementing official determines that the rate of eligible persons' successful completion of an employer's programs of job training previously approved for the purposes of this subtitle is disproportionately low because of deficiencies in the quality of such programs, such official shall disapprove participation in such programs on the part of eligible persons who had not begun such participation on the date that the employer is notified of the disapproval. In determining whether any such rate is disproportionately low because of such deficiencies, such official shall take into account appropriate data, including—

(A) the quarterly data provided by the Secretary of Labor with respect to the number of eligible persons who receive counseling in connection with training under this subtitle, are referred to employers under this subtitle, participate in job training under this subtitle, and complete such training or do not complete such training, and the reasons for noncompletion; and

(B) data compiled through the particular employer's compliance surveys.

(2) With respect to a disapproval under paragraph (1), the implementing official shall provide to the employer concerned the kind of statement, opportunity for hearing, and notice described in subsection (a).

(3) A disapproval under paragraph (1) shall remain in effect until such time as the implementing official determines that adequate remedial action has been taken.

SEC. 4362. INSPECTION OF RECORDS; INVESTIGATIONS.

(a) RECORDS.—The records and accounts of employers pertaining to eligible persons on behalf of whom assistance has been paid under this subtitle, as well as other records that the implementing official determines to be necessary to ascertain compliance with the requirements established under this subtitle, shall be available at reasonable times for examination by authorized representatives of the Federal Government.

(b) COMPLIANCE MONITORING.—Such official may monitor employers and eligible persons participating in programs of job training under this subtitle to determine compliance with the requirements established under this subtitle.

(c) INVESTIGATIONS.—Such official may investigate any matter such official considers necessary to determine compliance with the requirements established under this subtitle. The investigations authorized by this subsection may include examining records (including making certified copies of records), questioning employees, and entering into any premises or onto any site where any part of a program of job training is conducted under this subtitle, or where any of the records of the employer offering or providing such program are kept.

(d) DEPARTMENT OF LABOR.—Functions may be administered under subsections (b) and (c) in accordance with an agreement between the Secretary and the Secretary of Labor providing for the administration of such subsections (or any portion of such subsections) by the Department of Labor. Under such an agreement, any entity of the Department of Labor specified in the agreement may administer such subsections.

SEC. 4363. COORDINATION WITH OTHER PROGRAMS.

(a) VETERANS EDUCATION PROGRAMS.—(1) Assistance may not be paid under this subtitle to an employer on behalf of an eligible person for any period of time described in paragraph (2) and to such eligible person under chapter 30, 31, 32, 35, or 36 of title 38, United States Code, or chapter 106 of title 10, United States Code, for the same period of time.

(2) A period of time referred to in paragraph (1) is the period of time beginning on the date on which the eligible person enters into an approved program of job training of an employer for purposes of assistance under this subtitle and ending on the last date for which such assistance is payable.

(b) OTHER TRAINING AND EMPLOYMENT.—Assistance may not be paid under this subtitle to an employer on behalf of an eligible person for any period if the employer receives for that period any other form of assistance on account of the training or employment of the eligible person, including assistance under the Job Training Partnership Act or a credit under section 51 of the Internal Revenue Code of 1986 (relating to credit for employment of certain new employees).

(c) PREVIOUS COMPLETION OF PROGRAM.—Assistance may not be paid under this subtitle on behalf of an eligible person who has completed a program of job training under this subtitle.

(d) PROMOTION.—(1) In carrying out section 3116(b) of title 38, United States Code, the Secretary of Veterans Affairs shall take all feasible steps to establish and encourage, for eligible persons who are eligible to have payments made on their behalf under such section, the development of training opportunities through programs of job training under this subtitle.

(2) In carrying out an agreement entered into under section 4354(a) of this subtitle, the Secretary of Veterans Affairs shall take all feasible steps to ensure that, in the cases of eligible persons who are eligible to have payments made on their behalf under both this subtitle and section 3116(b) of title 38, United States Code, the authority under such section is utilized, to the maximum extent feasible and consistent with the eligible person's best interests, to make payments to employers on behalf of such eligible persons.

SEC. 4364. COUNSELING.

(a) IN GENERAL.—The implementing official shall, upon request, provide, by contract or otherwise, employment counseling services to any eligible person eligible to participate under this subtitle in order to assist such eligible person in selecting a suitable program of job training under this subtitle.

(b) CASE MANAGER.—(1) The implementing official shall provide for a program under which—

(A) except as provided in paragraph (2), a disabled veteran's outreach program specialist appointed under section 4103A(a) of title 38, United States Code, is assigned as a case manager for each eligible person participating in a program of job training under this subtitle;

(B) the eligible person has an in-person interview with the case manager not later than 60 days after entering into a program of training under this subtitle; and

(C) periodic (not less frequent than monthly) contact is maintained with each such eligible person for the purpose of (i) avoiding unnecessary termination of employment, (ii) referring the eligible person to appropriate counseling, if necessary, (iii) facilitating the eligible person's successful completion of such program, and (iv) following up with the employer and the eligible person in order to determine the eligible person's progress in the program and the outcome regarding the eligible person's participation in and successful completion of the program.

(2) No case manager shall be assigned pursuant to paragraph (1)(A)—

(A) for an eligible person if, on the basis of a recommendation made by a disabled veterans' outreach program specialist, the implementing official determines that there is no need for a case manager for such eligible person; or

(B) in the case of the employees of an employer, if the implementing official determines that—

(i) the employer has an appropriate and effective employee assistance program that is available to all eligible persons participating in the employer's programs of job training under this subtitle; or

(ii) the rate of eligible persons' successful completion of the employer's programs of job training under this subtitle, either cumulatively or during the previous program year, is 60 percent or higher.

(3) The implementing official shall provide, to the extent feasible, a program of counseling or other services designed to resolve difficulties that may be encountered by eligible persons during their training under this subtitle. Such counseling or other services shall be similar to the counseling and other services provided pursuant to chapter 77 of title 38, United States Code, and sections 1712A, 4103A, and 4104 of such title.

(c) CASE MANAGER REQUIRED.—Before an eligible person who voluntarily terminates from a program of job training under this subtitle or is involuntarily terminated from such program by the employer may be eligible to be provided with a further certificate, or renewal of certification, of eligibility for participation under this subtitle, such eligible person must be provided by the Secretary of Labor, after consultation with the implementing official, with a case manager.

SEC. 4365. INFORMATION AND OUTREACH; USE OF AGENCY RESOURCES.

(a) IN GENERAL.—(1) The Secretary, the Secretary of Veterans Affairs, and the Secretary of Labor shall jointly provide for an outreach and public information program—

(A) to inform eligible persons about the employment and job training opportunities available under this subtitle and under other provisions of law; and

(B) to inform private industry and business concerns (including small business concerns), public agencies and organizations, educational institutions, trade associations, and labor unions about the job training opportunities available under, and the advantages of participating in, the program established by this subtitle.

(2) The Secretary, in consultation with the Secretary of Labor and the Secretary of Veterans Affairs, shall promote the development of employment and job training opportunities for eligible persons by encouraging potential employers to make programs of job training under this subtitle available for eligible persons, by advising other appropriate Federal departments and agencies of the program established by this subtitle, and by advising employers of applicable responsibilities under chapters 41 and 42 of title 38, United States Code, with respect to eligible persons.

(b) COORDINATION.—The Secretary, the Secretary of Veterans Affairs, and the Secretary of Labor shall coordinate the outreach and public information program under subsection (a)(1), and job development activities under subsection (a)(2), with job counseling, placement, job development, and other services provided for under chapters 41 and 42 of title 38, United States Code, and with other similar services offered by other public agencies and organizations.

(c) AGENCY RESOURCES.—(1) The Secretary, the Secretary of Veterans Affairs, and the Secretary of Labor shall make available such personnel as are necessary to facilitate the effective implementation of this subtitle.

(2) In carrying out the responsibilities of the Secretary of Labor under this subtitle, the Secretary of Labor shall make maximum use of the services of Directors and Assistant Directors for Veterans' Employment and Training, disabled veterans' outreach program specialists, and employees of local offices, appointed pursuant to sections 4103, 4103A, and 4104 of title 38, United States Code. To the extent that the implementing official withholds approval of eligible persons' applications under this subtitle pursuant to section 4355(b)(2)(B), the Secretary of Labor shall take steps to assist such eligible persons in taking advantage of opportunities that may be available to them under any other program carried out with funds provided by the Secretary of Labor.

(d) SMALL BUSINESS.—The implementing official shall request and obtain from the Administrator of the Small Business Administration a list of small business concerns and shall, on a regular basis, update such list. Such list shall be used to identify and promote possible training and employment opportunities for eligible persons.

(e) ASSISTANCE TO PARTICIPATE.—The Secretary, the Secretary of Veterans Affairs, and the Secretary of Labor shall assist eligible persons and employers desiring to participate under this subtitle in making application and completing necessary certifications.

(f) COLLECTION OF CERTAIN INFORMATION.—The Secretary of Labor shall, on a not less frequent than quarterly basis, collect and compile from the heads of State employment services and Directors for Veterans' Employment and Training for each State information available to such heads and Directors, and derived from programs carried out in their respective States, with respect to the numbers of eligible persons who receive counseling services pursuant to section 4364, who are referred to employers participating under this subtitle, who participate in programs of job training under this subtitle (including a description of the nature of the training and salaries that are part of such programs), and who complete such programs, and the reasons for eligible persons' noncompletion.

SEC. 4366. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—(1) Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 10 percent shall be made available for the purpose of making payments to employers under this subtitle. The Secretary of Veterans Affairs and the Secretary of Labor shall submit an estimate to the Secretary of the amount needed to carry out any agreement entered into under section 4354(a), including administrative costs referred to in paragraph (3). Such agreements shall include administrative procedures to ensure the prompt and timely payments to employers by the implementing official.

(2) Amounts made available pursuant to this section for a fiscal year shall remain available until the end of the second fiscal year following the fiscal year in which such amounts were appropriated.

(3) Of the amounts appropriated under this subsection for a fiscal year, three and one-half percent of such amounts may be used for the purpose of administering this subtitle, including reimbursing expenses incurred.

(b) AVAILABILITY OF DEOBLIGATED FUNDS.—Notwithstanding any other provision of law, any funds appropriated under subsection (a) for any fiscal year which are obligated for the purpose of making payments under section 4358 on behalf of an eligible person (including funds so obligated which previously had been obligated for such purpose on behalf of another eligible person and were thereafter deobligated) and are later deobligated shall immediately upon deobligation become available to the implementing official for obligation for such purpose. The further obligation of such funds by such official for such purpose shall not be delayed, directly or indirectly, in any manner by any officer or employee in the executive branch.

SEC. 4367. REPORT BY SECRETARY OF DEFENSE.

