

Public Law 98-94  
98th Congress

An Act

Sept. 24, 1983  
[S. 675]

To authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes.

Department of  
Defense  
Authorization  
Act, 1984.

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

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. (a) This Act may be cited as the “Department of Defense Authorization Act, 1984”.

(b) The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROCUREMENT

- Sec. 101. Authorization of appropriations, Army.
- Sec. 102. Authorization of appropriations, Navy and Marine Corps.
- Sec. 103. Authorization of appropriations, Air Force.
- Sec. 104. Authorization of appropriations, Defense agencies.
- Sec. 105. Extension of authority provided Secretary of Defense in connection with the NATO Airborne Warning and Control System (AWACS) program.
- Sec. 106. Secure communications equipment and a special classified program.
- Sec. 107. Limitation on Army procurement.
- Sec. 108. Limitations on Navy procurement.
- Sec. 109. Authorization of multiyear contracts for the B-1B aircraft; prohibition on multiyear contracts for certain equipment.
- Sec. 110. Limitations and requirements with respect to the procurement and deployment of the MX missile.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

- Sec. 201. Authorization of appropriations.
- Sec. 202. Limitations on funds for the Army.
- Sec. 203. Limitations on funds for the Navy.
- Sec. 204. Limitations on funds for the Air Force.
- Sec. 205. Limitations on funds for the Defense agencies.
- Sec. 206. Limitation on size of small mobile missile.
- Sec. 207. Report on the Joint Tactical Missile System and the Joint Surveillance and Target Attack System; restriction on use of funds.
- Sec. 208. Antiballistic missile defense system research.

TITLE III—OPERATION AND MAINTENANCE

- Sec. 301. Authorization of appropriations.
- Sec. 302. General authorization of appropriations for pay raises, fuel costs, and inflation adjustments.
- Sec. 303. Prohibition of use of vessels with foreign-built major components under certain leases or service contracts.
- Sec. 304. Authorization of appropriations for assistance for 1984 games of the XXIII Olympiad.
- Sec. 305. Shelter for the homeless at military installations.

**TITLE IV—ACTIVE FORCES**

- Sec. 401. Authorization of end strengths.
- Sec. 402. Quality control on enlistments into the Army for fiscal year 1984.
- Sec. 403. Extension of authority for the temporary promotions of certain Navy lieutenants.
- Sec. 404. Limit on funds for permanent change of station (PCS) travel during fiscal year 1984.

**TITLE V—RESERVE FORCES**

- Sec. 501. Authorization of average strengths for Selected Reserve.
- Sec. 502. Authorization of end strengths for Reserves on active duty in support of the Reserves.
- Sec. 503. Increase in number of certain personnel authorized to be on active duty in support of the reserve components.
- Sec. 504. Clarification of status of certain members of the National Guard serving in a full-time status.

**TITLE VI—CIVILIAN PERSONNEL**

- Sec. 601. Authorization of end strength.
- Sec. 602. Civilian personnel ceilings on industrially funded activities during fiscal year 1983.

**TITLE VII—MILITARY TRAINING STUDENT LOADS**

- Sec. 701. Authorization of training student loads.
- Sec. 702. Extension of reduction in number of students required to be in a unit of the Junior Reserve Officers' Training Corps.

**TITLE VIII—CIVIL DEFENSE**

- Sec. 801. Authorization of appropriations.
- Sec. 802. Amount authorized for contributions for State personnel and administrative expenses.

**TITLE IX—MILITARY COMPENSATION AND HEALTH-CARE MATTERS****PART A—PAY AND ALLOWANCES**

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- Sec. 902. Adjustment in basic pay of certain officers with prior enlisted and warrant officer service.
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- Sec. 907. Variable housing allowance for Reserves on active duty for a period of 140 days or more.
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## TITLE I—PROCUREMENT

### AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement of aircraft, missiles, weapons and tracked combat vehicles, and ammunition and for other procurement for the Army as follows:

- For aircraft, \$3,331,400,000.
- For missiles, \$2,903,400,000.
- For weapons and tracked combat vehicles, \$4,734,500,000.
- For ammunition, \$2,147,100,000.
- For other procurement, \$4,836,200,000.
- For Army National Guard equipment, \$100,000,000.

### AUTHORIZATION OF APPROPRIATIONS, NAVY AND MARINE CORPS

SEC. 102. (a) AIRCRAFT.—Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement of aircraft for the Navy in the amount of \$10,637,800,000.

(b) WEAPONS.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of \$3,903,000,000 for procurement of weapons (including missiles and torpedoes) for the Navy as follows:

- For missile programs, \$3,041,700,000.
- For the MK-48 torpedo program, \$124,600,000.
- For the MK-46 torpedo program, \$248,000,000.
- For the MK-60 torpedo program, \$105,400,000.
- For the MK-30 mobile target program, \$17,600,000.
- For the MK-38 minimobile target program, \$2,000,000.
- For the antisubmarine rocket (ASROC) program, \$17,300,000.
- For the modification of torpedoes, \$111,800,000.
- For the torpedo support equipment program, \$72,100,000.
- For the MK-15 close-in weapons system program, \$126,700,000.
- For the 5-inch/54-caliber gun mount program, \$16,100,000.
- For the MK-75 76-millimeter gun mount program, \$11,100,000.
- For other weapons, \$27,500,000.

The sum of the amounts authorized for programs under this subsection is reduced by \$18,900,000.

(c) SHIPBUILDING AND CONVERSION.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of \$12,045,400,000 for shipbuilding and conversion for the Navy as follows:

- For the Trident submarine program, \$1,759,000,000.
- For the SSN-688 nuclear attack submarine program, \$2,042,400,000.

For the aircraft carrier service life extension program (SLEP), \$95,900,000.

For the CG-47 Aegis cruiser program, \$3,397,400,000.

For the DDG-51 guided missile destroyer program, \$79,000,000.

For the FFG-7 guided missile frigate program, \$300,000,000.

For the battleship reactivation program, \$57,700,000.

For the LSD-41 landing ship dock program, \$509,000,000.

For the LHD-1 amphibious assault ship program, \$1,379,700,000.

For the MCM-1 mine countermeasures ship program, \$301,000,000.

For the MSH-1 minesweeper hunter program, \$65,000,000.

For the TAGS ocean survey ship program, \$34,500,000.

For the TAH hospital ship program, \$260,000,000.

For the TAK(FBM) missile resupply ship program, \$900,000.

For the TAFS combat stores ship program, \$16,100,000.

For the TAO-187 fleet oiler program, \$365,400,000.

For the TAKR fast logistic ship program, \$246,500,000.

For the strategic sealift ready reserve program, \$31,000,000.

For the LCAC landing craft air cushion program, \$161,100,000.

For service craft and landing craft, \$134,300,000.

For outfitting, post delivery, and cost growth, \$868,700,000.

The sum of the amounts authorized for programs under this subsection is reduced by \$59,200,000.

(d) *OTHER*.—Funds are hereby authorized to be appropriated for fiscal year 1984 for other procurement for the Navy in the amount of \$4,497,600,000, of which—

(1) \$681,500,000 is available only for the ship support equipment program;

(2) \$1,562,800,000 is available only for the communications and electronics equipment program; and

(3) \$930,300,000 is available only for the ordnance support equipment program.

(e) *PROCUREMENT, MARINE CORPS*.—Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement for the Marine Corps (including missiles, tracked combat vehicles, and other weapons) in the amount of \$1,805,200,000.

#### AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 103. (a) Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement of aircraft and missiles and for other procurement for the Air Force as follows:

For aircraft, \$21,282,800,000.

For missiles, \$7,925,700,000.

For other procurement, \$7,112,100,000.

For Air National Guard equipment, \$25,000,000.

(b) Of the funds authorized to be appropriated in this section for aircraft for the Air Force, the sum of \$112,100,000 is available only for contribution by the United States as its share of the cost for fiscal year 1984 of acquisition by the North Atlantic Treaty Organization of the Airborne Warning and Control System (AWACS).

(c) Of the funds authorized to be appropriated in this section for missiles for the Air Force, the sum of \$459,000,000 is available for procurement of 240 missiles under the AGM-86B air-launched

cruise missile program, of which \$14,000,000 is available for advance procurement for such program.

#### AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 104. Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement by the Defense agencies in the amount of \$972,700,000.

#### EXTENSION OF AUTHORITY PROVIDED SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM

Effective date.

SEC. 105. Effective on October 1, 1983, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100), is amended by striking out "fiscal year 1983" both places it appears and inserting in lieu thereof "fiscal year 1984".

#### SECURE COMMUNICATIONS EQUIPMENT AND A SPECIAL CLASSIFIED PROGRAM

SEC. 106. The Secretary of Defense is authorized to procure secure telephone communication systems, including equipment and related items, during fiscal year 1984 for the Department of Defense and other Government agencies and entities to support a national program to provide secure telephone service. Of the funds authorized to be appropriated pursuant to this title, not more than \$60,000,000 may be used to provide secure telephone equipment and related items to the Department of Defense and other Government agencies and entities in support of such a national program. Equipment provided to Government agencies and entities outside the Department of Defense under the authority of this section and such related services as may be necessary may be furnished by the Secretary of Defense with or without reimbursement. In addition, of the funds authorized to be appropriated pursuant to this Act, not more than \$220,000,000 is authorized for a special classified program.

#### LIMITATION ON ARMY PROCUREMENT

SEC. 107. The Secretary of the Army may not make a contract for the purpose of establishing a second source for production of the engine for the M-1 tank.

#### LIMITATIONS ON NAVY PROCUREMENT

Notification of congressional committees.

SEC. 108. (a)(1) None of the funds appropriated pursuant to the authorization of appropriations for the strategic sealift ready reserve program under section 102(c) (Shipbuilding and Conversion for the Navy) may be obligated or expended for the acquisition of a specific vessel for that program until (A) the Secretary of the Navy has notified the Committees on Armed Services and on Appropriations of the Senate and House of Representatives of the proposed acquisition of that vessel for that program, and (B) a period of 30 days of continuous session of Congress has expired following the date on which that notice was received by those committees.

Congressional adjournment.

(2) For purposes of paragraph (1), 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 three days to a day certain are excluded in the computation of such 30-day period.

(b) None of the funds appropriated pursuant to any authorization of appropriations contained in this Act may be obligated or expended for the purchase of the 5-inch semiactive laser guided projectile until the Secretary of the Navy has acquired a technical data package for that projectile and has determined that such technical data package (1) does not contain proprietary data, and (2) can be used to solicit a second production source for such projectile.

**AUTHORIZATION OF MULTIYEAR CONTRACTS FOR THE B-1B AIRCRAFT;  
PROHIBITION ON MULTIYEAR CONTRACTS FOR CERTAIN EQUIPMENT**

SEC. 109. (a) Notwithstanding any other provision of law, procurement of the B-1B aircraft program may be carried out under a multiyear procurement contract in accordance with section 2306(h) of title 10, United States Code.