Not later than two years after the date of enactment of this subtitle, the Secretary of Defense, after consulting with the Secretary of Veterans Affairs and the Secretary of Labor, shall submit a report to the Congress assessing the effectiveness of the employment training program established by this subtitle in meeting the purposes of this subtitle and in providing the needed training for employment in stable and permanent positions, along with such recommendations the Secretary of Defense considers appropriate to strengthen the program.

SEC. 4368. TIME PERIODS FOR APPLICATION AND INITIATION OF TRAINING.

Assistance may not be paid to an employer under this subtitle—

(1) on behalf of an eligible person who initially applies for a program of job training under this subtitle after September 30, 1995; or

(2) for any such program which begins after March 31, 1996.

TITLE XLIV—TRANSITION INFORMATION SERVICES

SEC. 4401. NOTICE OF TERMINATION OF DEFENSE EMPLOYEES IN THE CASE OF BASE CLOSURES AND REALIGNMENTS.

Section 325 of the Job Training Partnership Act (29 U.S.C. 1662d) is amended by adding at the end the following new subsection:

''(e) NOTICE OF TERMINATION FOR DEFENSE EMPLOYEES.—(1) In the case a civilian employee of the Department of Defense employed at a military installation being closed or realigned, the inclusion of the military installation in a report described in paragraph (2) shall be considered to be a notice of termination to the employee for purposes of determining the employee's eligibility for training, adjustment assistance, and employment assistance under this section.

''(2) The report referred to in paragraph (1) is a base closure and realignment report transmitted to the Congress under—

''(A) section 2903(e) 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); or

''(B) section 202(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note).''.

SEC. 4402. IMPROVEMENT IN PRESEPARATION COUNSELING FOR MEMBERS OF THE ARMED FORCES.

(a) ADVANCED NOTICE OF SEPARATION TO MEMBER.—Subsection (a)(1) of section 1142 of title 10, United States Code, is amended by striking ''Upon the discharge'' and inserting ''As soon as possible before, but in no event later than 90 days before, the date of the discharge''.

(b) CREATION OF TRANSITION PLAN.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

''(10) The creation of a transition plan for the member to attempt to achieve the educational, training, and employment objectives of the member and, if the member has a spouse, the spouse of the member.''.

SEC. 4403. IMPROVED COORDINATION OF JOB TRAINING AND PLACEMENT PROGRAMS FOR MEMBERS OF THE ARMED FORCES.

The Secretary of Defense shall consult with the Secretary of Labor, the Secretary of Education, the Secretary of Veterans Affairs, and the Economic Adjustment Committee to improve the coordination of, and eliminate duplication between, the following job training and placement programs available to members of the Armed Forces who are discharged or released from active duty:

(1) The defense diversification program added by section 4321.

(2) Sections 1143 and 1144 of title 10, United States Code.

(3) The Job Training Partnership Act (29 U.S.C. 1501 et seq.).

(4) Chapter 41 of title 38, United States Code.

(5) The Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

(6) The Act of August 16, 1937 (Chapter 663; 50 Stat 664; 29 U.S.C. 50 et seq.), commonly known as the National Apprenticeship Act.

(7) The Wagner-Peyser Act (29 U.S.C. 49 et seq.)

SEC. 4404. DEFENSE CONTRACTOR REQUIREMENT TO LIST SUITABLE EMPLOYMENT OPENINGS WITH LOCAL EMPLOYMENT SERVICE OFFICE.

(a) IN GENERAL.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2410c, as added by section 4303(a), the following new section:

''§ 2410d. Defense contractors: listing of suitable employment openings with local employment service office

''(a) REGULATIONS.—The Secretary of Defense shall promulgate regulations containing the requirement described in subsection (b) and such other provisions as the Secretary considers necessary to administer such requirement. Such regulations shall require that each contract described in subsection (c) shall contain a clause requiring the contractor to comply with such regulations.

''(b) REQUIREMENT.—The regulations promulgated under this section shall require each contractor carrying out a contract described in subsection (c) to list immediately with the appropriate local employment service office, and where appropriate the Interstate Job Bank (established by the United States Employment Service), all of its suitable employment openings under such contract.

''(c) COVERED CONTRACTS.—The regulations promulgated under this section shall apply to any contract entered into with the Department of Defense in an amount of $100,000 or more.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2410c, as added by section 4303(b), the following new item:

''2410d. Defense contractors: listing of suitable employment openings with local employment service office.''.

(b) EFFECTIVE DATE.—Section 2410d of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into after September 30, 1992.

SEC. 4405. NOTICE REQUIRED UPON CANCELLATION OF DEFENSE CONTRACTS.

(a) SECRETARY OF DEFENSE NOTICE REQUIREMENT.—To the extent practicable, the Secretary of Defense shall provide six-months advance notice to a defense contractor of any cancellation or substantial reduction in a defense contract that will adversely affect the defense contractor.

(b) DEFENSE CONTRACTOR NOTICE REQUIREMENT.—Not later than two weeks after a de-

fense contractor receives notice under subsection (a) of the cancellation or substantial reduction in a defense contract, the contractor shall notify each representative of employees of the defense contractor (or, if there is no such representative at that time, to each employee) of such cancellation or substantial reduction.

(c) CONSTRUCTIVE NOTICE OF TERMINATION FOR EMPLOYEES.—The notification provided under subsection (b) to the employees of a defense contractors shall be considered to be a notice of termination to the employee for purposes of determining the employee's eligibility for training, adjustment assistance, and employment assistance under section 325A of the Job Training Partnership Act, as added by section 4321.

(d) DEFENSE CONTRACTOR DEFINED.—For purposes of titles XLIII and XLIV, the term ''defense contractor'' means a private person producing goods or services pursuant to—

(1) one or more defense contracts which have a total amount not less than $500,000 entered into with the Department of Defense; or

(2) one or more subcontracts—

(A) entered into in connection with a defense contract; and

(B) which have a total amount not less than $500,000.

TITLE XLV—PLANNING AND TECHNICAL ASSISTANCE

SEC. 4501. EXPANSION OF ADJUSTMENT ASSISTANCE AVAILABLE TO STATES AND LOCAL GOVERNMENTS FROM THE OFFICE OF ECONOMIC ADJUSTMENT.

(a) OPERATIONAL ASSISTANCE.—Subsection (b) of section 2391 of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

''(4)(A) In the case of a State or local government eligible for assistance under paragraph (1), the Secretary of Defense may also make grants, conclude cooperative agreements, and supplement other Federal funds in order to assist the State or local government to carry out a community adjustment and economic diversification program (including State industrial extension or modernization efforts to facilitate the economic diversification of defense contractors and subcontractors) in addition to planning such a program.

''(B) The Secretary shall establish criteria for the selection of community adjustment and economic diversification programs to receive assistance under subparagraph (A). Such criteria shall include a requirement that the State or local government agree—

''(i) to provide not less than 10 percent of the funding for the program from non-Federal sources;

''(ii) to provide business planning and market exploration services under the program to defense contractors and subcontractors that seek modernization or diversification assistance; and

''(iii) to provide training, counseling, and placement services for members of the armed forces and dislocated defense workers.''.

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

(1) by inserting ''REUSE STUDIES.—'' after ''(a)'';

(2) by inserting ''ADJUSTMENT AND DIVERSIFICATION ASSISTANCE.—'' after ''(b)'';

(3) by inserting ''ANNUAL REPORT.—'' after ''(c)'';

(4) by inserting ''MILITARY INSTALLATION DEFINED.—'' after ''(d)''; and

(5) by inserting ''ASSISTANCE SUBJECT TO APPROPRIATIONS.—'' after ''(e)''.

(c) FUNDING FOR FISCAL YEAR 1993.—(1) Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 10.3 percent shall be made available as community adjustment and economic diversification assistance under section 2391(b)(4) of title 10, United States Code, as amended by subsection (a)(2).

(2) The Secretary of Defense may provide up to 5 percent of the amount made available pursuant to paragraph (1) for the purpose of providing preparation and assistance to those States intending to establish the types of programs funded by this section.

SEC. 4502. PILOT PROJECT TO IMPROVE ECONOMIC ADJUSTMENT PLANNING.

(a) PILOT PROJECT.—During fiscal year 1993, the Secretary of Defense shall conduct a pilot project to examine methods to improve the provision of economic adjustment and diversification assistance under section 2391(b)(1) of title 10, United States Code, to State and local governments adversely affected by the closure of military installations, the cancellation or completion of defense contracts, or reductions in defense spending.

(b) PLANNING GRANTS.—Under the pilot project, the Secretary of Defense shall make planning grants under section 2391(b)(1) of title 10, United States Code, to State and local governments in five study areas selected by the Secretary. The total amount of grants under the pilot program may not exceed $400,000 per study area.

(c) STUDY AREAS.—In selecting study areas for inclusion in the pilot program, the Secretary of Defense shall ensure that—

(1) one study area covers an area in which the local economy is heavily dependent on a defense contractor that is in the process of terminating a major defense contract or closing a major facility;

(2) one study area covers an area in which the local economy would be adversely affected by changes in the use of a national laboratory previously needed for the testing of nuclear weapons;

(3) one study area covers an area in which the local economy would be adversely affected by the closing of a military installation; and

(4) one study area covers an area in which the local economy would be adversely affected by at least two of the changes referred to in the preceding paragraphs.

(d) USE OF GRANTS.—Grants made under the pilot program may be used to determine the needs of the communities in a study area as they experience the economic dislocation associated with the closure of military installations, the cancellation or completion of defense contracts, or reductions in defense spending and develop responses tailored to those needs through the use of a wide variety of sources and expertise in the communities.

(e) MONITORING OF GRANT USE.—The Secretary of Defense shall monitor the activities under the pilot project to develop a more complete understanding of the unique needs of each type of study area and the methodologies that may be successful in addressing similar economic dislocation in other communities in the United States.

(f) FUNDING.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 0.2 percent shall be made available for grants under this section.

SEC. 4503. ASSISTANCE TO SMALL BUSINESSES IN DEFENSE INDUSTRY THAT ARE ADVERSELY AFFECTED BY DEFENSE REDUCTIONS.

(a) IN GENERAL.—The Secretary of Defense shall carry out a program to provide financial assistance and technical assistance to qualifying small businesses in the defense industry. The assistance shall be provided in order to assist qualifying small businesses in diversifying into nondefense work or into other types of Department of Defense work. The goal of the program shall be to preserve a viable defense supplier base consisting of diversified small businesses.

(b) QUALIFYING FIRMS.—(1) A firm is a qualifying firm for the purposes of the program under this section if the firm is a United States firm that—

(A) is a supplier to the Department of Defense under a covered defense contract or subcontract;

(B) is a firm that has been, or is threatened to be, substantially and seriously affected by—

(i) the closure of a military installation;

(ii) the termination of a covered defense contract or subcontract; or

(iii) reductions in defense spending; or

(C) is a firm that is managed by and employs workers who were formerly employed by firms described in subparagraph (A) or (B).