(b) The Department of Defense is hereby denied the authority to execute multiyear procurement contracts, as proposed in the Department's fiscal year 1984 budget request, for procurement of any of the following:

- (1) AH-64 helicopter engines.
- (2) F-18 aircraft engines.
- (3) F-15 aircraft.
- (4) KC-135 reengining (airframes).
- (5) Mark 30 targets.
- (6) AN/SSQ-62 DICASS sonobuoys.

**LIMITATIONS AND REQUIREMENTS WITH RESPECT TO THE PROCUREMENT  
AND DEPLOYMENT OF THE MX MISSILE**

SEC. 110. (a)(1) Funds appropriated pursuant to the authorization of appropriations in section 103 may be used to procure not more than 21 operational MX missiles for deployment.

(2) MX missiles procured with funds authorized to be appropriated by section 103 shall be deployed in existing Minuteman missile silos that are part of the 319th and 400th Strategic Missile Squadrons and supported by Francis E. Warren Air Force Base, Wyoming. The first ten MX missiles procured for deployment by the Air Force shall be placed on alert status, with appropriate security and logistics facilities in operation, not later than December 31, 1986.

(b)(1) The Secretary of the Air Force shall prepare a full draft and final environmental impact statement in accordance with all terms, conditions, and requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) on the proposed deployment and peacetime operations of MX missiles in the Minuteman silos referred to in subsection (a). The final environmental impact statement on the proposed deployment of such missiles shall be published not later than January 31, 1984.

(2) Notwithstanding any other provision of law, the Secretary of the Air Force (A) may immediately commence planning, facility and equipment designing, surveying, and other predeployment activities with respect to the MX missile, and (B) shall proceed promptly following the publication of the final environmental impact statement referred to in paragraph (1) with deployment of MX missiles in the missile silos referred to in subsection (a).

Environmental  
impact  
statement.

Publication.



*Post*, p. 693. (c) This section shall be carried out in a manner consistent with the provisions of section 1231.

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

### AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a) Funds are hereby authorized to be appropriated for fiscal year 1984 for the use of the Armed Forces for research, development, test, and evaluation in amounts as follows:

For the Army, \$4,204,552,000.

For the Navy (including the Marine Corps), \$7,619,409,000.

For the Air Force, \$12,622,193,000.

For the Defense Agencies, \$2,856,754,000, of which \$50,000,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

(b) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1984 such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a).

### LIMITATIONS ON FUNDS FOR THE ARMY

SEC. 202. (a) Of the amount authorized in section 201 for the Army—

(1) \$7,650,000 is available only for 75-millimeter and 90-millimeter guns for light armored vehicles;

(2) \$7,000,000 is available only for neutral particle beam research as part of the ballistic missile defense advanced technology program;

(3) \$15,000,000 is available only for integration (including qualification) of the Hellfire missile on the UH-60 helicopter;

(4) \$50,160,000 is available only for the Joint Tactical Missile System and for selection of either the Patriot T-16 or Lance T-22 as the delivery vehicle for such system; and

(5) \$12,561,000 is available only for the Mobile Protected Gun System.

(b) None of the amount appropriated pursuant to the authorization in section 201 for the Army may be used for full-scale engineering development of the Military Computer Family System until the Secretary of Defense provides to the Committees on Armed Services of the Senate and House of Representatives a plan for the introduction and integration of advanced micro-electronic computers into weapons systems.

(c) Of the funds authorized to be appropriated pursuant to this section, \$20,500,000 shall be available for research and development by the Department of the Army for the Military Computer Family. The Secretary of Defense shall make offsetting reductions in lower priority computer application projects authorized in this Act.

## LIMITATIONS ON FUNDS FOR THE NAVY

SEC. 203. (a) Of the amount authorized in section 201 for the Navy (including the Marine Corps)—

(1) \$24,000,000 is available only for continued development of the Rankine Cycle Energy Recovery (RACER) system to ensure compatibility of the RACER system with all ships of the DDG-51 class, including the lead ship;

(2) \$20,000,000 is available only for the antiradiation projectile program;

(3) \$72,593,000 is available only for the Mark 92 fire control system;

(4) \$10,000,000 is available only for a derivative of the Standard Missile II to be used for the Navy outer air battle mission; and

(5) \$1,470,000 is available only for the evaluation of a wing-lift system for Navy utility craft.

(b)(1) None of the amount appropriated pursuant to the authorization in section 201 for the Navy may be used for full-scale engineering development of the AN/UYK-43 and AN/UYK-44 computers until the Secretary of Defense provides to the Committees on Armed Services of the Senate and House of Representatives a plan for the introduction and integration of advanced microelectronic computers into weapons systems.

(2) None of the amount appropriated pursuant to the authorization in section 201 for the Navy may be used for the Navy Mid-Infrared Advanced Chemical Laser program.

Computerization plan, submittal to congressional committees.

## LIMITATIONS ON FUNDS FOR THE AIR FORCE

SEC. 204. (a) Of the amount authorized in section 201 for the Air Force—

(1) \$60,000,000 is available for the Strategic Laser System Technology program, of which \$40,000,000 is available only for the development by the Air Force Space Command of the visible/ultraviolet short wavelength laser program;

(2) not less than \$22,477,000 is available for research and development of Training and Simulation Technology; and

(3) \$20,000,000 is available only for the development of terminally guided and sensor-fused submunitions for the Air Force deep strike mission.

(b) None of the amount appropriated pursuant to the authorization in section 201 for the Air Force may be used for continued development of the Airborne Laser Laboratory.

## LIMITATIONS ON FUNDS FOR THE DEFENSE AGENCIES

SEC. 205. (a) Of the amount authorized in section 201 for the Defense Agencies—

(1) not less than \$65,000,000 is available only for research, development, test, and evaluation of free-electron and other short wavelength (excluding blue-green) lasers;

(2) \$33,100,000 is available only for the particle-beam technology program, including modifications to the advanced test accelerator required for free-electron laser research; and

(3) \$22,000,000 is available only for a joint Defense Advanced Research Projects Agency and Department of Energy project for

research, development, test, and evaluation of third-generation defensive weapons.

Comprehensive  
plan, submittal  
to Congress.

(b) None of the amount appropriated pursuant to the authorization in section 201 for the Defense Agencies may be used for research, development, test, and evaluation for the program for fifth-generation artificial intelligence computers until the Secretary of Defense submits to Congress a comprehensive plan for the manner in which such program will be carried out.

#### LIMITATION ON SIZE OF SMALL MOBILE MISSILE

SEC. 206. None of the funds appropriated pursuant to authorizations of appropriations in section 201 for the Air Force may be obligated or expended for research, development, test, or evaluation for an intercontinental-range mobile ballistic missile that would weigh more than 33,000 pounds or that would carry more than a single warhead.

#### REPORT ON THE JOINT TACTICAL MISSILE SYSTEM AND THE JOINT SURVEILLANCE AND TARGET ATTACK SYSTEM; RESTRICTION ON USE OF FUNDS

Submittal to  
congressional  
committees.

SEC. 207. (a) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall submit to the Committees on Armed Services of the Senate and the House of Representatives not later than October 1, 1984, a report setting forth a comprehensive and coordinated plan for the development and procurement of the Joint Tactical Missile System and the Joint Surveillance and Target Attack System (JSTARS) of the Air Force. The report shall clearly define the integration of those systems within the Air-Land Battle concept developed in the Department of Defense and the expected contribution of those systems to the disruption and destruction of follow-on enemy forces.

Joint hearing of  
congressional  
committees.

(b) Of the total amount appropriated for the Air Force JSTARS program pursuant to authorizations in this title, \$20,000,000 may not be obligated or expended for the integration of the JSTARS radar on any airborne platform until after the completion of a joint hearing of the Committees on Armed Services of the Senate and the House of Representatives on the subject of deep strike interdiction or until after December 1, 1983, whichever occurs first.

#### ANTIBALLISTIC MISSILE DEFENSE SYSTEM RESEARCH

Funding  
restriction.

SEC. 208. (a) Subject to subsection (b), the Secretary of Defense may use not more than \$50,400,000 of amounts appropriated pursuant to an authorization of appropriations in this title which are not obligated for any other purpose to carry out research, development, test, and evaluation on the Ballistic Missile Defense systems technology program of the Army. The amount authorized under the preceding sentence—

(1) is in addition to any amount authorized to be appropriated by this title to carry out research, development, test, and evaluation on the Ballistic Missile Defense systems technology program of the Army; and

(2) is not an addition to the total of the authorizations of appropriations contained in this Act.

(b) Funds for the purpose of subsection (a) may not be derived from amounts appropriated for Army tactical conventional programs.

Funding  
restriction.

### TITLE III—OPERATION AND MAINTENANCE

#### AUTHORIZATION OF APPROPRIATIONS

SEC. 301. (a) ARMY.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of \$17,523,091,000 for expenses, not otherwise provided for, for the operation and maintenance of the Army as follows:

- (1) For general purpose forces, \$6,389,569,000.
- (2) For intelligence and communications, \$1,025,578,000.
- (3) For central supply and maintenance, \$5,005,214,000.
- (4) For training, medical, and other general personnel activities, \$3,858,200,000.
- (5) For administration, \$1,138,288,000.
- (6) For support of other nations, \$106,242,000.

(b) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of \$22,489,400,000 for expenses, not otherwise provided for, for the operation and maintenance of the Navy and the Marine Corps as follows:

- (1) For strategic forces, \$1,974,261,000.
- (2) For general purpose forces, \$10,645,207,000.
- (3) For intelligence and communications, \$1,063,381,000.
- (4) For central supply and maintenance, \$6,160,033,000.
- (5) For training, medical, and other general personnel activities, \$1,987,832,000.
- (6) For administration, \$656,166,000.
- (7) For support of other nations, \$2,520,000.

(c) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of \$1,554,700,000 for expenses, not otherwise provided for, for the operation and maintenance of the Marine Corps as follows:

- (1) For general purpose forces, \$910,501,000.
- (2) For central supply and maintenance, \$337,123,000.
- (3) For training, medical, and other general personnel activities, \$210,773,000.
- (4) For administration, \$96,303,000.

(d) AIR FORCE.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of \$18,061,100,000 for expenses, not otherwise provided for, for the operation and maintenance of the Air Force as follows:

- (1) For strategic forces, \$3,100,886,000.
- (2) For general purpose forces, \$3,966,062,000.
- (3) For intelligence and communications, \$1,792,317,000.
- (4) For airlift and sealift, \$1,182,783,000.
- (5) For central supply and maintenance, \$5,483,689,000.
- (6) For training, medical, and other general personnel activities, \$1,986,810,000.
- (7) For administration, \$540,310,000.
- (8) For support of other nations, \$8,243,000.

(e) DEFENSE AGENCIES.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of \$6,709,400,000 for expenses, not otherwise provided for, for the operation and maintenance of the defense agencies.

nance of activities and agencies of the Department of Defense (other than the military departments) as follows:

- (1) For general purpose forces, \$284,114,000.
- (2) For intelligence and communications, \$2,279,559,000.
- (3) For central supply and maintenance, \$1,559,231,000.
- (4) For training, medical, and other general personnel activities, \$2,164,915,000.
- (5) For administration, \$421,581,000.

(f) **ARMY RESERVE.**—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of \$685,500,000 for expenses, not otherwise provided for, for the operation and maintenance of the Army Reserve as follows:

- (1) For mission forces, \$398,470,000.
- (2) For depot maintenance, \$8,910,000.
- (3) For other support, \$278,120,000.

(g) **NAVY RESERVE.**—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of \$675,300,000 for expenses, not otherwise provided for, for the operation and maintenance of the Navy Reserve as follows:

- (1) For mission forces, \$413,148,000.
- (2) For depot maintenance, \$88,538,000.
- (3) For other support, \$173,614,000.

(h) **MARINE CORPS RESERVE.**—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of \$52,929,000 for expenses, not otherwise provided for, for the operation and maintenance of the Marine Corps Reserve as follows:

- (1) For mission forces, \$27,503,000.
- (2) For depot maintenance, \$1,589,000.
- (3) For other support, \$23,837,000.

(i) **AIR FORCE RESERVE.**—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of \$791,100,000 for expenses, not otherwise provided for, for the operation and maintenance of the Air Force Reserve as follows:

- (1) For mission forces, \$521,718,000.
- (2) For depot maintenance, \$131,149,000.
- (3) For other support, \$138,233,000.

(j) **ARMY NATIONAL GUARD.**—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of \$1,180,200,000 for expenses, not otherwise provided for, for the operation and maintenance of the Army National Guard as follows:

- (1) For training operations, \$223,357,000.
- (2) For logistical support, \$861,108,000.
- (3) For headquarters and command support, \$85,374,000.
- (4) For medical support, \$10,361,000.

(k) **AIR NATIONAL GUARD.**—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of \$1,808,900,000 for expenses, not otherwise provided for, for the operation and maintenance of the Air National Guard as follows:

- (1) For mission forces, \$1,292,200,000.
- (2) For depot maintenance, \$403,700,000.
- (3) For other support, \$113,000,000.

(l) **NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY.**—There is hereby authorized to be appropriated for fiscal year 1984 the amount of \$899,000 for the expenses of the Secretary of the Army, upon the recommendation of the National Board for the Promotion of Rifle Practice, under section 4308 of title 10,

United States Code, and the expenses of the Secretary of the Army under sections 4309 and 4313 of such title.

10 USC 4309,  
4313.

(m) **CLAIMS, DEFENSE.**—There is hereby authorized to be appropriated for fiscal year 1984 the amount of \$172,900,000 for payment, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil functions).

(n) **COURT OF MILITARY APPEALS, DEFENSE.**—There is hereby authorized to be appropriated for fiscal year 1984 the amount of \$3,372,000 for salaries and expenses for the United States Court of Military Appeals.

**GENERAL AUTHORIZATION OF APPROPRIATIONS FOR PAY RAISES, FUEL COSTS, AND INFLATION ADJUSTMENTS**

**SEC. 302.** There are authorized to be appropriated for fiscal year 1984, in addition to the amounts authorized to be appropriated in section 301, such sums as may be necessary—

(1) for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in section 301;

(2) for unbudgeted increases in fuel costs; and

(3) for increases as the result of inflation in the cost of activities authorized by section 301.

**PROHIBITION OF USE OF VESSELS WITH FOREIGN-BUILT MAJOR COMPONENTS UNDER CERTAIN LEASES OR SERVICE CONTRACTS**

**SEC. 303.** (a)(1) None of the funds appropriated pursuant to the authorizations of appropriations in section 301 may be obligated or expended for the lease of a vessel which has not previously been placed in service, or for the provision of a service through use by a contractor of a vessel which has not previously been placed in service, under a contract which will be for a long term or under which the United States will have a substantial termination liability and under which the vessel involved will have a main propulsion system or other major component of the hull or superstructure not built in the United States.

(2) None of the funds appropriated pursuant to the authorizations of appropriations in section 301 may be obligated or expended for a contract that is an agreement to lease or an agreement to provide services and that is (or will be) accompanied by a contract for the actual lease or provision of services if the contract for the actual lease or provision of services is (or will be) a contract described in paragraph (1).

(b) For purposes of subsection (a)—

(1) a contract shall be considered to be for a long term if the term of the contract, including all options under the contract, is for more than 5 years; and

(2) the United States shall be considered to have a substantial termination liability under a contract if, as determined under regulations prescribed by the Secretary of Defense, the sum of—

(A) the present value of the amount of the termination liability of the United States under the contract as of the end of the term of the contract (exclusive of any option to extend the contract), and

(B) the present value of the total of the payments to be made by the United States under the contract (excluding any option to extend the contract) attributable to capital-hire,

is more than one-half the price of the vessel involved.

(c) Subsection (a) does not apply with respect to a contract entered into before the date of the enactment of this Act.

AUTHORIZATION OF APPROPRIATIONS FOR ASSISTANCE FOR 1984 GAMES  
OF THE XXIII OLYMPIAD

SEC. 304. (a) Notwithstanding any other provision of law, the Secretary of Defense is authorized—

(1) to provide logistical support and personnel services to the 1984 games of the XXIII Olympiad;

(2) to lend and provide equipment in support of the 1984 games of the XXIII Olympiad; and

(3) to provide such other services in support of the 1984 games of the XXIII Olympiad as the Secretary may consider advisable.

(b) There is authorized to be appropriated to the Department of Defense for fiscal 1984 an amount not to exceed \$50,000,000 for the purpose of carrying out subsection (a). Except for funds used for pay and nontravel related allowances for members of the Armed Forces (other than members of the reserve components called or ordered to active duty to provide support for the XXIII Olympiad), no funds may be obligated for such purpose unless specifically appropriated for such purpose. The costs for pay and nontravel related allowances of members of the Armed Forces (other than members of the reserve components called or ordered to active duty to provide support for the XXIII Olympiad) may not be charged to appropriations made pursuant to this authorization.

Presidential  
approval of  
justification.

(c) None of the funds appropriated pursuant to the authorization contained in this section may be obligated until the President approves the justification for the assistance described in subsection (a) submitted by the Olympic Law Enforcement Coordination Council. The justification shall include an explanation of the necessity for the requested support for security, medical services, and for related equipment or other support. The justification shall also include the operational responsibilities and financial limitations of each governmental agency represented on the Council. Such justification shall be presented in such detail as the Secretary of Defense considers necessary.

Copies  
forwarded to  
congressional  
committees.

(d) Upon approval of the justification referred to in subsection (c) by the President, a copy of such justification shall be forwarded to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives.

SHELTER FOR THE HOMELESS AT MILITARY INSTALLATIONS

SEC. 305. (a)(1) Chapter 151 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 2546.

**“§ 2546. Shelter for homeless; incidental services**

“(a)(1) The Secretary of a military department may make military installations under his jurisdiction available for the furnishing of shelter to persons without adequate shelter. The Secretary may, incidental to the furnishing of such shelter, provide services as

described in subsection (b). Shelter and incidental services provided under this section may be provided without reimbursement.

“(2) The Secretary concerned shall carry out this section in cooperation with appropriate State and local governmental entities and charitable organizations. The Secretary shall, to the maximum extent practicable, use the services and personnel of such entities and organizations in determining to whom and the circumstances under which shelter is furnished under this section.

“(b) Services that may be provided incident to the furnishing of shelter under this section are the following:

“(1) Utilities.

“(2) Bedding.

“(3) Security.

“(4) Transportation.

“(5) Renovation of facilities.

“(6) Minor repairs undertaken specifically to make suitable space available for shelter to be provided under this section.

“(7) Property liability insurance.

“(c) Shelter and incidental services may only be provided under this section to the extent that the Secretary concerned determines will not interfere with military preparedness or ongoing military functions.

“(d) The Secretary of Defense shall prescribe regulations for the administration of this section.”

Regulations.

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

“2546. Shelter for homeless; incidental services.”

(b) Section 2546 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1983.

Effective date.  
10 USC 2546  
note.

## TITLE IV—ACTIVE FORCES

### AUTHORIZATION OF END STRENGTHS

SEC. 401. The Armed Forces are authorized strengths for active duty personnel as of September 30, 1984, as follows:

(1) The Army, 780,000.

(2) The Navy, 564,800.

(3) The Marine Corps, 196,600.

(4) The Air Force, 594,500.

### QUALITY CONTROL ON ENLISTMENTS INTO THE ARMY FOR FISCAL YEAR 1984

SEC. 402. Effective on October 1, 1983, section 302(a) of the Department of Defense Authorization Act, 1981 (Public Law 96-342; 10 U.S.C. 520 note), is amended by striking out “October 1, 1982” and “September 30, 1983” and inserting in lieu thereof “October 1, 1983” and “September 30, 1984”, respectively.

Effective date.

### EXTENSION OF AUTHORITY FOR THE TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS

SEC. 403. Section 5721(f) of title 10, United States Code, is amended by striking out “September 30, 1983” and inserting in lieu thereof “September 30, 1984”.



**LIMIT ON FUNDS FOR PERMANENT CHANGE OF STATION (PCS) TRAVEL  
DURING FISCAL YEAR 1984**

SEC. 404. (a)(1) Except as provided in paragraph (2), during fiscal year 1984, not more than \$2,585,626,000 may be spent from funds available to the Department of Defense for permanent change of station travel (including all expenses of such travel for organizational movements). Assignments for temporary duty may not be increased in order to circumvent the limitation in the preceding sentence.

Notification of  
congressional  
committees on  
exceeding limit.

(2) The limit on expenditures specified in paragraph (1) may be exceeded if the Secretary of Defense notifies the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives of the need to exceed such limit and identifies the source of the funds that will be used for that purpose.

(b) The Secretary of Defense shall take such steps as are necessary, consistent with the requirements of military readiness, to reduce the number of permanent changes of station of members of the Armed Forces. Such steps may include—

(1) reductions to the minimum essential level in the number of permanent changes of station required within the continental United States;

(2) extensions of the length of tours of duty overseas in locations other than locations that do not allow for accompanied tours; and

(3) reductions in the number of active duty military personnel stationed outside the continental United States.

## TITLE V—RESERVE FORCES

### AUTHORIZATION OF AVERAGE STRENGTHS FOR SELECTED RESERVE

10 USC 261 note.

SEC. 501. (a) For fiscal year 1984 the Selected Reserve of the reserve components of the Armed Forces shall be programed to attain average strengths of not less than the following:

(1) The Army National Guard of the United States, 425,000.

(2) The Army Reserve, 273,700.

(3) The Naval Reserve, 112,600.

(4) The Marine Corps Reserve, 40,300.

(5) The Air National Guard of the United States, 103,400.

(6) The Air Force Reserve, 68,600.

(7) The Coast Guard Reserve, 12,000.

Reduction.

(b) The average strength prescribed by subsection (a) for the Selected Reserve of any reserve component 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 any time during 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 any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

Increase.