(2) In this subsection:

(A) The term ''substantially and seriously affected'', with respect to a business firm, means a firm that—

(i) holds a covered defense contract or subcontract (or held such a contract or subcontract before a reduction the defense budget);

(ii) experiences a reduction, or the threat of a reduction, of—

(I) 25 percent or more in sales or production; or

(II) 80 percent or more of the workforce of such firm in any division of such firm or at any plant or other facility of such firm; and

(iii) establishes, by evidence, that the reductions referred to in clause (ii) occurred as a direct result of a reduction in the defense budget.

(B) The term ''covered contract or subcontract'' means—

(i) a contract with the Department of Defense in an amount not less than $100,000 (without regard to the date on which the contract was awarded); and

(ii) a subcontract which—

(I) is entered into in connection with a contract described in clause (i) (without regard to the effective date of the subcontract); and

(II) is in an amount not less than $50,000.

(c) PROVISION OF ASSISTANCE.—Assistance under this section shall be provided through the Office of Small and Disadvantaged Business of the Department of Defense. Subject to the availability of appropriations for such purpose, the Secretary of Defense, acting through the Director of that Office, may provide assistance under this section to any firm designated under subsection (b). Under regulations prescribed under this section, the assistance available under this section shall be provided by loan guarantees.

(d) LOAN GUARANTEES.—(1) To assist a qualifying small business firm under this section, the Secretary of Defense may guarantee in whole or in part any public or private financial institution (including any Federal Reserve bank) against loss of principal or interest on any loan, discount or advance, or on any commitment in connection therewith, which may be made by such financial institution for the purpose of financing the conversion of that business firm from the production or supply of goods or services primarily for national defense-related purposes to the production or supply of goods or services for other commercial purposes of potential use by the Department of Defense or from the production or supply of goods or services in one aspect of national defense-related purposes to the production or supply of goods or services for other aspects of national defense-related purposes. Such a guaranty may be provided by commitment to purchase, agreement to share losses, or otherwise.

(2) The Secretary of Defense may make a guaranty under paragraph (1) without regard to provisions of law relating to the making, performance, amendment, or modification of contracts.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the program under this section. Such regulations shall be prescribed not later than 90 days after the date of the enactment of this Act.

(f) FUNDING.—Funds for the program under this section for any fiscal year shall be provided from funds appropriated to the Department of Defense for national defense functions. Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 7.5 percent shall be made available for such program.

(g) EFFECTIVE DATE.—The Secretary of Defense may not carry out the program authorized by this section before October 1, 1992.

SEC. 4504. DEFENSE PROCUREMENT TECHNICAL ASSISTANCE PROGRAM.

(a) INCREASE IN LIMITATION ON ASSISTANCE.—Section 2414(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out ''$300,000'' and inserting in lieu thereof ''$600,000''; and

(2) in paragraph (2), by striking out ''$150,000'' and inserting in lieu thereof ''$300,000''.

(b) AUTHORITY TO PROVIDE CERTAIN TYPES OF TECHNICAL ASSISTANCE.—(1) Chapter 142 of such title is amended—

(A) by redesignating section 2418 as section 2419; and

(B) by inserting after section 2417 the following new section:

''§ 2418. Authority to provide certain types of technical assistance

''(a) The procurement technical assistance furnished by eligible entities assisted by the Department of Defense under this chapter may include—

''(1) technical assistance relating to contracts entered into with (A) Federal departments and agencies other than the Department of Defense, and (B) State and local governments; and

''(2) technical assistance relating to procedures for entering into contracts to export goods or services.

''(b) An eligible entity assisted by the Department of Defense under this chapter also may furnish information relating to assistance and other programs available pursuant to the Defense Reinvestment Act of 1992. In providing such information, an eligible entity may consult with the Assistant Secretary of Defense for Reinvestment and with the small and disadvantaged business utilization office in the Office of the Secretary of Defense.''.

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 2418 and inserting in lieu thereof the following:

''Sec. 2418. Authority to provide certain types of technical assistance.
''Sec. 2419. Regulations.''.

(c) FISCAL YEAR 1993 FUNDING.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 2.5 percent shall be made available for carrying out the provisions of chapter 142 of title 10, United States Code, as amended by this section.

SEC. 4505. PLAN FOR THE TRANSFER OF CERTAIN NONLETHAL SUPPLIES TO STATE AND LOCAL GOVERNMENTS FOR ECONOMIC GROWTH.

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

(1) The reduction in the size of the United States military will result in an increase in nonlethal supplies of the Department of Defense that are in excess of current and projected requirements of the Department of Defense.

(2) Agencies of State and local governments, many of which are suffering economic hardship, may be able to use the excess nonlethal supplies to create jobs for the citizens of the United States and to stimulate national economic growth.

(3) Agencies of State and local governments that demonstrate how they would utilize the supplies to create jobs and stimulate economic growth should be given priority in the transfer of the supplies by the Department of Defense.

(b) DEVELOPMENT OF PLAN FOR THE TRANSFER OF CERTAIN NONLETHAL SUPPLIES.—(1) The Secretary of Defense shall develop a plan to transfer to agencies of State and local governments nonlethal supplies that the Secretary of Defense determines are in excess of current and projected requirements of the Department of Defense. The plan shall provide—

(A) that agencies of State and local governments shall be eligible to receive the supplies before the supplies are made available for transfer to other Federal agencies or non-Federal entities;

(B) that the supplies shall be available for transfer to agencies of State and local governments without reimbursement, except that the cost of transportation and repair of the supplies shall be paid by the agency receiving the supplies;

(C) that, before supplies may be transferred to an agency of a State or local government, the agency shall submit to the Secretary of Defense an operational plan that is subject to the approval of the Secretary of Defense and that details how the agency will utilize the supplies to create jobs or stimulate economic growth;

(D) that supplies transferred under the plan may not be transferred by the agency receiving the supplies to any individual, public or private person, or other agency before the end of the 5-year period beginning on the date on which the supplies are transferred to the agency;

(E) that supplies available for transfer under the plan are supplies that are located in the continental United States;

(F) for the fair and equitable allocation among States and local governments of supplies transferred under the plan; and

(G) for such other matters that the Secretary of Defense considers appropriate to carry out the plan.

(2) Not later than February 15, 1993, the Secretary of Defense shall submit to the Congress a report containing the plan referred to in paragraph (1).

(c) DEFINITIONS.—In this section:

(1) The term ''State'' includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands.

(2) The term ''supplies'' has the meaning given such term in section 101 of title 10, United States Code, and shall include training software and other appropriate vocational educational materials used by the Armed Forces.

SEC. 4601. REDUCTION–IN–FORCE NOTIFICATION REQUIREMENTS.

(a) IN GENERAL.—(1) Section 3502 of title 5, United States Code, is amended by adding at the end the following:

''(d)(1) Except as provided under subsection (e), an employee may not be released, due to a reduction in force, unless—

''(A) such employee and such employee's exclusive representative for collective-bargaining purposes (if any) are given written notice, in conformance with the requirements of paragraph (2), at least 60 days before such employee is so released; and

''(B) if the reduction in force would involve the separation of a significant number of employees, the requirements of paragraph (3) are met at least 60 days before any employee is so released.

''(2) Any notice under paragraph (1)(A) shall include—

''(A) the personnel action to be taken with respect to the employee involved;

''(B) the effective date of the action;

''(C) a description of the procedures applicable in identifying employees for release;

''(D) the employee's ranking relative to other competing employees, and how that ranking was determined; and

''(E) a description of any appeal or other rights which may be available.

''(3) Notice under paragraph (1)(B)—

''(A) shall be given to—

''(i) the appropriate State dislocated worker unit or units (referred to in section 311(b)(2) of the Job Training Partnership Act); and

''(ii) the chief elected official of such unit or each of such units of local government as may be appropriate; and

''(B) shall consist of written notification as to—

''(i) the number of employees to be separated from service due to the reduction in force (broken down by geographic area or on such other basis as may be required under paragraph (4));

''(ii) when those separations will occur; and

''(iii) any other matter which might facilitate the delivery of rapid response assistance or other services under the Job Training Partnership Act.

''(4) The Office shall prescribe such regulations as may be necessary to carry out this subsection. The Office shall consult with the Secretary of Labor on matters relating to the Job Training Partnership Act.

''(e)(1) Subject to paragraph (3), upon request submitted under paragraph (2), the President may, in writing, shorten the period of advance notice required under subsection (d)(1)(A) and (B), with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable.

''(2) A request to shorten notice periods shall be submitted to the President by the head of the agency involved, and shall indicate the reduction in force to which the request pertains, the number of days by which the agency head requests that the periods be shortened, and the reasons why the request is necessary.

''(3) No notice period may be shortened to less than 30 days under this subsection.''.

(2) The amendment made by paragraph (1) shall apply with respect to any personnel action taking effect on or after the last day of the 90-day period beginning on the date of enactment of this Act.

(b) SPECIAL RULE.—(1) The provisions of section 3502(d) and (e) of title 5, United States Code (as added by subsection (a)) shall apply to employees of the Department of Defense according to their terms, except that, with respect to any reduction in force within that agency that would involve the separation of a significant number of employees (as determined under paragraph (1)(B) of such section 3502(d)), any reference in such section 3502(d) to ''60 days'' shall, in the case of the employees described in paragraph (2), be deemed to read ''120 days''.

(2) The employees described in this paragraph are those employees of the Department of Defense who are to be separated, due to a reduction in force described in paragraph (1), effective on or after the last day of

the 90-day period referred to in subsection (a)(2) and before February 1, 1998.

(3) Nothing in this subsection shall prevent the application of the amendment made by subsection (a) with respect to an employee if—

(A) the preceding paragraphs of this subsection do not apply with respect to such employee; and

(B) the amendment made by subsection (a) would otherwise apply with respect to such employee.

(4) The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this subsection.

SEC. 4602. GOVERNMENT-WIDE LIST OF VACANT POSITIONS.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

"§ 3329. Government–wide list of vacant positions

''(a) For the purpose of this section, the term 'agency' means an Executive agency, excluding the General Accounting Office and any agency (or unit thereof) whose principal function is the conduct of foreign intelligence or counterintelligence activities, as determined by the President.

''(b)(1) The Office of Personnel Management shall establish and keep current a comprehensive list of all vacant positions within each agency for which applications are being (or will soon be) accepted.

''(2) The list shall not include any position which has been excepted from the competitive service because of its confidential, policy-determining, policy-making or policy-advocating character.

''(c) Included for any position listed shall be—

''(1) a brief description of the position, including its title, tenure, duties and responsibilities, qualification requirements, and rate of pay;

''(2) application procedures, including the period within which applications may be submitted; and

''(3) any other information which the Office considers appropriate.

''(d) The list shall be available to members of the public.