**AUTHORIZATION OF END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN  
SUPPORT OF THE RESERVES**

**SEC. 502.** Within the average strengths prescribed in section 501, the reserve components of the Armed Forces and the National Guard are authorized, as of September 30, 1984, the following number of Reserves to be serving on full-time active duty, and members of the National Guard to be serving in a full-time duty status, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components or the National Guard:

- (1) The Army National Guard and the Army National Guard of the United States, 18,194.
- (2) The Army Reserve, 9,914.
- (3) The Naval Reserve, 13,846.
- (4) The Marine Corps Reserve, 801.
- (5) The Air National Guard and the Air National Guard of the United States, 5,915.
- (6) The Air Force Reserve, 517.

(b) Upon a determination by the Secretary of Defense that such action is in the national interest, the end strengths prescribed by subsection (a) may be increased by a total of not more than the number equal to 2 percent of the total end strengths prescribed. Increase.

**INCREASE IN NUMBER OF CERTAIN PERSONNEL AUTHORIZED TO BE ON  
ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS**

**SEC. 503.** (a) The table in section 517(b) of title 10, United States Code, is amended to appear as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9.....	314	156	143	6
E-8.....	1,494	381	617	56".

(b) The table in section 524(a) of such title is amended to appear as follows: 10 USC 524.

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander .....	1,948	823	408	95
Lieutenant Colonel or Commander.....	967	520	303	48
Colonel or Navy Captain.....	338	177	171	23".

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1983.

Effective date.  
10 USC 517 note.

**CLARIFICATION OF STATUS OF CERTAIN MEMBERS OF THE NATIONAL  
GUARD SERVING IN A FULL-TIME STATUS**

**SEC. 504.** (a) Section 502 of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 726), is amended—

- (1) by inserting "and the National Guard" after "the Armed Forces";

(2) by inserting “, and members of the National Guard to be serving in a full-time duty status,” after “active duty”;

(3) by inserting “or the National Guard” after “reserve components” the second place it appears;

(4) by striking out paragraph (1) and inserting in lieu thereof the following:

“(1) The Army National Guard and the Army National Guard of the United States, 14,419.”; and

(5) by striking out paragraph (5) and inserting in lieu thereof the following:

“(5) The Air National Guard and the Air National Guard of the United States, 5,158.”.

(b)(1) Chapter 3 of title 32, United States Code, is amended by adding at the end thereof the following new section:

32 USC 335.

**“§ 335. Status of certain members performing full-time duty**

“Members of the National Guard serving in a full-time duty status for the purpose of organizing, administering, recruiting, instructing, or training the National Guard shall be entitled to all rights, privileges, and benefits of members called to active duty under section 265 of title 10 and shall be considered to be serving on active duty for purposes of sections 524(a) and 976 of such title.”.

10 USC 265.

10 USC 524, 976.

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

“335. Status of certain members performing full-time duty.”.

Legislation,  
submittal to  
congressional  
committees.

(c) Not later than November 15, 1983, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a draft of legislation to provide on a permanent basis that members of the National Guard described in section 335 of title 32, United States Code, as added by subsection (b), are under State control except when explicitly ordered to Federal service in accordance with law.

## TITLE VI—CIVILIAN PERSONNEL

### AUTHORIZATION OF END STRENGTH

SEC. 601. (a) The Department of Defense is authorized a strength in civilian personnel, as of September 30, 1984, of 1,056,200.

(b) The strength for civilian personnel prescribed in subsection (a) shall be apportioned among the Department of the Army, the Department of the Navy, the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within 60 days after the date of enactment of this Act on the manner in which the initial allocation of civilian personnel is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale for each allocation.

Report to  
Congress.

Direct-hire and  
indirect-hire  
civilian  
personnel.

(c)(1) In computing the strength for civilian personnel, there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for

students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Federal junior fellowship program and personnel participating in the worker-trainee opportunity program.

(2) Personnel employed under a part-time career employment program established by section 3402 of title 5, United States Code, shall be counted as prescribed by section 3404 of that title. Personnel employed in an overseas area on a part-time basis under a nonpermanent local-hire appointment who are dependents accompanying a Federal civilian employee or a member of a uniformed service on official assignment or tour of duty shall also be counted as prescribed by section 3404 of that title.

Part-time career employees.  
5 USC 3404.

(3) Whenever a function, power or duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense, or from another department or agency within the Department of Defense, the civilian personnel end-strength authorized for such departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

Transferred or assigned functions, duties, or activities.

(d) When the Secretary of Defense determines that such action is necessary in the national interest, the Secretary of Defense may authorize the employment of civilian personnel in excess of the number authorized by subsection (a), but such additional number may not exceed 2 percent of the total number of civilian personnel authorized for the Department of Defense by subsection (a). The Secretary of Defense shall promptly notify the Congress of any authorization to increase civilian personnel strength under this subsection.

Excess civilian personnel.

Notification of Congress.

#### CIVILIAN PERSONNEL CEILINGS ON INDUSTRIALLY FUNDED ACTIVITIES DURING FISCAL YEAR 1983

SEC. 602. In computing the authorized strength for civilian personnel prescribed in section 601(a) of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 727), any increase during fiscal year 1983 in the number of civilian personnel of industrially funded activities of the Department of Defense in excess of the number of civilian personnel employed in such activities on September 30, 1982, shall not be counted.

### TITLE VII—MILITARY TRAINING STUDENT LOADS

#### AUTHORIZATION OF TRAINING STUDENT LOADS

SEC. 701. (a) For fiscal year 1984, the components of the Armed Forces are authorized average military training student loads as follows:

- (1) The Army, 71,817.
- (2) The Navy, 66,911.
- (3) The Marine Corps, 21,105.
- (4) The Air Force, 49,007.
- (5) The Army National Guard of the United States, 21,105.
- (6) The Army Reserve, 12,724.
- (7) The Naval Reserve, 2,886.
- (8) The Marine Corps Reserve, 3,223.
- (9) The Air National Guard of the United States, 2,845.

(10) The Air Force Reserve, 1,705.

*Ante*, pp. 629,  
630, 632.

(b) The average military student loads for the Army, the Navy, the Marine Corps, and the Air Force and the reserve components authorized in subsection (a) for fiscal year 1984 shall be adjusted consistent with the manpower strengths authorized in titles IV, V, and VI of this Act. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the reserve components in such manner as the Secretary of Defense shall prescribe.

#### EXTENSION OF REDUCTION IN NUMBER OF STUDENTS REQUIRED TO BE IN A UNIT OF THE JUNIOR RESERVE OFFICERS' TRAINING CORPS

SEC. 702. Section 602 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2031 note), is amended by striking out "August 31, 1983" and inserting in lieu thereof "August 31, 1984".

### TITLE VIII—CIVIL DEFENSE

#### AUTHORIZATION OF APPROPRIATIONS

SEC. 801. There is hereby authorized to be appropriated for fiscal year 1984 to carry out the provisions of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.) the sum of \$169,000,000.

#### AMOUNT AUTHORIZED FOR CONTRIBUTIONS FOR STATE PERSONNEL AND ADMINISTRATIVE EXPENSES

SEC. 802. Notwithstanding the second proviso of section 408 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2260), \$54,000,000 of the amount authorized to be appropriated by section 801 is available for appropriations for contributions to the States under section 205 of such Act (50 U.S.C. App. 2286) for personnel and administrative expenses.

### TITLE IX—MILITARY COMPENSATION AND HEALTH CARE MATTERS

#### PART A—PAY AND ALLOWANCES

#### PAY INCREASE OF 4 PERCENT FOR MEMBERS OF THE UNIFORMED SERVICES

37 USC 1009  
note.

SEC. 901. (a) The adjustment required by section 1009 of title 37, United States Code, in certain elements of the compensation of members of the uniformed services to become effective on October 1, 1983, shall not be made.

Effective date.

(b)(1) Subject to the provisions of paragraphs (2) and (3), each element of compensation specified in section 1009(a) of title 37, United States Code, shall be increased for members of the uniformed services by 4 percent effective on April 1, 1984.

(2) The increase provided for in paragraph (1) shall not apply to enlisted members in pay grade E-1 with less than 4 months active duty.

(3) The President may allocate the percentage increase specified under paragraphs (1) and (2) in the same manner and to the same extent the President is authorized under subsections (c) and (d) of

section 1009 of title 37, United States Code, to allocate any percentage increase described in subsection (b)(3) of section 1009 of such title.

(c) Notwithstanding the effective date of April 1, 1984, prescribed in subsection (b) for the increase in compensation of members of the uniformed services, if an adjustment is made after the date of the enactment of this Act in the General Schedule of compensation for Federal classified employees and such adjustment is to become effective before April 1, 1984, the increase in the compensation of members of the uniformed services provided for in subsection (b) shall become effective on the first day of the first pay period for members of the uniformed services which begins on or after the effective date of the adjustment made in the compensation of Federal classified employees.

Adjustment,  
applicability of  
effective date.

#### ADJUSTMENT IN BASIC PAY OF CERTAIN OFFICERS WITH PRIOR ENLISTED AND WARRANT OFFICER SERVICE

SEC. 902. (a) Section 203(d) of title 37, United States Code, is amended to read as follows:

“(d) The basic pay of a commissioned officer who is in pay grade O-1, O-2, or O-3 and who is credited with a total of over four years’ active service as a warrant officer or as a warrant officer and enlisted member shall be computed in the same manner as the basic pay of a commissioned officer in the same pay grade who has been credited with over four years’ active service as an enlisted member.”

(b) The amendment made by subsection (a) shall take effect on October 1, 1983.

Effective date.  
37 USC 203 note.

#### HAZARDOUS DUTY PAY FOR CERTAIN TOXIC FUEL HANDLERS

SEC. 903. (a) Section 301(a)(12) of title 37, United States Code, is amended by inserting “or the testing of aircraft or missile systems (or components of such systems) during which highly toxic fuels or propellants are used” after “propellants”.

(b) The amendment made by subsection (a) shall take effect on October 1, 1983.

Effective date.  
37 USC 301 note.

#### EXTENSION OF SPECIAL PAY FOR CERTAIN AVIATION CAREER OFFICERS

SEC. 904. (a)(1) Section 301b(e) of title 37, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following:

“(2) During the period beginning on October 1, 1983, and ending on September 30, 1984, only agreements executed by officers of the Navy or Marine Corps who are pilots may be accepted under this section.

“(3) During the period beginning on October 1, 1983, and ending on September 30, 1984, only an agreement—

“(A) that is executed by an officer who—

“(i) has at least six but less than eleven years of active duty;

“(ii) has completed the minimum service required for aviation training; and

“(iii) has not previously been paid special pay authorized by this section; and

“(B) that requires the officer to remain on active duty in aviation service for either three or four years; may be accepted under this section. An officer from whom an agreement is accepted during such period may be paid an amount not to exceed \$4,000 for each year covered by that agreement if that officer agrees to remain on active duty for three years or an amount not to exceed \$6,000 for each year covered by that agreement if that officer agrees to remain on active duty for four years. An agreement that requires an officer to remain on active duty in aviation service for six years may also be accepted during such period if the officer meets the requirements of clause (A) of this paragraph and the officer has completed less than seven years of active duty. An officer from whom such an agreement is accepted may be paid an amount not to exceed \$6,000 for each year covered by the agreement.

37 USC 301.

“(4) An officer may not receive incentive pay under section 301 of this title for the performance of hazardous duty for any period of service which the officer is obligated to serve pursuant to an agreement entered into under this section.”.

37 USC 301b.

(2) Section 301b(f) of such title is amended by striking out “September 30, 1982” and inserting in lieu thereof “September 30, 1984”.

37 USC 301b  
note.

(b)(1) It is the sense of the Congress that eligibility for special pay for aviation career officers under section 301b of title 37, United States Code, should be made available only to officers who will likely be induced to remain on active duty in aviation service by receipt of the special pay.

Written report  
to Congress.

(2) The Secretary of the Navy shall submit to the Congress not later than July 1, 1984, a written report, approved by the Secretary of Defense, on the payment of special pay for aviation career officers under section 301b of title 37, United States Code, since the date of the enactment of this Act. Such report shall include—

(A) a list of the specific aviation specialties by aircraft type determined to be critical for purposes of the payment of special pay under such section since the date of the enactment of this Act;

(B) the number of officers within each critical aviation specialty who received the special pay under such section since the date of the enactment of this Act by grade, years of prior active service, and amounts of special pay received under such section;

(C) an explanation and justification for the Secretary's designation of an aviation specialty as “critical” and for the payment of special pay under section 301b of such title to officers who have more than eight years of prior active service and who are serving in pay grade O-4 or above, if payment of such pay was made to such officers; and

(D) an evaluation of the progress made since the date of the enactment of this Act toward eliminating shortages of aviators in the aviation specialties designated by the Secretary as critical.

#### HOSTILE FIRE PAY FOR MEMBERS SERVING IN AREAS THREATENING IMMINENT DANGER

SEC. 905. (a) Section 310(a) of title 37, United States Code, is amended—

(1) by striking out “or” at the end of clause (2);

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

(3) by inserting after clause (3) the following new clause:  
“(4) was on duty in a foreign area in which he was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.”.  
(b)(1) The heading of section 310 of such title is amended to read as follows: 37 USC 310.

**“§ 310. Special pay: duty subject to hostile fire or imminent danger”.**

(2) The item relating to such section in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

“310. Special pay: duty subject to hostile fire or imminent danger.”.

(c) The amendments made by this section shall take effect on October 1, 1983.

Effective date.  
37 USC 310 note.

**FREEZE OF VARIABLE HOUSING ALLOWANCE AT FISCAL YEAR 1983 RATES**

SEC. 906. During fiscal year 1984, the rates at which the variable housing allowance under section 403(a)(2) of title 37, United States Code, is paid shall be the same as the rates in effect on September 30, 1983.

37 USC 403 note.

**VARIABLE HOUSING ALLOWANCE FOR RESERVES ON ACTIVE DUTY FOR A PERIOD OF 140 DAYS OR MORE**

SEC. 907. (a) Section 403(a)(2) of title 37, United States Code, is amended—

(1) by striking out “A member” in the first sentence of subparagraph (A) and inserting in lieu thereof “Except as provided in subparagraph (D) of this paragraph, a member”; and

(2) by adding at the end thereof the following new subparagraph:

“(D) A member of a reserve component is not entitled to a variable housing allowance while on active duty under a call or order to active duty specifying a period of less than 140 days.”.

(b) The amendments made by subsection (a) shall apply only with respect to members called or ordered to active duty after September 30, 1983.

37 USC 403 note.

**CLARIFICATION OF RULES FOR PAYMENT OF PER DIEM**

SEC. 908. (a) Section 402(e) of title 37, United States Code, is amended—

(1) by inserting “(1)” after “(e)”; and

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

“(2) For purposes of subsection (b) of this section, a member shall not be considered to be performing travel under orders away from his designated post of duty if such member—

“(A) is an enlisted member serving his first tour of active duty;

“(B) has not actually reported to a permanent duty station pursuant to orders directing such assignment; and

“(C) is not actually traveling between stations pursuant to orders directing a change of station.”.

(b) Section 404(f) of such title is amended by adding at the end thereof the following new paragraph:

37 USC 404.



“(3) For purposes of entitlement to per diem in place of subsistence under subsection (d)(2) of this section, a member shall not be considered under subsection (a)(1) of this section to be performing travel under orders away from his designated post of duty if such member—

“(A) is an enlisted member serving his first tour of active duty;

“(B) has not actually reported to a permanent duty station pursuant to orders directing such assignment; and

“(C) is not actually traveling between stations pursuant to orders directing a change of station.”.

#### CLARIFICATION OF ALLOWANCE FOR TRANSPORTATION OF MOTOR VEHICLE

SEC. 909. Section 406(b)(1) of title 37, United States Code, is amended—

(1) by inserting “(A)” before “Except as provided in paragraph (2)”;

(2) by striking out the third and fourth sentences; and

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

“(B) Subject to uniform regulations prescribed by the Secretaries concerned, in the case of a permanent change of station in which the Secretary concerned has authorized transportation of a motor vehicle under section 2634 of title 10 (except when such transportation is authorized from the old duty station to the new duty station), the member is entitled to a monetary allowance for transportation of that motor vehicle—

“(i) from the old duty station to—

“(I) the customary port of embarkation which is nearest the old duty station if delivery of the motor vehicle to the port of embarkation is not made in conjunction with the member’s travel to the member’s port of embarkation; or

“(II) the customary port of embarkation which is nearest to the member’s port of embarkation if delivery of the motor vehicle to the port of embarkation is made in conjunction with the member’s travel to the member’s port of embarkation;

whichever is most cost-effective for the Government considering all operational, travel, and transportation requirements incident to such change of station; and

“(ii) from the customary port of debarkation which has been designated by the Government as most cost-effective for the Government considering all operational, travel, and transportation requirements incident to such change of station to the new duty station.

Such monetary allowance shall be established at a rate per mile that does not exceed the rate established under section 404(d)(1) of this title.”.

10 USC 2634.

37 USC 404.

#### TRANSPORTATION FOR DEPENDENT CHILDREN ATTENDING SCHOOL IN THE UNITED STATES WHEN THE MEMBER-PARENT IS STATIONED OVERSEAS

SEC. 910. (a)(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 429 the following new section:

**“§ 430. Travel and transportation: dependent children of members stationed overseas** 37 USC 430.

**“(a) Under regulations to be prescribed by the Secretary of Defense, a member of a uniformed service who—** Regulations.

**“(1) is assigned a permanent duty station outside the United States,**

**“(2) is accompanied by his dependents at or near his overseas duty station (unless his only dependents are in the category of dependent described in clause (3) of this subsection), and**

**“(3) has a dependent child who is under 23 years of age attending a school in the United States for the purpose of obtaining a secondary or undergraduate college education,**  
may be paid the allowance set forth in subsection (b) of this section if he otherwise qualifies for such allowance.

**“(b) A member described in subsection (a) of this section may be paid a transportation allowance for each unmarried dependent child, who is under 23 years of age and is attending a school in the United States for the purpose of obtaining a secondary or undergraduate college education, of one annual trip between the school being attended and the member’s duty station in the overseas area and return. The allowance authorized by this section may be transportation in kind or reimbursement therefor, as prescribed by the Secretaries concerned. However, the transportation authorized by this section may not be paid a member for a child attending a school in the United States for the purpose of obtaining a secondary education if the child is eligible to attend a secondary school for dependents that is located at or in the vicinity of the duty station of the member and is operated under the Defense Dependents’ Education Act of 1978.**

20 USC 921 note.

**“(c) Whenever possible, the Military Airlift Command or Military Sealift Command shall be used, on a space-required basis, for the travel authorized by this section.”.**

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

**“430. Travel and transportation: dependent children of members stationed overseas.”.**

**(b) Section 430 of title 37, United States Code, as added by subsection (a), shall apply only with respect to travel begun after September 30, 1983.**

37 USC 430 note.

**CLARIFICATION OF ELIGIBILITY FOR SEPARATION PAY**

**SEC. 911. (a) Subsection (c) of section 1174 of title 10, United States Code, is amended to read as follows:**

**“(c)(1) Except as provided in paragraphs (2) and (3), a member of an armed force other than a regular member who after September 14, 1981, is discharged or released from active duty and who has completed five or more, but fewer than 20, years of active service immediately before that discharge or release is entitled to separation pay computed under subsection (d)(1) or (d)(2), as determined by the Secretary concerned, if—**

**“(A) the member’s discharge or release from active duty is involuntary; or**

**“(B) the member was not accepted for an additional tour of active duty for which he volunteered.**

“(2) If the Secretary concerned determines that the conditions under which a member described in paragraph (1) is discharged or separated do not warrant separation pay under this section, that member is not entitled to that pay.

“(3) A member described in paragraph (1) who was not on the active-duty list when discharged or separated is not entitled to separation pay under this section unless such member had completed at least five years of continuous active duty immediately before such discharge or release. For purposes of this paragraph, a period of active duty is continuous if it is not interrupted by a break in service of more than 30 days.”.

(b) Subsection (g)(2) of such section is amended by inserting “, other than section 1212 of this title,” after “any other provision of law”.

(c) The amendments made by this section shall take effect on October 1, 1983.

Effective date.  
10 USC 1174  
note.

#### REIMBURSEMENTS FOR ACCOMMODATIONS IN PLACE OF QUARTERS

SEC. 912. (a) Paragraph (3) of section 7572(b) of title 10, United States Code, is amended to read as follows:

“(3) The total amount of reimbursement under this subsection may not exceed \$9,000,000 for fiscal year 1981, \$6,300,000 for fiscal year 1982, \$1,700,000 for fiscal year 1983, and \$1,300,000 for fiscal year 1984.”.

(b) Section 3 of Public Law 96-357 (94 Stat. 1182; 10 U.S.C. 7572 note) is amended by striking out “September 30, 1982” and inserting in lieu thereof “September 30, 1984”.

10 USC 7572  
note.

#### ADVANCE PAYMENT OF TRAVEL AND TRANSPORTATION ALLOWANCES FOR ESCORTS AND ATTENDANTS OF DEPENDENTS

SEC. 913. (a) Section 1036 of title 10, United States Code, is amended by adding at the end thereof the following new sentence: “Such allowances may be paid in advance.”.

(b) The last sentence of section 1040(a) of such title is amended by inserting “, and such expenses may be paid in advance” after “attendants”.

(c) The amendments made by subsections (a) and (b) shall apply to travel performed by escorts or attendants of dependents on or after the date of the enactment of this Act.

10 USC 1040.

10 USC 1036  
note.

### PART B—RETIRED PAY MATTERS

#### LIMITATION ON APPLICABILITY OF ONE YEAR LOOK-BACK PROVISION

SEC. 921. (a)(1) Subsection (e) of section 1401a of title 10, United States Code, is repealed.

(2)(A) Notwithstanding the repeal of such subsection, the provisions of such subsection shall apply in the case of any member or former member of the Armed Forces eligible to retire on the date of the enactment of this Act for a period of three years after such date in the same manner such provisions would have applied had they not been repealed.

(B) The amount of retired or retainer pay of any member or former member of the Armed Forces who was eligible to retire on the date of the enactment of this Act and who becomes entitled to

10 USC 1401a  
note.

such pay at any time after the end of the three-year period beginning on the date of the enactment of this Act may not be less than it would have been had he become entitled to retired or retainer pay on the day before the end of such three-year period.