''(e) The Office shall prescribe such regulations as may be necessary to carry out this section. Any requirement under this section that agencies notify the Office as to the availability of any vacant positions shall be designed so as to avoid any duplication of information otherwise required to be furnished under section 3327 or any other provision of law.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3328 the following:

''3329. Government–wide list of vacant positions.''.

SEC. 4603. TEMPORARY MEASURES TO FACILITATE REEMPLOYMENT OF CERTAIN DISPLACED FEDERAL EMPLOYEES.

(a) DEFINITIONS.—For the purpose of this section—

(1) the term ''agency'' means an Executive agency (as defined by section 105 of title 5, United States Code), excluding the General Accounting Office and the Department of Defense; and

(2) the term ''displaced employee'' means any individual who is—

(A) an employee of the Department of Defense who has been given specific notice that such employee is to be separated due to a reduction in force; or

(B) a former employee of the Department of Defense who was involuntarily separated therefrom due to a reduction in force.

(b) METHOD OF CONSIDERATION.—In accordance with regulations which the Office of Personnel Management shall prescribe, consistent with otherwise applicable provisions of law, an agency shall, in filling a vacant position for which a qualified displaced employee has applied in timely fashion, give full consideration to the application of the displaced employee before selecting any candidate from outside the agency for the position.

(c) LIMITATION.—A displaced employee is entitled to consideration in accordance with this section for the 24-month period beginning on the date such employee receives the specific notice referred to in subsection (a)(2)(A), except that, if the employee is separated pursuant to such notice, the right to such consideration shall continue through the end of the 24-month period beginning on the date of separation.

(d) APPLICABILITY.—(1) This section shall apply to any individual who—

(A) became a displaced employee within the 12-month period ending immediately before the date of the enactment of this Act; or

(B) becomes a displaced employee on or after the date of the enactment of this Act and before October 1, 1997.

(2) In the case of a displaced employee described in paragraph (1)(A), for purposes of computing any period of time under subsection (c), the date of the specific notice described in subsection (a)(2)(A) (or, if the employee was separated as described in subsection (a)(2)(B) before the date of enactment of this Act, the date of separation) shall be deemed to have occurred on such date of enactment.

(3) Nothing in this section shall be considered to apply with respect to any position—

(A) which has been filled as of the date of enactment of this Act; or

(B) which has been excepted from the competitive service because of its confidential, policy-determining, policy-making or policy-advocating character.

SEC. 4604. SEPARATION PAY.

(a) IN GENERAL.—(1) Subchapter IX of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

"§ 5597. Separation pay

''(a) For the purpose of this section—

''(1) the term 'Secretary' means the Secretary of Defense;

''(2) the term 'defense agency' means an agency of the Department of Defense, as further defined under regulations prescribed by the Secretary;

''(3) the term 'employee' means an employee of a defense agency, except that such term does not include—

''(A) a reemployed annuitant under subchapter III of chapter 83, chapter 84, or another retirement system for employees of the Government; or

''(B) 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); and

''(4) the term 'FEPCA' means the Federal Employees Pay Comparability Act of 1990, as contained in the Treasury, Postal Service and General Government Appropriations Act, 1991.

''(b) In order to avoid or minimize the need for involuntary separations due to a reduction in force, base closure, reorganization, transfer of function, or other similar action affecting 1 or more defense agencies, the Secretary shall establish a program under which separation pay may be offered to encourage eligible employees to take immediate or early retirement.

''(c) Under the program—

''(1) separation pay may be offered by a defense agency only—

''(A) with the prior consent, or on the authority, of the Secretary;

''(B) to employees within such occupational groups or geographic locations, or subject to such other similar limitations or conditions, as the Secretary may require; and

''(C) to an employee who—

''(i) is eligible for immediate or early retirement under 1 of the retirement systems referred to in subsection (a)(3)(A), or will be so eligible as of such employee's date of separation; and

''(ii) agrees to take voluntary retirement upon separating; and

''(2) payment of separation pay may be made contingent on such proof of retirement as the Secretary may require.

''(d)(1) Separation pay—

''(A) shall be paid in a lump sum;

''(B) shall be equal to 6 months' basic pay, computed at the employee's rate of basic pay immediately before the date of separation; and

''(C) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit.

''(2) For the purpose of paragraph (1), the term 'basic pay' includes premium pay under section 5545(c)(1), a comparability payment under section 5304, an interim geographic adjustment under section 302 of FEPCA, and a special pay adjustment under section 404 of FEPCA.

''(e) This section shall cease to be effective as of October 1, 1997, and no amount shall be payable under this section based on any separation occurring on or after that date.

''(f) The Secretary shall prescribe such regulations as may be necessary to carry out this section.''.

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

''5597. Separation pay.''.

(b) SOURCE OF PAYMENTS.—(1) For fiscal years after fiscal year 1993, separation pay shall be paid by an agency out of any funds or appropriations available for salaries and expenses of such agency.

(2) Of the amount appropriated pursuant to section 4101 for fiscal year 1993, 7 percent shall be made available for payment of separation pay under section 5597 of title 5, United States Code, as added by subsection (a).

SEC. 4605. CONTINUED HEALTH BENEFITS FOR DEFENSE CIVILIAN EMPLOYEES.

(a) IN GENERAL.—Section 8905a(d) of title 5, United States Code, is amended—

(1) in paragraph (1)(A) by striking ''An individual'' and inserting ''Except as provided in paragraph (4), an individual'';

(2) in paragraph (2) by striking ''in accordance with paragraph (1))'' and inserting ''in accordance with paragraph (1) or (4), as the case may be)''; and

(3) by adding at the end the following:

''(4)(A) If the basis for continued coverage under this section is an involuntary separation from a position in or under the Department of Defense due to a reduction in force, contributions shall be made in accordance with the preceding provisions of this subsection, except that—

''(i) the amount to be paid by the individual shall be equal to the sum of—

''(I) the employee contribution which would be required in the case of an employee enrolled in the same health benefits plan and level of benefits; and

''(II) an amount equal to 10 percent of the employee and agency contributions referred to in paragraph (1)(A)(i); and

''(ii) the agency which last employed the individual shall be required to pay into the Employees Health Benefits Fund, under arrangements satisfactory to the Office, an amount equal to—

''(I) the total amount under paragraph (1)(A); minus

''(II) the amount to be paid by the individual under clause (i)(I) of this subparagraph.

''(B) This paragraph shall apply with respect to any individual whose continued coverage is based on a separation occurring on or after the date of the enactment of this paragraph and before—

''(i) October 1, 1997; or

''(ii) February 1, 1998, if specific notice of such separation was given to such individual before October 1, 1997.''.

(b) SOURCE OF PAYMENTS.—(1) Any amount which becomes payable by an agency as a result of the enactment of subsection (a) shall be paid out of funds or appropriations available for salaries and expenses of such agency.

(2) Of the funds appropriated pursuant to section 4101 for fiscal year 1993, 0.2 percent shall be available for benefits under section 8905a(d)(4) of title 5, United States Code, as added by subsection (a).

SEC. 4606. TEMPORARY CONTINUED HEALTH COVERAGE FOR MEMBERS AND DEPENDENTS UPON THE SEPARATION OF THE MEMBERS FROM ACTIVE DUTY, FOR FORMER SPOUSES OF MEMBERS, AND FOR EMANCIPATED CHILDREN OF MEMBERS.

(a) MEMBERS, FORMER SPOUSES, AND EMANCIPATED CHILDREN.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1078 the following new section:

''§1078a. Continued coverage

''(a) PROVISION OF CONTINUED HEALTH COVERAGE.—The Secretary of Defense shall establish a program for the temporary provision of health care to persons described in subsection (b) who elect in accordance with the provisions of this section to obtain coverage. The Secretary shall implement and carry out this program through an agreement with the Director of the Office of Personnel Management (in this section referred to as the 'Director'), who shall be responsible for the operation of this program as part of the program to provide continued health coverage to former civilian employees and other persons under section 8905a of title 5.

''(b) ELIGIBLE PERSONS.—The persons referred to in subsection (a) are the following:

''(1) A member of the armed forces who—

''(A) is discharged or released from active duty (or full-time National Guard duty), whether voluntarily or involuntarily, under other than adverse conditions, as characterized by the Secretary concerned;

''(B) immediately preceding that discharge or release, is entitled to medical and dental care under section 1074(a) of this title; and

''(C) after that discharge or release and any period of transitional health care provided under section 1145(a) of this title, would not otherwise be eligible for any benefits under this chapter.

''(2) A person who—

''(A) ceases to meet the requirements for being considered an unmarried dependent child of a member or former member of the armed forces under section 1072(2)(D) of this title;

''(B) on the day before ceasing to meet those requirements, was covered under a health benefits plan under this chapter or transitional health care under section 1145(a) of this title as a dependent of the member or former member; and

''(C) would not otherwise be eligible for any benefits under this chapter.

''(3) A person who—

''(A) is an unremarried former spouse of a member or former member of the armed forces; and

''(B) on the day before the date of the final decree of divorce, dissolution, or annulment was covered under a health benefits plan under this chapter or transitional health care under section 1145(a) of this title as a dependent of the member or former member; and

''(C) is not a dependent of the member or former member under subparagraphs (F) or (G) of section 1072(2) of this title or ends a one-year period of dependency under subparagraph (H) of such section.

''(c) NOTIFICATION OF ELIGIBILITY.—The Director, in consultation with the Secretary of Defense, shall prescribe regulations to provide adequate notification of eligibility to persons described in subsection (b) as follows:

''(1) In the case of a member who becomes (or will become) eligible for continued coverage under subsection (b)(1), the Secretary concerned shall notify the member of the member's rights under this section as part of preseparation counseling conducted under section 1142 of this title or other law.

''(2) In the case of a child of a member who becomes eligible for continued coverage under subsection (b)(2)—

''(A) the member may provide written notice to the Secretary concerned of the child's change in status (including the child's name, address, and such other information as the Director may require); and

''(B) the Secretary concerned shall, within 14 days after receiving that notice, inform the child of the child's rights under this section.

''(3) In the case of a former spouse of a member or former member who becomes eligible for continued coverage under subsection (b)(3), necessary notification provisions and a 60-day election period under subsection (d)(3) shall be prescribed.

''(d) APPLICATION.—In order to obtain continued coverage under this section, an appropriate written election (submitted in such manner as the Director may prescribe) shall be made as follows:

''(1) In the case of a member described in subsection (b)(1), the written election shall be submitted to the Director before the end of the 60-day period beginning on the later of—

''(A) the date of the discharge or release of the member from active duty;

''(B) the end of the applicable period of any transitional health care under section 1145(a) of this title; or

''(C) the date the member receives the notice required under subsection (c)(1).