(b) Subsection (f) of such section is amended by striking out “, subject to subsection (e) of this section,” in the second sentence.

**ROUNDING OF RETIRED PAY AND SURVIVOR ANNUITIES TO NEXT LOWER WHOLE DOLLAR AMOUNT**

SEC. 922. (a)(1) Section 1401 of title 10, United States Code, is amended by inserting after the second sentence the following new sentence: “The amount computed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.”.

(2) Section 1401a of such title is amended by adding at the end thereof the following new subsection: 10 USC 1401a.

“(g) Retired or retainer pay of a member or former member of an armed force as adjusted under this section, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.”.

(3) Section 1402(a) of such title is amended by striking out “as follows:” in the first sentence and inserting in lieu thereof “according to the following table. The amount recomputed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.”. 10 USC 1402.

(4) Section 1402(d) of such title is amended by striking out “as follows:” in the first sentence and inserting in lieu thereof “according to the following table. The amount computed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.”.

(5) Section 1402a(a) of such title is amended by striking out “as follows:” and inserting in lieu thereof “according to the following table. The amount recomputed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.”. 10 USC 1402a.

(6) Section 1402a(d) of such title is amended by striking out “as follows:” and inserting in lieu thereof “according to the following table. The amount computed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.”.

(7) Section 3991 of such title is amended by inserting after the second sentence the following new sentence: “The amount computed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.”. 10 USC 3991.

(8) Section 3992 of such title is amended by inserting after the sentence preceding the table the following new sentence: “The amount recomputed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.”. 10 USC 3992.

(9) Section 6151 of such title is amended by adding at the end thereof the following new subsection: 10 USC 6151.

“(e) Retired pay computed under subsection (b) or (c), if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.”.

(10)(A) Chapter 571 of such title is amended by adding at the end thereof the following new section:

**“§ 6333. Treatment of fractions of dollar amounts in computing retired and retainer pay** 10 USC 6333.

“Retired or retainer pay computed under this chapter, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.”.

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

"6333. Treatment of fractions of dollar amounts in computing retired and retainer pay."

10 USC 6383. (11) Section 6383 of such title is amended by adding at the end thereof the following new subsection:

"(k) Retired pay computed under subsection (c), if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

10 USC 8991. (12) Section 8991 of such title is amended by inserting after the second sentence the following new sentence: "The amount computed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

10 USC 8992. (13) Section 8992 of such title is amended by inserting after the sentence preceding the table the following new sentence: "The amount recomputed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

10 USC 1437. (14)(A) Section 1437(a) of such title is amended by adding at the end thereof the following new sentence: "The monthly amount of an annuity payable under this subchapter, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

10 USC 1451. (B) Section 1451 of such title is amended by adding at the end thereof the following new subsection:

"(e) The monthly amount of an annuity payable under this subchapter, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

(b) Section 423(a) of title 14, United States Code, is amended by adding at the end thereof the following new sentence: "Retired pay, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

33 USC 853o. (c) Section 16(a) of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853o) is amended by adding at the end thereof the following new sentence: "Retired pay, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

(d) Section 211(a) of the Public Health Service Act (42 U.S.C. 212(a)) is amended by adding at the end thereof the following new paragraph:

42 USC 211. "(7) Retired pay computed under section 210(g)(3) or under paragraph (4) or (5) of this subsection, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

Effective date.  
10 USC 1401  
note. (e) The amendments made by this section shall take effect on October 1, 1983.

#### TERMINATION OF SIX-MONTH ROUNDING RULE FOR COMPUTING RETIRED PAY

SEC. 923. (a)(1) The text of each of the footnotes listed in paragraph (2) is amended to read as follows: "Before applying percentage factor, credit each full month of service that is in addition to the number of full years of service creditable to the member as one-twelfth of a year and disregard any remaining fractional part of a month."

(2) The footnotes referred to in paragraph (1) are the following:

(A) Footnote 3 of the table in section 1401 of title 10, United States Code.

10 USC 1402. (B) Footnote 2 of the table in section 1402(a) of such title.

(C) Footnote 1 of the table in section 1402(d) of such title.

10 USC 1402a. (D) Footnote 1 of the table in section 1402a(a) of such title.

(E) Footnote 1 of the table in section 1402a(d) of such title.

10 USC 3991. (F) Footnote 4 of the table in section 3991 of such title.

(G) Footnote 2 of the table in section 3992 of such title. 10 USC 3992.

(H) Footnote 4 of the table in section 8991 of such title. 10 USC 8991.

(I) Footnote 2 of the table in section 8992 of such title. 10 USC 8992.

(b) Subsection (f) of section 1174 of title 10, United States Code, is amended to read as follows:

“(f) In determining a member’s years of active service for the purpose of computing separation pay under this section, each full month of service that is in addition to the number of full years of service creditable to the member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.”.

(c)(1) Paragraph (2) of section 6151(b) of such title is amended to read as follows: 10 USC 6151.

“(2) In determining the number of years to be used as a multiplier under this subsection, each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.”.

(2) The text of section 6328 of such title is amended to read as follows: 10 USC 6328.

“In determining the total number of years of service to be used as a multiplier in computing the retired pay of officers retiring under this chapter, each full month of service that is in addition to the number of full years of service creditable to an officer is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.”.

(3) The first sentence of section 6330(d) of such title is amended to read as follows: “For the purposes of subsection (c), each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.”. 10 USC 6330.

(4) The text of section 6404 of such title is amended to read as follows: 10 USC 6404.

“In determining the total number of years of service to be used as a multiplier in computing retired pay and separation pay on discharge under this chapter, each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.”.

(d) The fourth sentence of section 423(a) of title 14, United States Code, is amended to read as follows: “In computing the number of years of service by which the rate of 2½ percent is multiplied, each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.”.

(e) Subsection (b) of section 16 of the Coast and Geodetic Survey Commissioned Officers’ Act of 1948 (33 U.S.C. 853o) is amended to read as follows: 33 USC 853o.

“(b) In computing the number of years of service of an officer for the purposes of subsection (a), each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.”.

(f) Section 211(e) of the Public Health Service Act (42 U.S.C. 212(e)) is amended by striking out “a part of” and all that follows and inserting in lieu thereof “each full month of service that is in addition to the number of full years of service credited to an officer

is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.”.

10 USC 1174  
note.

(g) The amendments made by this section shall apply with respect to (1) the computation of retired or retainer pay of any individual who becomes entitled to that pay after September 30, 1983, and (2) the recomputation of retired pay under section 1402, 1402a, 3992, or 8992 of title 10, United States Code, of any individual who after September 30, 1983, becomes entitled to recompute retired pay under any such section.

#### RETIRED PAY FOR CERTAIN OTHERWISE INELIGIBLE RESERVISTS

SEC. 924. (a) Section 1331(c) of title 10, United States Code, relating to retired pay for nonregular service, is amended by striking out “unless he” the first place it appears and all that follows in such section and inserting in lieu thereof “unless—

“(1) he performed active duty after April 5, 1917, and before November 12, 1918, or after September 8, 1940, and before January 1, 1947; or

“(2) he performed active duty (other than for training) after June 26, 1950, and before July 28, 1953, after August 13, 1961, and before May 31, 1963, or after August 4, 1964, and before March 28, 1973.”.

10 USC 1331  
note.

(b) The amendment made by subsection (a) shall apply with respect to retired pay payable for months beginning after September 30, 1983, or the date of the enactment of this Act, whichever is later.

#### ACCRUAL FUNDING FOR MILITARY RETIREMENT SYSTEM

SEC. 925. (a)(1) Title 10, United States Code, is amended by inserting after chapter 73 the following new chapter:

#### “CHAPTER 74—DEPARTMENT OF DEFENSE MILITARY RETIREMENT FUND

“Sec.

“1461. Establishment and purpose of Fund; definition.

“1462. Assets of Fund.

“1463. Payments from the Fund.

“1464. Board of Actuaries.

“1465. Determination of contributions to the Fund.

“1466. Payments into the Fund.

“1467. Investment of assets of Fund.

10 USC 1461.

#### “§ 1461. Establishment and purpose of Fund; definition

“(a) There is established on the books of the Treasury a fund to be known as the Department of Defense Military Retirement Fund (hereinafter in this chapter referred to as the ‘Fund’), which shall be administered by the Secretary of the Treasury. The Fund shall be used for the accumulation of funds in order to finance on an actuarially sound basis liabilities of the Department of Defense under military retirement and survivor benefit programs.

“(b) In this chapter, ‘military retirement and survivor benefit programs’ means—

“(1) the provisions of this title creating entitlement to, or determining the amount of, retired or retainer pay; and

“(2) the programs under the jurisdiction of the Department of Defense providing annuities for survivors of members and

“Military retirement and survivor benefit programs.”

former members of the armed forces, including chapter 73 of this title, section 4 of Public Law 92-425, and section 5 of Public Law 96-402.

10 USC 1431 *et seq.*, 1448 notes.

#### “§ 1462. Assets of Fund

10 USC 1462.

“There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

“(1) Amounts paid into the Fund under section 1466 of this title.

“(2) Any amount appropriated to the Fund.

“(3) Any return on investment of the assets of the Fund.

#### “§ 1463. Payments from the Fund

10 USC 1463.

“(a) There shall be paid from the Fund—

“(1) retired pay payable to persons on the retired lists of the Army, Navy, Air Force, and Marine Corps;

“(2) retainer pay payable to members of the Fleet Reserve and Fleet Marine Corps Reserve; and

“(3) benefits payable under programs under the jurisdiction of the Department of Defense that provide annuities for survivors of members and former members of the armed forces, including chapter 73 of this title, section 4 of Public Law 92-425, and section 5 of Public Law 96-402.

10 USC 1431 *et seq.*

“(b) The assets of the Fund are hereby made available for payments under subsection (a).

10 USC 1448 notes.

#### “§ 1464. Board of Actuaries

10 USC 1464.

“(a)(1) There is established in the Department of Defense a Department of Defense Retirement Board of Actuaries (hereinafter in this chapter referred to as the ‘Board’). The Board shall consist of three members, who shall be appointed by the President from among qualified professional actuaries who are members of the Society of Actuaries.

Membership.

“(2)(A) Except as provided in subparagraph (B), the members of the Board shall serve for a term of 15 years, except that a member of the Board appointed to fill a vacancy occurring before the end of the term for which his predecessor was appointed shall only serve until the end of such term. A member may serve after the end of his term until his successor has taken office. A member of the Board may be removed by the President for misconduct or failure to perform functions vested in the Board, and for no other reason.

Term of office.

“(B) Of the members of the Board who are first appointed under this subsection, one each shall be appointed for terms ending five, ten, and fifteen years, respectively, after the date of appointment, as designated by the President at the time of appointment.

Removal.

“(3) A member of the Board who is not otherwise an employee of the United States is entitled to receive pay at the daily equivalent of the annual rate of basic pay of the highest rate of basic pay then currently being paid under the General Schedule of subchapter III of chapter 53 of title 5, for each day the member is engaged in the performance of duties vested in the Board and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703 of title 5.

Pay and per diem allowance.

5 USC 5331.

“(b) The Board shall report to the Secretary of Defense annually on the actuarial status of the Fund and shall furnish its advice and opinion on matters referred to it by the Secretary.

5 USC 5703.

Annual report to Defense Secretary.



Review.  
*Post*, p. 647; 96  
 Stat. 1049.

“(c) The Board shall review valuations of the Fund under section 1466 of this title and under chapter 95 of title 31 and shall report periodically, not less than once every four years, to the President and Congress on the status of the Fund. The Board shall include in such reports recommendations for such changes as in the Board’s judgment are necessary to protect the public interest and maintain the Fund on a sound actuarial basis.

10 USC 1465.

**“§ 1465. Determination of contributions to the Fund**

Original  
 unfunded  
 liability.

“(a) Not later than six months after the Board of Actuaries is first appointed, the Board shall determine the amount that is the present value (as of October 1, 1984) of future benefits payable from the Fund that are attributable to service in the armed forces performed before October 1, 1984. That amount is the original unfunded liability of the Fund. The Board shall determine the period of time over which the original unfunded liability should be liquidated and shall determine an amortization schedule for the liquidation of such liability over that period. Contributions to the Fund for the liquidation of the original unfunded liability in accordance with such schedule shall be made as provided in section 1466(b) of this title.

“(b)(1) The Secretary of Defense shall determine each year, in sufficient time for inclusion in budget requests for the following fiscal year, the total amount of Department of Defense contributions to be made to the Fund during that fiscal year under section 1466(a) of this title. That amount shall be determined as the product of—

“(A) the current estimate of the value of the single level percentage of basic pay to be determined at the time of the next actuarial valuation under subsection (c); and

“(B) the total amount of basic pay expected to be paid during that fiscal year to members of the armed forces (other than the Coast Guard) on active duty or in the Selected Reserve.

“(2) The amount determined under paragraph (1) for any fiscal year is the amount needed to be appropriated to the Department of Defense for that fiscal year for payments to be made to the Fund during that year under section 1466(a) of this title. The President shall include not less than the full amount so determined in the budget transmitted to Congress for that fiscal year under section 1105 of title 31. The President may comment and make recommendations concerning any such amount.

96 Stat. 908.

Actuarial  
 valuation.

“(c)(1)(A) Not less often than every four years, the Secretary of Defense shall carry out an actuarial valuation of Department of Defense military retirement and survivor benefit programs. Each actuarial valuation of such programs shall include a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay to be used for the purposes of subsection (b) and section 1466(a) of this title.

96 Stat. 1049.

“(2) If at the time of any such valuation (or any valuation carried out in order to comply with chapter 95 of title 31) there has been a change in benefits under a military retirement or survivor benefit program that has been made since the last such valuation and such change in benefits increases or decreases the present value of amounts payable from the Fund, the Secretary of Defense shall determine an amortization methodology and schedule for the amortization of the cumulative unfunded liability (or actuarial gain to the Fund) created by such change and any previous such changes so that the present value of the sum of the amortization payments (or reductions in payments that would otherwise be made) equals the

cumulative increase (or decrease) in the present value of such amounts.

“(3) If at the time of any such valuation (or any valuation carried out in order to comply with chapter 95 of title 31) the Secretary of Defense determines that, based upon changes in actuarial assumptions since the last valuation, there has been an actuarial gain or loss to the Fund, the Secretary shall determine an amortization methodology and schedule for the amortization of the cumulative gain or loss to the Fund created by such change in assumptions and any previous such changes in assumptions through an increase or decrease in the payments that would otherwise be made to the Fund.

96 Stat. 1049.

“(4) Contributions to the Fund in accordance with amortization schedules under paragraphs (2) and (3) shall be made as provided in section 1466(b) of this title.

“(d) All determinations under this section shall be made using methods and assumptions approved by the Board of Actuaries (including assumptions of interest rates and inflation) and in accordance with generally accepted actuarial principles and practices.

“(e) The Secretary of Defense shall provide for the keeping of such records as are necessary for determining the actuarial status of the Fund.

Recordkeeping.

#### “§ 1466. Payments into the Fund

10 USC 1466.

“(a) The Secretary of Defense shall pay into the Fund at the end of each month as the Department of Defense contribution to the Fund for that month the amount that is the product of—

“(1) the level percentage of basic pay determined under the most recent (as of the first day of the current fiscal year) actuarial valuation under section 1465(c) of this title; and

“(2) the total amount of basic pay paid that month to members of the armed forces (other than the Coast Guard) on active duty or in the Selected Reserve.

Amounts paid into the Fund under this subsection shall be paid from funds available for the pay of members of the armed forces under the jurisdiction of the Secretary of a military department.

“(b)(1) At the beginning of each fiscal year the Secretary of the Treasury shall promptly pay into the Fund from the General Fund of the Treasury the amount certified to the Secretary by the Secretary of Defense under paragraph (3). Such payment shall be the contribution to the Fund for that fiscal year required by sections 1465(a) and 1465(c) of this title.

“(2) At the beginning of each fiscal year the Secretary of Defense shall determine the sum of the following:

“(A) The amount of the payment for that year under the amortization schedule determined by the Board of Actuaries under section 1465(a) of this title for the amortization of the original unfunded liability of the Fund.

“(B) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1465(c)(2) of this title for the amortization of any cumulative unfunded liability (or any gain) to the Fund resulting from changes in benefits.

“(C) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1465(c)(3) of this title

for the amortization of any cumulative actuarial gain or loss to the Fund.

“(3) The Secretary of Defense shall promptly certify the amount determined under paragraph (2) each year to the Secretary of the Treasury.

10 USC 1467.

**“§ 1467. Investment of assets of Fund**

“The Secretary of the Treasury shall invest such portion of the Fund as is not in the judgment of the Secretary of Defense required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of Defense, and bearing 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 maturities. The income on such investments shall be credited to and form a part of the Fund.”

(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 73 the following new item:

“74. Department of Defense Military Retirement Fund..... 1461”.

Effective dates.  
10 USC 1464  
note.

(b)(1) Section 1464 (relating to the Board of Actuaries) of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1983.

10 USC 1463  
note.

(2) Sections 1463 (relating to payments from the Fund) and 1466 (relating to payments to the Fund) of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1984.

10 USC 1462  
note.

(3) There shall be transferred into the Fund on October 1, 1984, any unobligated balances of appropriations made to the Department of Defense that are currently available for retired pay, and amounts so transferred shall be part of the assets of the Fund.

**PART C—HEALTH-CARE MATTERS**

**CHAMPUS PROVISIONS**

SEC. 931. (a) Section 1079 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out the period at the end of clause (5) and inserting in lieu thereof “; and”; and

Inpatient mental  
health services.

(B) by inserting after such clause the following new clause:

“(6) inpatient mental health services may not (except as provided in subsection (i)) be provided to a patient in excess of 60 days in any year.”; and

(2) by adding at the end thereof the following new subsections:

“(i) The limitation in subsection (a)(6) does not apply in the case of inpatient mental health services—

“(1) provided under the program for the handicapped under subsection (d);

“(2) provided as residential treatment care;

“(3) provided as partial hospital care; or

“(4) provided pursuant to a waiver authorized by the Secretary of Defense because of extraordinary medical or psychologi-

cal circumstances that are confirmed by review by a non-Federal health professional pursuant to regulations prescribed by the Secretary of Defense.

“(j)(1) A benefit may not be paid under a plan covered by this section in the case of a person enrolled in any other insurance, medical service, or health plan to the extent that the benefit is also a benefit under the other plan, except in the case of a plan administered under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

“(2)(A) The amount to be paid to a provider of services for services provided under a plan covered by this section may be determined under joint regulations to be prescribed by the Secretary of Defense and the Secretary of Health and Human Services which provide that the amount of such payments shall be determined to the extent practicable in accordance with the same reimbursement rules as apply to payments to providers of services of the same type under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

“(B) In subparagraph (A), ‘provider of services’ means a hospital, skilled nursing facility, comprehensive outpatient rehabilitation facility, home health agency, or other institutional facility providing services for which payment may be made under a plan covered by this section.

“Provider of services.”

“(k) A plan covered by this section may include provision of liver transplants (including the cost of acquisition and transportation of the donated liver) in accordance with this subsection. Such a liver transplant may be provided if—

Liver transplants.

“(1) the transplant is for a dependent considered appropriate for that procedure by the Secretary of Defense in consultation with the Secretary of Health and Human Services and such other entities as the Secretary considers appropriate; and

“(2) the transplant is to be carried out at a health-care facility that has been approved for that purpose by the Secretary of Defense after consultation with the Secretary of Health and Human Services and such other entities as the Secretary considers appropriate.”

(b) Subsection (d) of section 1086 of such title is amended to read as follows:

10 USC 1086.

“(d) The provisions of section 1079(j) of this title shall apply to a plan covered by this section.”

*Ante*, p. 648.

(c) The amendments made by this section shall take effect on October 1, 1983, except that—

Effective dates.  
10 USC 1079  
note.

(1) clause (6) of section 1079(a) of title 10, United States Code, as added by subsection (a)(1), shall not apply in the case of inpatient mental health services provided to a patient admitted before January 1, 1983, for so long as that patient remains continuously in inpatient status for medically or psychologically necessary reasons; and

(2) subsection (k) of section 1079 of such title, as added by subsection (a)(1), shall apply with respect to liver transplant operations performed on or after July 1, 1983.

#### AUTHORITY FOR INCREASED USAGE OF CONTRACT HEALTH CARE PROVIDERS

Sec. 932. (a)(1) Chapter 55 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 1091.

**“§ 1091. Contracts for direct health care providers**

“(a) The Secretary concerned may contract with persons for services (including personal services) for the provision of direct health care services determined by the Secretary concerned to be required for the purposes of this chapter.

37 USC 201 *et seq.*, 401 *et seq.*  
37 USC 205.

“(b) A person with whom the Secretary contracts under this section for the provision of direct health care services under this chapter may be compensated at a rate prescribed by the Secretary concerned, but at a rate not greater than the rate of basic pay and allowances authorized by chapters 3 and 7 of title 37 for a commissioned officer in pay grade O-6 with 26 or more years of service computed under section 205 of such title.”.

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

“1091. Contracts for direct health care providers.”.

Repeal.

(b)(1) Section 4022 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 373 of such title is amended by striking out the item relating to section 4022.

Repeal.

(c)(1) Section 9022 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 873 of such title is amended by striking out the item relating to section 9022.

(d) Section 201 of title 37, United States Code, is amended—

(1) by striking out subsection (b);

(2) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively; and

(3) by striking out “subsections (d) and (e)” in subsection (e), as redesignated by clause (2), and inserting in lieu thereof “subsections (c) and (d)”.

Repeal.  
37 USC 421.

(e) Chapter 7 of title 37, United States Code, is amended—

(1) by striking out section 421; and

(2) by striking out in the table of sections at the beginning of such chapter the item relating to section 421.

Effective date.  
10 USC 1091  
note.