''(2) In the case of a person described in subsection (b)(2), the written election shall be submitted to the Director before the end of the 60-day period beginning on the later of—

''(A) the date as of which the person first ceases to meet the requirements for being considered an unmarried dependent child under section 1072(2)(D) of this title; or

''(B) the date the person receives notice under subsection (c)(2)(B),

except that if the Secretary concerned determines that a parent fails to provide the notice required under subsection (c)(2)(A) in timely fashion, the 60-day period under this paragraph shall be based only on the date under subparagraph (A).

''(3) In the case of a person described in subsection (b)(3), the written election shall be submitted to the Secretary concerned before the end of the 60-day period beginning on the later of—

''(A) the date as of which the person first ceases to meet the requirements for being considered a dependent under section 1072(2) of this title; or

''(B) or other date as the Director may prescribe.

''(e) COVERAGE OF DEPENDENTS.—A person eligible under subsection (b)(1) to elect to receive coverage may elect coverage either as an individual or, if appropriate, for self and dependents. A person eligible under subsection (b)(2) or (b)(3) may elect only individual coverage.

''(f) CHARGES.—(1) Under arrangements satisfactory to the Director, a person receiving continued coverage under this section shall be required to pay into the Employees Health Benefits Fund established under section 8909 of title 5 an amount equal to the sum of—

''(A) the employee and agency contributions which would be required in the case of a similarly situated employee enrolled in a health benefits plan under section 8905a(d)(1)(A)(i) of title 5;

''(B) an amount, determined under regulations prescribed by the Director, necessary for administrative expenses; and

''(C) such additional amount determined by the Director to be necessary to ensure that outlays from the Fund as a result of the program established under this section do not exceed amounts paid under this paragraph.

''(2) If a person elects to continue coverage under this section before the end of the applicable period under subsection (d), but after the person's coverage under this chapter (including any transitional extensions of coverage) expires, coverage shall be restored retroactively, with appropriate contributions (determined in accordance with paragraph (1)) and claims (if any), to the same extent and effect as though no break in coverage had occurred.

''(3) In order to determine the appropriate level of charges under subparagraphs (B) and (C) of paragraph (1), the Director shall require health benefit plans to establish for the persons receiving continued coverage under this section a separate group for experience rating purposes.

''(g) CONTRIBUTION.—Subject to the availability of appropriations for this purpose, if the basis for continued coverage under this section for a member of the armed forces under subsection (b)(1) is the involuntary separation of the member or the separation of the member under section 1174a or 1175 of this title, contributions shall be made in accordance with subsection (f)(1), except that—

''(1) the amount to be paid by the member shall be equal to the sum of—

''(A) the employee contribution which would be required in the case of a similarly situated employee enrolled in a health benefits plan under section 8905a(d)(1)(A)(i) of title 5;

''(B) the amounts required under subsection (f)(1)(C) of subsection (f); and

''(2) the Secretary of Defense shall be required to pay into the Employees Health Benefits Fund, under arrangements satisfactory to the Director, an amount equal to—

''(A) the agency contribution which would be required in the case of a similarly situated employee enrolled in a health benefits plan under section 8905a(d)(1)(A)(i) of title 5; and

''(B) the amount that would be paid by the member under subsection (f)(1)(B).

''(h) PERIOD OF CONTINUED COVERAGE.—(1) Continued coverage under this section may not extend beyond—

''(A) in the case of a member described in subsection (b)(1), the date which is 18 months after the date the member ceases to be entitled to care under section 1074(a) of this title and any transitional care under section 1145 of this title;

''(B) in the case of a person described in subsection (b)(2), the date which is 36 months after the date on which the individual first ceases to meet the requirements for being considered an unmarried dependent child under section 1072(2)(D) of this title; and

''(C) in the case of a person described in subsection (b)(3), except as provided in paragraph (4), the date which is 36 months after the later of—

''(i) the date on which the final decree of divorce, dissolution, or annulment occurs; and

''(ii) if applicable, the date the one-year extension of dependency under section 1072(2)(H) of this title expires.

''(2) Notwithstanding paragraph (1), if a person—

''(A) ceases to meet the requirements for being considered an unmarried dependent child;

''(B) on the day before so ceasing to meet those requirements, received coverage under this section as the child of a member receiving continued coverage under this section; and

''(C) so ceases to meet those requirements before the end of the 18-month period beginning on the date on which the member became eligible for coverage under this section,

extended coverage under this section may not extend beyond the date which is 36 months after the date the member became ineligible for medical and dental care under section 1074(a) of this title and any transitional health care under section 1145(a) of this title.

''(3) Notwithstanding paragraph (1), in the case of a person—

''(A) who becomes eligible for continued coverage under this section based on a divorce, dissolution, or annulment from a member or former member;

''(B) who, as of the day before the date of the divorce, dissolution, or annulment, was receiving continued coverage under this section based on the discharge or release of the member or former member from active duty; and

''(C) whose divorce, dissolution, or annulment occurs before the end of the 18-month period beginning on the date of that discharge or release,

extended coverage under this section may not extend beyond the date which is 36 months after the date the member became ineligible for medical and dental care under section 1074(a) of this title and any transitional health care under section 1145(a) of this title.

''(4)(A) Notwithstanding paragraph (1), in the case of a former spouse described in subparagraph (B), continued coverage under this section shall continue for such period as the former spouse may request.

''(B) A former spouse referred to in subparagraph (A) is a former spouse of a member or former member (other than a former spouse whose marriage was dissolved after the separation of the member from the service unless such separation was by retirement)—

''(i) who has not remarried before age 55 after the marriage to the employee, former employee, or annuitant was dissolved;

''(ii) who was enrolled in an approved health benefits plan under this chapter as a family member at any time during the 18-month period before the date of the divorce, dissolution, or annulment; and

''(iii)(I) who is receiving any portion of the retired or retainer pay of the member or former member or an annuity based on the retired or retainer pay of the member; or

''(II) for whom a court order (as defined in section 1408(a)(2) of this title) has been issued for payment of any portion of the retired or retainer pay or for whom a court order (as defined in section 1447(8) of this title) or a written agreement (whether voluntary or pursuant to a court order) provides for an election by the member or former member to provide an annuity to the former spouse.

''(i) TERMINATION.—Notwithstanding the period for which continued coverage is available under subsection (h), the program required by this section shall terminate on September 30, 1994, and continued coverage under this section shall not extend beyond that date.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1078 the following new item:

''1078a. Continued coverage.''.

(b) TRANSITIONAL PROVISIONS.—The Director of the Office of Personnel Management shall provide a period for the enrollment for health benefits coverage under this section by members and former members of the Armed Services for whom the availability of transitional health care under section 1145(a) of title 10, United States Code, expires before section 1078a of such title, as added by subsection (a), is implemented.

(c) TERMINATION OF APPLICABILITY OF OTHER CONVERSION HEALTH POLICIES.—(1) No person may purchase a conversion health policy under section 1145(b) or 1086a of title 10, United States Code, on or after the date on which the Director of the Office of Personnel Management announces that section 1078a of such title is implemented. A person covered by such a conversion health policy on that date may cancel that policy and enroll in a health benefits plan under section 1078a of such title.

(2) No person may be covered concurrently by a conversion health policy under section 1145(b) or 1086a of such title and a health benefits plan under section 1078a of such title.

(d) FISCAL YEAR 1993 FUNDING.—Of the amount appropriated pursuant to section 4101 for fiscal year 1993, 5 percent shall be made available for benefits under section 1078a of title 10, United States Code, as added by subsection (a).

(e) EFFECTIVE DATE.—Section 1078a of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1992.

SEC. 4607. SPECIAL EARLY RETIREMENT FOR DISPLACED DEFENSE WORKERS.

(a) CONDITION OF DEFENSE CONTRACTS.—Any contract entered into by the Secretary of Defense with a major defense contractor shall include a provision requiring that during the period that the contract remains in effect the contractor, in terminating employees, shall provide the option of special early retirement benefits to any employee described in subsection (d). Each such contract shall include the provisions required by subsections (b) through (e).

(b) AMENDMENT OF PENSION PLANS.—Each major defense contractor shall be required to amend any pension plan that it maintains for its employees in order to provide the employees employed by the contractor who meet the qualifications set forth in subsection (d) with special early retirement benefits.

(c) SPECIAL EARLY RETIREMENT BENEFITS.—Special early retirement benefits provided an employee of a major defense contractor for purposes of this section shall be specified in the contract with the Department of Defense and shall include the following:

(1) The right of the employee to a basic lifetime pension benefit under the employer's pension plan that covers that employee, which pension benefit shall be the same as the normal retirement benefit provided under that plan without reduction for age and which shall commence on the date on which the employee meets the eligibility criteria set forth in subsection (d).

(2) A supplemental pension benefit equal to $500 per month, which shall commence on the date on which the employee meets the eligibility criteria set forth in subsection (d) and which shall terminate one month after the month in which the employee attains age 62.

(d) ELIGIBLE EMPLOYEE DEFINED.—An employee of a major defense contractor shall be eligible for the special early retirement benefits under this section if the employee—

(1) is laid off or terminated from employment under a Department of Defense contract held by the contractor (whether or not the contract is one that itself includes the contract provisions required by this section);

(2) is a participant in a pension plan maintained by the contractor;

(3) has attained the age of 55 years at the time of the layoff or termination or will have attained that age by December 31st of the year following the layoff or termination; and

(4) has at least 10 years of credited service under that pension plan as of the date of the layoff or termination.

(e) VOLUNTARY ELIGIBILITY.—An employee who meets the age and service requirements under subsection (d) for the special early retirement benefits but who is not laid off or terminated may, by mutual agreement with the employer, volunteer to be laid off and receive special early retirement benefits, if the employer agrees to retain in employment an employee with less seniority or age who otherwise would be laid off or terminated in lieu of the individual who volunteers for the special early retirement benefits.

(f) MAJOR DEFENSE CONTRACTOR DEFINED.—For purposes of this section, a business firm shall be considered to be a major defense contractor if the average annual dollar volume of contracts of that firm with the Department of Defense for the fiscal years 1989, 1990, and 1991 was greater than $100,000,000.

(g) EFFECTIVE DATE.—This section shall apply to contracts entered into after the end of the 90-day period beginning on the date of the enactment of this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. HOPKINS moved to recommit the bill to the Committee on Armed Services with instructions to report the bill back to the House forthwith with the following amendment:

At the end of title X (page 202, after line 23), insert the following new sections:

SEC. . IMPROVED NATIONAL DEFENSE CONTROL OF TECHNOLOGY DIVERSIONS OVERSEAS.

(a) LIMITATIONS.—In the case of any proposed or pending merger, acquisition, or takeover of a business firm with foreign persons for which an investigation is undertaken pursuant to section 721(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2158), the President shall take action to prohibit the merger, acquisition, or takeover from taking place unless before the end of the investigation undertaken pursuant to such section 721(a) the Secretary of Defense certifies to Congress that the proposed or pending merger, acquisition, or takeover—

(1) will not pose a significant risk of diversion of sensitive defense technology from the United States to a foreign firm or government; and

(2) will not otherwise result in harm to the national security interests of the United States.

(b) CONSULTATION.—Before determining whether or not to make a certification under subsection (a), the Secretary of Defense shall consult with—

(1) the Under Secretary of Defense for Policy;

(2) the Under Secretary of Defense for Acquisition;

(3) the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence; and

(4) the Director of the Defense Intelligence Agency;

(5) any other official of the Department of Defense that the Secretary determines to be appropriate.

(c) EFFECTIVE DATE.—Subsection (a) shall apply to any proposed or pending merger, acquisition, or takeover with respect to which an investigation undertaken pursuant to section 721 of the Defense Production Act of 1950 is being carried out as of the date of the enactment of this Act or thereafter.

SEC. . REDUCED ENRICHMENT RESEARCH TEST REACTOR.

(a) IN GENERAL.—The Secretary of Energy shall conduct a program of development of high-density low enriched uranium fuels for use in domestic and foreign research reactors that currently use highly enriched uranium fuel and are unable to convert to low enriched uranium fuel.

(b) FUNDING.—There is authorized to be appropriated to the Department of Energy for fiscal year 1993 $3,000,000 for fuel development and $1,300,000 for technical assistance for the purposes of subsection (a).

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. HOYER, announced that the yeas had it.

So the motion to recommit with instructions was agreed to.

Mr. ASPIN, by direction of the Committee on Armed Services and pursuant to the foregoing order of the House reported the bill back to the House with said amendment.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. HOYER, announced that the yeas had it.

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. HOYER, announced that the yeas had it.

Mr. ASPIN demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 198 / Nays 168

¶66.12 [Roll No. 172]

AYES—198

Abercrombie	Bryant	DeLauro
Anderson	Callahan	Derrick
Andrews (ME)	Cardin	Dickinson
Andrews (NJ)	Carper	Dicks
Andrews (TX)	Carr	Dixon
Annunzio	Chapman	Donnelly
Aspin	Clement	Dooley
Bacchus	Coble	Dorgan (ND)
Ballenger	Coleman (MO)	Downey
Barnard	Coleman (TX)	Eckart
Bateman	Collins (MI)	Edwards (TX)
Bennett	Combest	Engel
Berman	Condit	Erdreich
Bevill	Costello	Espy
Bonior	Cox (IL)	Evans
Borski	Coyne	Ewing
Boucher	Cramer	Fascell
Brewster	Darden	Fazio
Browder	Davis	Fish
Flake	Levin (MI)	Reed
Foglietta	Lipinski	Richardson
Ford (MI)	Lloyd	Riggs
Frank (MA)	Long	Ritter
Frost	Lowey (NY)	Roemer
Gejdenson	Machtley	Rose
Gephardt	Manton	Rowland
Geren	Markey	Sabo
Gibbons	Martinez	Sanders
Gilchrest	Matsui	Sangmeister
Glickman	Mavroules	Sarpalius
Gonzalez	Mazzoli	Sawyer
Goodling	McCloskey	Schiff
Gordon	McCurdy	Schroeder
Grandy	McHugh	Schumer
Guarini	McMillan (NC)	Sharp
Gunderson	McMillen (MD)	Sisisky
Hall (OH)	McNulty	Skaggs
Hall (TX)	Moakley	Skelton
Hamilton	Molinari	Slattery
Harris	Montgomery	Slaughter
Hoagland	Moran	Smith (IA)
Hochbrueckner	Mrazek	Snowe
Horn	Murtha	Solarz
Houghton	Natcher	Spratt
Hoyer	Neal (NC)	Staggers
Huckaby	Nowak	Stallings
Hutto	Oakar	Stenholm
Jacobs	Obey	Swett
Jefferson	Ortiz	Swift
Jenkins	Oxley	Synar
Johnson (CT)	Pallone	Tallon
Johnson (SD)	Panetta	Tanner
Jones (NC)	Parker	Taylor (MS)
Jontz	Pastor	Taylor (NC)
Kanjorski	Payne (VA)	Thomas (GA)
Kaptur	Penny	Thornton
Kasich	Perkins	Torres
Kennedy	Peterson (FL)	Torricelli
Kennelly	Peterson (MN)	Traficant
Kildee	Pickett	Valentine
Kleczka	Pickle	Visclosky
Kolbe	Poshard	Weldon
Kopetski	Price	Whitten
Lancaster	Quillen	Wilson
Lantos	Ravenel	Wise
LaRocco	Ray	Yatron

NOES—168

Allard	Goss	Owens (NY)
Allen	Gradison	Owens (UT)
Applegate	Hancock	Packard
Archer	Hansen	Paxon
Armey	Hastert	Payne (NJ)
Atkins	Hayes (IL)	Pease
AuCoin	Hefley	Petri
Baker	Henry	Rahall
Barrett	Hobson	Ramstad
Barton	Hopkins	Rangel
Bentley	Hughes	Regula
Bereuter	Hunter	Rhodes
Bilbray	Hyde	Ridge
Bilirakis	Inhofe	Rinaldo
Blackwell	James	Roberts
Bliley	Johnson (TX)	Rogers
Boehlert	Klug	Rohrabacher
Boehner	Kostmayer	Ros-Lehtinen
Boxer	Kyl	Roukema
Bruce	LaFalce	Roybal
Bunning	Lagomarsino	Santorum
Burton	Leach	Savage
Camp	Lewis (CA)	Saxton
Clay	Lewis (FL)	Schaefer
Conyers	Lightfoot	Schulze
Coughlin	Lowery (CA)	Sensenbrenner
Cox (CA)	Marlenee	Serrano
Crane	Martin	Shaw
Cunningham	McCandless	Shays
DeFazio	McCollum	Shuster
DeLay	McCrery	Sikorski
Dellums	McDade	Skeen
Doolittle	McDermott	Smith (FL)
Dornan (CA)	McEwen	Smith (NJ)
Dreier	McGrath	Smith (OR)
Duncan	Meyers	Smith (TX)
Durbin	Mfume	Solomon
Early	Michel	Spence
Edwards (CA)	Miller (OH)	Stark
Edwards (OK)	Mineta	Stearns
Emerson	Mollohan	Stokes
English	Moody	Studds
Fawell	Moorhead	Stump
Ford (TN)	Murphy	Sundquist
Franks (CT)	Myers	Tauzin
Gallegly	Nagle	Thomas (WY)
Gallo	Neal (MA)	Towns
Gekas	Nussle	Upton
Gillmor	Oberstar	Vento
Gilman	Olver	Volkmer
Gingrich	Orton	Walker
Walsh	Weiss	Yates
Washington	Wheat	Young (AK)
Waters	Wolf	Young (FL)
Waxman	Wyden	Zeliff
Weber	Wylie	Zimmer

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Ackerman	Green	Miller (WA)
Alexander	Hammerschmidt	Mink
Anthony	Hatcher	Morella
Beilenson	Hayes (LA)	Morrison
Brooks	Hefner	Nichols
Broomfield	Herger	Olin
Brown	Hertel	Patterson
Bustamante	Holloway	Pelosi
Byron	Horton	Porter
Campbell (CA)	Hubbard	Pursell
Campbell (CO)	Ireland	Roe
Chandler	Johnston	Rostenkowski
Clinger	Jones (GA)	Roth
Collins (IL)	Kolter	Russo
Cooper	Laughlin	Scheuer
Dannemeyer	Lehman (CA)	Thomas (CA)
de la Garza	Lehman (FL)	Traxler
Dingell	Lent	Unsoeld
Dwyer	Levine (CA)	Vander Jagt
Dymally	Lewis (GA)	Vucanovich
Feighan	Livingston	Williams
Fields	Luken	Wolpe
Gaydos	Miller (CA)	

So the bill was passed.

By unanimous consent, the title was amended so as to read: ''An Act to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.''.

A motion to reconsider the votes whereby said bill was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate therein.

¶66.13 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. MONTGOMERY, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill, the Clerk be authorized to correct section numbers, punctuation, cross references, and to make other technical corrections.

¶66.14 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sanders, one of his secretaries.

¶66.15 ORGANIZATION OF CONGRESS

Mr. DERRICK, by direction of the Committee on Rules, reported (Rept. No. 102–550) the concurrent resolution (H. Con. Res. 192) to establish a Joint Committee on the Organization of Congress.

When said concurrent resolution and report were referred to the House Calendar and ordered printed.

¶66.16 ORDER OF BUSINESS—CONSIDERATION OF H. RES. 475

On motion of Mr. DERRICK, by unanimous consent,

Ordered, That the period of general debate provided for in House Resolution 475, if adopted, be expanded to ninety minutes, with sixty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and

Means, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations.

¶66.17 ADJOURNMENT OVER

On motion of Mr. GEPHARDT, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Tuesday, June 9, 1992.

¶66.18 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. GEPHARDT, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, June 10, 1992, under clause 7, rule XXIV, the Calendar Wednesday rule, be dispensed with.

¶66.19 BE KIND TO ANIMALS AND NATIONAL PET WEEK

On motion of Mr. SAWYER, by unanimous consent, the Committee on Post Office and Civil Service was discharged from further consideration of the joint resolution (H.J. Res. 429) designating May 3, 1992, through May 9, 1992, as ''Be Kind to Animals and National Pet Week''.

Mr. SAWYER submitted the following amendment which was agreed to:

Page 3, line 3 is amended by striking ''May 3 through 9, 1992'' and inserting ''May 2, 1993, through May 8, 1993''.

When said joint resolution, as amended, was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

By unanimous consent the title was amended so as to read: ''A joint resolution designating May 2, 1993, through May 8, 1993, as 'Be Kind to Animals and National Pet Week'.''.

A motion to reconsider the votes whereby said joint resolution, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶66.20 NATIONAL AWARENESS WEEK FOR LIFE-SAVING TECHNIQUES

On motion of Mr. SAWYER, by unanimous consent, the Committee on Post Office and Civil Service was discharged from further consideration of the joint resolution (H.J. Res. 442) to designate May 16, 1992, through May 22, 1992, as ''National Awareness Week for Life-Saving Techniques''.

Mr. SAWYER submitted the following amendment which was agreed to:

Page 2, line 3, strike ''May 16, 1992, through May 22, 1992,'' and insert ''July 5, 1992, through July 11, 1992,''.

When said joint resolution, as amended, was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

By unanimous consent the title was amended so as to read: ''A joint resolution to designate July 5, 1992, through July 11, 1992, as 'National Awareness Week for Life-Saving Techniques'.''.

A motion to reconsider the votes whereby said joint resolution, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶66.21 NATIONAL SPINA BIFIDA AWARENESS MONTH

On motion of Mr. SAWYER, by unanimous consent, the Committee on Post Office and Civil Service was discharged from further consideration of the joint resolution (H.J. Res. 470) to designate the month of September 1992 as ''National Spina Bifida Awareness Month''.

When said joint resolution was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶66.22 NATIONAL SCLERODERMA AWARENESS MONTH

On motion of Mr. SAWYER, by unanimous consent, the Committee on Post Office and Civil Service was discharged from further consideration of the joint resolution (H.J. Res. 445) designating June 1992 as ''National Scleroderma Awareness Month''.

When said joint resolution was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶66.23 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO YUGOSLAVIA

The SPEAKER pro tempore, Mr. BRUCE, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

On June 1, 1992, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)), and section 301 of the National Emergencies Act (50 U.S.C. 1631), I reported to the Congress by letters to the President of the Senate and the Speaker of the House, dated May 30, 1992, that I had exercised my statutory authority to issue Executive Order No. 12808 of May 30, 1992, that declared a national emergency and blocked ''Yugoslav Government'' property and property of the Governments of Serbia and Montenegro.

On May 30, 1992, the United Nations Security Council adopted Resolution No. 757 calling on member states to impose a comprehensive economic embargo against the Federal Republic of Yugoslavia (Serbia and Montenegro). Today I have taken additional steps to ensure that the economic measures we are taking with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) conform to United Nations Security Council Resolution No. 757 of May 30, 1992.

Specifically, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.*), the National Emergencies Act (50 U.S.C. 1601, *et seq.*), section 1114 of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1514), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c), and section 301 of title 3 of the United States Code, I have issued a second Executive order, ''Blocking Property of and Prohibiting Transactions with the Federal Republic of Yugoslavia (Serbia and Montenegro),'' a copy of which is enclosed.

Among other things, the order that I have issued on this day:

—prohibits exports and imports of goods and services between the United States and the Federal Republic of Yugoslavia (Serbia and Montenegro), and any activity that promotes or is intended to promote such exportation and importation;

—prohibits any dealing by a U.S. person in connection with property originating in the Federal Republic of Yugoslavia (Serbia and Montenegro) exported from the Federal Republic of Yugoslavia (Serbia and Montenegro) after May 30, 1992, or intended for exportation to any country, and related activities;

—prohibits transactions related to transportation to or from the Federal Republic of Yugoslavia (Serbia and Montenegro), or the use of vessels or aircraft registered in the Federal Republic of Yugoslavia (Serbia and Montenegro), by U.S. persons or involving the use of U.S.-registered vessels and aircraft;

—prohibits the granting of permission to any aircraft to take off from, land in, or overfly the United States if that aircraft is destined to land in or take off from the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro);

—prohibits the performance by any U.S. person of any contract in support of certain categories of projects in the Federal Republic of Yugoslavia (Serbia and Montenegro);

—continues to block all property of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), as well as assets of the former Government of the Socialist Republic of Yugoslavia, located in the United States or in the possession or control of U.S. person, including their foreign branches; and

—clarifies the definition of the Federal Republic of Yugoslavia (Serbia and Montenegro).

Today's order provides that the Secretary of the Treasury, in consultation with the Secretary of State, is authorized to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of the order.

The declaration of the national emergency made by Executive Order No. 12808 remains in force and is unaffected by today's order.

GEORGE BUSH.

THE WHITE HOUSE, *June 5, 1992.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 102—343).

¶66.24 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mrs. MINK, for today.

And then,

¶66.25 ADJOURNMENT

On motion of Mr. MCCOLLUM, pursuant to the special order heretofore agreed to, at 4 o'clock and 21 minutes p.m., the House adjourned until 12 o'clock noon on Tuesday, June 9, 1992.

¶66.26 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. House Concurrent Resolution 192. Concurrent resolution to establish a Joint Committee on the Organization of Congress; with an amendment (Rept. No. 102–550). Referred to the House Calendar.

Mr. FASCELL: Committee on Foreign Affairs. H.R. 4996. A bill to extent the authorities of the Overseas Private Investment Corporation, and for other purposes; with an amendment (Rept. No. 102–551). Referred to the Committee of the Whole House on the State of the Union.

¶66.27 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. KENNELLY (for herself, Mr. SPRATT, and Mr. MAVROULES):

H.R. 5333. A bill to provide that, beginning with fiscal year 1994, the President transmit to Congress and Congress consider a budget that requires a balanced budget by fiscal year 1998 and for subsequent fiscal years, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. GONZALEZ:

H.R. 5334. A bill to amend and extend certain laws relating to housing and community development, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DREIER of California (for himself and Mr. COX of California):

H.R. 5335. A bill to amend the Internal Revenue Code of 1986 to make health insurance more affordable, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, and the Judiciary.

By Mr. ANTHONY (for himself, Mr. LAROCCO, Mr. ALEXANDER, and Mr. STALLINGS):

H.R. 5336. A bill to authorize an exchange of lands in the States of Arkansas and Idaho; jointly, to the Committees on Interior and Insular Affairs, Agriculture, and Merchant Marine and Fisheries.

By Mr. CLEMENT:

H.R. 5337. A bill to amend title II of the Social Security Act to provide for payment of a benefit for the month of the recipient's death; to the Committee on Ways and Means.

By Mr. OBEY (for himself, Mr. MURTHA, Mr. TRAXLER, Mr. ABERCROMBIE, Mr. DURBIN, Mr. ECKART, Mr. EDWARDS of California, Mr. FAZIO, Mr. HOCHBRUECKNER, Ms. HORN, Ms. KAPTUR, Mr. KOPETSKI, Mr. SKAGGS, and Mr. STARK):

H.R. 5338. A bill to balance the budget of the U.S. Government; jointly, to the Committees on Government Operations, Rules, and Ways and Means.

By Mr. PARKER:

H.R. 5339. A bill for the relief of the Wilkinson County School District, in the State of Mississippi; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mrs. VUCANOVICH, Mr. LAFALCE, Mr. HALL of Ohio, Mr. RINALDO, Mr. HYDE, Mr. MARLENEE, Mr. MCCOLLUM, Mr. SCHAEFER, Mr. LIGHTFOOT, Mr. HEFLEY, Mr. BALLENGER, Mr. DORNAN of California, Mr. COBLE, Mr. HUNTER, Mr. BUNNING, Mr. HUTTO, Mr. SANTORUM, Mr. GOSS, Mr. WELDON, Mr. MCGRATH, Mr. GALLEGLY, Mr. RITTER, Mr. BILIRAKIS, Mr. YOUNG of Florida, Mr. EMERSON, and Mr. DREIER of California):

H.R. 5340. A bill to amend the Public Health Service Act to revise and extend the programs of the National Cancer Institute, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 5341. A bill to amend the vaccine compensation title of the Public Health Service Act to authorize a sufficient number of special masters for the U.S. Claims Court to enable the court to become current in its caseload by January 1, 1993; to the Committee on Energy and Commerce.

By Mr. SOLOMON:

H.J. Res. 502. Joint resolution disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China; to the Committee on Ways and Means.

By Mr. BURTON of Indiana (for himself, Mr. HANCOCK, and Mr. DANNEMEYER):

H. Con. Res. 330. Concurrent resolution expressing the sense of the Congress that the Federal Government should develop and implement a comprehensive program to prevent further transmission of the human immunodeficiency virus and improve treatment for individuals who are infected with the virus; jointly, to the Committees on Energy and Commerce and the Judiciary.

¶66.28 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

476. By the SPEAKER: Memorial of the House of Representatives of the State of Hawaii, relative to the cable television industry; to the Committee on Energy and Commerce.

477. Also, memorial of the House of Representatives of the State of Hawaii, relative to providing a Federal tax credit for renters; to the Committee on Ways and Means.

478. Also, memorial of the House of Representatives of the State of Hawaii, relative to requesting the U.S. Congress to help keep Brown Tree snakes out of Hawaii; jointly, to the Committees on Ways and Means, Merchant Marine and Fisheries, Armed Services, and Public Works and Transportation.

¶66.29 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. DARDEN.

H.R. 371: Mr. ROHRABACHER.

H.R. 816: Mr. THOMAS of Wyoming.

H.R. 858: Mr. VISCLOSKY.

H.R. 860: Mr. VISCLOSKY.

H.R. 1110: Mr. GEREN of Texas.

H.R. 1468: Mr. ROBERTS.

H.R. 1474: Mr. LEWIS of Florida, Mr. HYDE, and Mr. DURBIN.

H.R. 1573: Mr. PICKLE, Mr. THOMAS of Georgia, and Mr. BAKER.

H.R. 1987: Mr. CAMPBELL of Colorado, Mr. HOAGLAND, Mr. MARKEY, Mr. BORSKI, Mr. BRUCE, Mr. FISH, and Mr. SANGMEISTER.

H.R. 2223: Mr. SHAYS, Mr. BOEHLERT, Mr. JACOBS, and Mr. WYDEN.

H.R. 2632: Mr. JOHNSON of South Dakota and Mr. BEILENSON.

H.R. 2862: Mr. COBLE and Mr. SMITH of Oregon.

H.R. 3198: Mr. NAGLE.

H.R. 3221: Mr. EMERSON, Mr. SKEEN, Mr. BURTON of Indiana, Mr. BARTON of Texas, Mr. BOUCHER, Mrs. MORELLA, Ms. NORTON, Mr. DONNELLY, and Mr. MCGRATH.

H.R. 3360: Mr. WEISS, Mr. WHEAT, Mr. FISH, Mr. HENRY, Mr. MATSUI, Mr. TRAXLER, Mr. BROOMFIELD, Mr. MORAN, Mr. SISISKY, Mr. LEHMAN of Florida, and Mr. LEVIN of Michigan.

H.R. 3450: Mr. SERRANO and Mr. TRAXLER.

H.R. 3486: Mr. GUARINI.

H.R. 3677: Mr. ANDREWS of Maine.

H.R. 3688: Mr. TOWNS, Mr. ATKINS, Mr. SANDERS, and Mr. BROWN.

H.R. 3966: Mr. MOODY.

H.R. 3975: Mr. GIBBONS, Mr. GONZALEZ, Mr. ECKART, Mrs. COLLINS of Michigan, Mr. KILDEE, Mr. ENGEL, and Mr. WYDEN.

H.R. 4109: Mr. BLACKWELL, Mr. OWENS of New York, Mr. JONTZ, Mr. VENTO, Mr. SANDERS, Mr. HOAGLAND, and Mr. FISH.

H.R. 4136: Mr. TRAXLER.

H.R. 4399: Mr. MILLER of California.

H.R. 4529: Mrs. BOXER.

H.R. 4571: Mrs. BOXER.

H.R. 4906: Mr. GUNDERSON.

H.R. 4980: Mr. BORSKI and Mr. HAYES of Illinois.

H.R. 5026: Mrs. MEYERS of Kansas and Mr. LANCASTER.

H.R. 5100: Mr. FROST, Mr. STUDDS, Mr. BONIOR, Mr. DURBIN, Mr. BLACKWELL, Mr. BRYANT, Mr. EVANS, Mr. BOEHLERT, and Mr. LANCASTER.

H.R. 5126: Mr. APPLEGATE, Mr. DEFAZIO, Mr. DORGAN of North Dakota, Mr. GEJDENSON, Mr. HANSEN, Mr. JOHNSON of South Dakota, Mr. KENNEDY, Mr. LEACH, Mr. MARKEY, Mr. MATSUI, Mr. MILLER of Ohio, Mrs. MINK, Mr. MORAN, Mr. OBERSTAR, Mr. PETERSON of Florida, Mr. SABO, Mr. SHUSTER, Mr. SKAGGS, Mr. TRAFICANT, Mr. WEISS, Mr. WISE, Mr. COYNE, Ms. DELAURO, Mr. DURBIN, Mr. HALL of Texas, Mr. HARRIS, Mr. JONTZ, Mr. KILDEE, Mr. LEWIS of Georgia, Mr. MARTINEZ, Mr. MILLER of California, Mr. MINETA, Mr. MONTGOMERY, Mr. NATCHER, Mr. OXLEY, Mr. RAY, Mr. SERRANO, Mr. SISISKY, Mr. SMITH of Iowa, Mr. WALSH, Mr. WILSON, Mr. QUILLEN, Mr. BROOMFIELD, Mr. MYERS of Indiana, Mr. SANTORUM, Mr. SAXTON, Mr. GRADISON, Mr. BALLENGER, Mr. COBLE, Mr. PAXON, Mr. MCCRERY, Mr. DELAY, Mr. UPTON, Mr. SPENCE, Mr. LAGOMARSINO, Mr. ARMEY, Mrs. BENTLEY, Mr. BOEHNER, Mr. DREIER of California, Mr. EMERSON, Mr. GALLO, Mr. GILCHREST, Mr. GOODLING, Mr. GRANDY, Mr.

GUNDERSON, Mr. GINGRICH, Mr. HANCOCK, Mr. HEFLEY, Mr. HOLLOWAY, Mr. HYDE, Mr. INHOFE, Mr. CAMP, Mr. LEWIS of California, Mr. LIVINGSTON, Mr. PACKARD, Mr. RAMSTAD, Mr. RIGGS, Ms. SNOWE, Mr. SOLOMON, Mr. WELDON, Mr. ZELIFF, Mr. WEBER, Mr. MACHTLEY, Mr. BEVILL, Mr. DICKINSON, Mr. EDWARDS of Oklahoma, Mr. FRANKS of Connecticut, Mr. BURTON of Indiana, Mr. HOUGHTON, Mr. LOWERY of California, Mr. ROHRABACHER, Mr. MARTIN, and Mr. HOPKINS.

H.R. 5168: Mr. VANDER JAGT and Mr. WILSON.

H.R. 5170: Ms. HORN, Mr. EVANS, Mr. LANTOS, and Mr. HAYES of Illinois.

H.R. 5208: Mr. PANETTA.

H.R. 5325: Mr. KYL, Mr. GOODLING, Mr. BOEHLERT, and Mr. BOEHNER.

H.J. Res. 1: Mr. HAYES of Illinois, Mr. OWENS of New York, and Mr. ANDREWS of New Jersey.

H.J. Res. 271: Mr. FASCELL, Mr. ANDERSON, Mr. BRYANT, Mr. PARKER, Mr. RAHALL, and Mr. ROSE.

H.J. Res. 391: Mr. LEHMAN of California and Mr. MARTIN.

H.J. Res. 431: Mr. RINALDO, Mr. RANGEL, Mr. MORRISON, Mr. ANDREWS of Maine, Ms. SNOWE, Mr. GEREN of Texas, and Mr. PICKETT.

H.J. Res. 445: Mr. KOPETSKI.

H.J. Res. 453: Mr. HORTON, Mr. HEFNER, Mr. BENNETT, Mr. JONES of North Carolina, Mr. MCCLOSKEY, Mr. GORDON, Mr. MCMILLEN of Maryland, Mr. NEAL of Massachusetts, Mr. CLEMENT, Mr. ERDREICH, Mr. TOWNS, Mr. BLAZ, Mr. EMERSON, Mrs. PATTERSON, Mr. PRICE, Mr. COBLE, Mr. LAGOMARSINO, Mr. VENTO, Mr. GUARINI, Mr. JONES of Georgia, Mr. RANGEL, Mr. HUGHES, Mr. MARTINEZ, Mr. LIPINSKI, Mr. ALEXANDER, Mr. ENGEL, Mr. SKEEN, Mr. BLILEY, and Mr. SERRANO.

H.J. Res. 457: Mr. FOGLIETTA, Mr. HERTEL, Mr. HOCHBRUECKNER, Mr. HUTTO, Mrs. LLOYD, Mr. PETERSON of Florida, Mr. RAY, Mr. SKELTON, Mr. STUDDS, Mr. CONYERS, Mr. BEVILL, Mr. GONZALEZ, Mr. JONES of Georgia, Mr. HAYES of Illinois, Mr. LANTOS, Mr. SARPALIUS, Mr. LEWIS of Florida, Mr. CALLAHAN, Mr. FIELDS, Mrs. JOHNSON of Connecticut, Mr. JOHNSON of Texas, Mr. LIGHTFOOT, Mr. MCCANDLESS, Mr. SCHULZE, Mr. SHAW, Mr. WELDON, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. ABERCROMBIE, Mr. BARNARD, Mr. BILBRAY, Mr. BROWDER, Mrs. BYRON, Mr. DELLUMS, Mr. HALL of Texas, and Mr. TANNER.

H.J. Res. 475: Mr. KOPETSKI and Mr. DEFAZIO.

H.J. Res. 483: Mr. HUGHES.

H.J. Res. 488: Mr. ROTH, Mr. TOWNS, Mr. SKEEN, Mr. HORTON, Mr. ERDREICH, Mr. DARDEN, Mr. BLILEY, Mr. TALLON, Mrs. MINK, Mr. MCMILLEN of Maryland, Mr. BENNETT, Mr. GUARINI, Mr. DE LA GARZA, Mr. LIPINSKI, Mr. WALSH, Mr. FROST, Mr. JONES of Georgia, Mr. HAYES of Illinois, Mr. POSHARD, Mr. ORTON, Mr. EMERSON, Mr. QUILLEN, Mr. HUGHES, and Mr. JEFFERSON.

H.J. Res. 496: Mr. MCNULTY, Mr. WISE, Mr. OLVER, and Mr. KOPETSKI.

H. Con. Res. 92: Mr. LUKEN, Mr. ERDREICH, Mr. TORRES, Mr. HOPKINS, Mrs. LOWEY of New York, Mr. ANDREWS of New Jersey, Mr. MICHEL, Mr. DORGAN of North Dakota, and Mr. STARK.

H. Con. Res 180: Mr. CRAMER, Mr. NAGLE, and Mr. KLUG.

H. Con. Res. 296: Mr. JONES of Georgia, Mr. DORGAN of North Dakota, Mr. MOODY, Mr. BURTON of Indiana, Mr. BEILENSON, Mr. COBLE, Mr. MARLENEE, Mr. HUCKABY, Mr. WILLIAMS, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. SHARP, Mr. GILMAN, Mr. PRICE, Mr. WYDEN, Mr. PAYNE of Virginia, Mr. DWYER of New Jersey, and Mr. DOWNEY.

H. Res. 323: Mr. VENTO.

H. Res. 422: Mr. HUGHES, Mr. RANGEL, Mr. STALLINGS, Mr. BLACKWELL, Mr. LEVINE of California, Mr. FOGLIETTA, Mr. FRANKS of Connecticut, and Mrs. MORELLA.

TUESDAY, JUNE 9, 1992 (67)

¶67.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. LEWIS of Georgia, who laid before the House the following communication:

WASHINGTON, DC,
June 9, 1992.

I hereby designate the Honorable JOHN LEWIS to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

¶67.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. LEWIS of Georgia, announced he had examined and approved the Journal of the proceedings of Friday, June 5, 1992.

Mr. SOLOMON, pursuant to clause 1, rule I, objected to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. LEWIS of Georgia, announced that the yeas had it.

Mr. SOLOMON objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared ....
- Yeas 231
- Nays 116
- Answered present 2

¶67.3 [Roll No. 173]

YEAS—231

Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Archer
Aspin
Atkins
Bacchus
Barnard
Barton
Bateman
Beilenson
Bennett
Berman
Bevill
Bilbray
Borski
Boucher
Boxer
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Cardin
Carper
Carr
Chapman
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Dreier
Durbin
Dwyer
Early
Edwards (CA)
English
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Feighan
Fish
Ford (MI)
Frank (MA)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hayes (IL)
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Huckaby
Hughes
Hyde
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
Lancaster
Lantos
LaRocco
Laughlin
Lehman (FL)
Lent
Levin (MI)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McDermott
McEwen
McGrath
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moran
Morrison
Mrazek
Murtha
Myers
Natcher
Oakar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Poshard
Rahall
Ravenel
Reed
Rinaldo
Ritter
Roe
Roemer
Rose
Rostenkowski
Roth
Rowland
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Scheuer
Schiff
Schulze
Schumer
Serrano
Sharp
Shaw
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stark
Stenholm
Studds
Swift
Synar
Tallon
Tanner
Thomas (GA)
Thornton
Torres
Torricelli
Traficant
Unsoeld
Vander Jagt
Vento
Visclosky
Volkmer
Walsh
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wolpe
Wylie
Yates
Yatron

NAYS—116

Allard
Allen
Armey
Baker
Ballenger
Barrett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Camp
Campbell (CA)
Chandler
Clay
Coble
Coleman (MO)
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gingrich
Goss
Gradison
Grandy
Hancock
Hansen
Hastert
Hefley
Henry
Hobson
Holloway
Hopkins
Hunter
Ireland
James
Johnson (CT)
Johnson (TX)
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Machtley
Marlenee
McCandless
McCrery
McDade
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Quillen
Ramstad
Regula
Rhodes
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Santorum
Saxton
Schaefer
Sensenbrenner
Shays
Shuster
Sikorski
Smith (OR)
Smith (TX)
Snowe
Solomon
Stearns
Stokes
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—2

Pickle
Wyden

NOT VOTING—85

Abercrombie
Alexander
Anthony
AuCoin
Blackwell
Bonior
Brewster
Byron
Callahan
Campbell (CO)
Clement
Clinger
Condit
Coughlin
Davis
Dellums
Dooley
Dymally
Eckart
Edwards (TX)
Engel
Flake
Foglietta
Ford (TN)
Gaydos
Gilchrest
Goodling
Green
Hatcher
Hayes (LA)
Hefner
Herger
Hertel
Hubbard
Hutto
Inhofe
Jacobs
Jones (GA)
Kasich
Kennedy
LaFalce
Lehman (CA)
Levine (CA)
Lloyd
Lowery (CA)
Martin
Mavroules
McCurdy