(f) The amendments made by this section shall take effect on October 1, 1983. Any contract of employment entered into under the authority of section 4022 or 9022 of title 10, United States Code, before the effective date of this section and which is in effect on such date shall remain in effect in accordance with the terms of such contract.

**STUDIES AND DEMONSTRATION PROJECTS RELATING TO HEALTH AND  
MEDICAL CARE**

SEC. 933. (a)(1) Chapter 55 of title 10, United States Code, is amended by adding after section 1091 (as added by section 932) the following new section:

10 USC 1092.

**“§ 1092. Studies and demonstration projects relating to delivery of health and medical care**

“(a)(1) The Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall conduct studies and demonstration projects on the health care delivery system of the uniformed services with a view to improving the quality, efficiency, convenience, and cost effectiveness of providing health care services (including dental care services) under this title to members and former members and their dependents. Such studies and demonstration projects may include the following:

“(A) Alternative methods of payment for health and medical care services.

“(B) Cost-sharing by eligible beneficiaries.

“(C) Methods of encouraging efficient and economical delivery of health and medical care services.

“(D) Innovative approaches to delivery and financing of health and medical care services.

“(E) Alternative approaches to reimbursement for the administrative charges of health care plans.

“(F) Prepayment for medical care services provided to maintain the health of a defined population.

“(2) The Secretary of Defense shall include in the studies conducted under paragraph (1) alternative programs for the provision of dental care to the spouses and dependents of members of the uniformed services who are on active duty, including a program under which dental care would be provided the spouses and dependents of such members under insurance or dental plan contracts. A demonstration project may not be conducted under this section that provides for the furnishing of dental care under an insurance or dental plan contract.

“(3) The Secretary of Defense shall submit to Congress from time to time written reports on the results of the studies and demonstration projects conducted under this subsection and shall include in such reports such recommendations for improving the health-care delivery systems of the uniformed services as the Secretary considers appropriate.

Written reports  
to Congress.

“(b) Subject to the availability of appropriations for that purpose, the Secretary of Defense may enter into contracts with public or private agencies, institutions, and organizations to conduct studies and demonstration projects under subsection (a).

“(c) The Secretary of Defense may obtain the advice and recommendations of such advisory committees as the Secretary considers appropriate. Each such committee consulted by the Secretary under this subsection shall evaluate the proposed study or demonstration project as to the soundness of the objectives of such study or demonstration project, the likelihood of obtaining productive results based on such study or demonstration project, the resources which were required to conduct such study or demonstration project, and the relationship of such study or demonstration project to other ongoing or completed studies and demonstration projects.”.

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

“1092. Studies and demonstration projects relating to delivery of health and medical care.”.

(b) Section 1092 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1983.

Effective date.  
10 USC 1092  
note.

#### **MEDICAL MALPRACTICE PROTECTION FOR HEALTH-CARE PERSONNEL OF THE SOLDIERS' AND AIRMEN'S HOME**

SEC. 934. (a) Subsection (a) of section 1089 of title 10, United States Code, is amended by inserting “the United States Soldiers' and Airmen's Home,” after “the Department of Defense,”.

(b) Subsection (f) of such section is amended by striking out “or his designee may, to the extent that he or his designee deems” and inserting in lieu thereof “may, to the extent that the head of the agency concerned considers”.

(c) Subsection (g) of such section is amended—

(1) by striking out “and” at the end of clause (2);

(2) by redesignating clause (3) as clause (4); and

(3) by inserting after clause (2) the following new clause (3):

“(3) the Board of Commissioners of the United States Soldiers’ and Airmen’s Home, in the case of an employee of the United States Soldiers’ and Airmen’s Home; and”.

10 USC 1089  
note.

(d) The amendments made by this section shall apply only to claims accruing on or after the date of the enactment of this Act.

#### ADJUSTMENTS IN STIPEND PAID TO RECIPIENTS OF ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIPS

SEC. 935. (a) Section 2121(d) of title 10, United States Code, is amended to read as follows:

“(d) Except when serving on active duty pursuant to subsection (c), a member of the program shall be entitled to a stipend at the rate of \$579 per month. That rate shall be increased annually by the Secretary of Defense effective on July 1 of each year by an amount (rounded to the next highest multiple of \$1) equal to—

“(1) the amount of such stipend (as previously adjusted (if at all)), multiplied by

“(2) the overall percentage of the adjustment (if such adjustment is an increase) in the rates of basic pay for members of the uniformed services made effective for the fiscal year in which the school year ends.”.

Effective date.  
10 USC 2121  
note.

(b) The amendment made by subsection (a) shall take effect on October 1, 1983.

#### PART D—SURVIVOR BENEFITS

##### CLARIFICATION OF SURVIVOR BENEFITS COVERAGE FOR FORMER SPOUSES

SEC. 941. (a)(1) The second sentence of subsection (a)(5) of section 1448 of title 10, United States Code, is amended by inserting “except in accordance with subsection (b)(3)” after “may not be revoked”.

(2) Subsection (b) of such section is amended to read as follows:

“(b)(1) A person who is not married and does not have a dependent child when he becomes eligible to participate in the Plan may elect to provide an annuity to a natural person with an insurable interest in that person. In the case of a person providing an annuity under this paragraph by virtue of eligibility under subsection (a)(1)(B), such an election shall include a designation under subsection (e).

“(2) A person who has a former spouse when he becomes eligible to participate in the Plan may elect to provide an annuity to that former spouse. In the case of a person with a spouse or a dependent child, such an election prevents payment of an annuity to that spouse or child, including payment under subsection (d). If there is more than one former spouse, the person shall designate which former spouse is to be provided the annuity. In the case of a person providing an annuity under this paragraph by virtue of eligibility under subsection (a)(1)(B), such an election shall include a designation under subsection (e).

“(3)(A) A person—

“(i) who is a participant in the Plan and is providing coverage for a spouse or a spouse and child (even though there is no beneficiary currently eligible for such coverage), and

“(ii) who has a former spouse who was not that person’s former spouse when he became eligible to participate in the Plan,  
may (subject to subparagraph (B)) elect to provide an annuity to that former spouse. Any such election terminates any previous coverage under the Plan and must be written, signed by the person, and received by the Secretary concerned within one year after the date of the decree of divorce, dissolution, or annulment.

“(B) A person may not make an election under subparagraph (A) to provide an annuity to a former spouse who that person married after becoming eligible for retired or retainer pay unless—

“(i) the person was married to that former spouse for at least one year, or

“(ii) that former spouse is the parent of issue by that marriage.

“(C) An election under this paragraph may not be revoked except in accordance with section 1450(f) of this title and is effective as of the first day of the first calendar month following the month in which it is received by the Secretary concerned. This paragraph does not provide the authority to change a designation previously made under subsection (e). 10 USC 1450.

“(D) If a person who is married makes an election to provide an annuity to a former spouse under this paragraph, that person’s spouse shall be notified of that election.

“(4) A person who elects to provide an annuity to a former spouse under paragraph (2) or (3) shall, at the time of making the election, provide the Secretary concerned with a written statement (in a form to be prescribed by that Secretary and signed by such person and the former spouse) setting forth whether the election is being made pursuant to a written agreement previously entered into voluntarily by such person as a part of or incident to a proceeding of divorce, dissolution, or annulment and (if so) whether such voluntary written agreement has been incorporated in, or ratified or approved by, a court order.”. Written statement.

(3) Section 1450 of title 10, United States Code, is amended—

(A) by striking out “at the time the person to whom section 1448 applies became entitled to retired or retainer pay” in subsection (a)(4); and

(B) by inserting “(without regard to the eligibility of the person making the change of election to make an election under such section)” before the period at the end of the third sentence of subsection (f)(1).

(b) In the case of a person who on the date of the enactment of this Act is a person described in subparagraph (A) of subsection (b)(3) of section 1448 of title 10, United States Code (as amended by subsection (a)(2)), such subsection shall apply to that person as if the one-year period provided for in subparagraph (A) of such subsection began on the date of the enactment of this Act. 10 USC 1448 note.

(c)(1) Section 1447(8) of title 10, United States Code, is amended by striking out “annulment, or legal separation,” both places it appears and inserting in lieu thereof “or annulment”.

(2) Section 1448(a)(3) is amended—

(A) by inserting “for a former spouse” after “an annuity” the second place it appears in subparagraphs (A) and (B); and

(B) by striking out “of this section” both places it appears. 10 USC 1448.

(3) Section 1450(f) of such title is amended—

(A) by striking out “of this subsection” in paragraph (1); and 10 USC 1450.



(B) by striking out “annulment, or legal separation,” in paragraph (2) and inserting in lieu thereof “or annulment,”.

10 USC 1408  
note.

(4) Section 1006(e)(3) of the Uniformed Services Former Spouses' Protection Act (title X of Public Law 97-252; 96 Stat. 738) is amended by striking out “section” and all that follows and inserting in lieu thereof “section 1072 of title 10, United States Code.”.

#### EXTENSION OF MINIMUM INCOME PROVISION FOR CERTAIN WIDOWS

SEC. 942. (a) Section 4(a)(1) of the Act entitled “An Act to amend chapter 73 of title 10, United States Code, to establish a Survivor Benefit Plan, and for other purposes”, approved September 21, 1972 (10 U.S.C. 1448 note), is amended by striking out “on the effective date of this Act is, or within one calendar year after that date becomes,” and inserting in lieu thereof “on September 21, 1972, was, or during the period beginning on September 22, 1972, and ending on March 20, 1974, became,”.

10 USC 1448  
note.

(b) Any annuity payable by reason of subsection (a) shall be payable only for months after September 1983.

#### CLARIFICATION OF CONTINUING RESPONSIBILITY FOR FUNDING OF CERTAIN SURVIVORS' BENEFITS

42 USC 402 note.

SEC. 943. Section 156(g)(1) of Public Law 97-377 (96 Stat. 1922) is amended—

(1) by striking out “fiscal year 1983” and inserting in lieu thereof “each fiscal year”;

(2) by striking out “from the ‘Retired Pay, Defense’ account of the Department of Defense”; and

(3) by inserting between the first and second sentences the following: “During fiscal year 1983, transfers under this subsection shall be made from the ‘Retired Pay, Defense’ account of the Department of Defense. During subsequent fiscal years, such transfers shall be made from such account or from funds otherwise available to the Secretary for the purpose of the payment of such benefits and expenses.”.

### TITLE X—MILITARY PERSONNEL MATTERS

#### PART A—OFFICER PERSONNEL MANAGEMENT AND TRAINING

##### TEMPORARY MODIFICATION IN CERTAIN GENERAL AND FLAG OFFICER GRADE LIMITATIONS

10 USC 525 note.

SEC. 1001. (a) During fiscal year 1984, the number of officers of the Air Force authorized under section 525(b)(1) of title 10, United States Code, to be on active duty in the grade of general is increased by one.

(b) During fiscal year 1984, the number of officers of the Navy authorized under section 525(b)(2) of title 10, United States Code, to be on active duty in grades above rear admiral is increased by three. None of the additional officers in grades above rear admiral authorized by this section may be in the grade of admiral.

(c) During fiscal year 1984, a commissioned officer serving in the position of Director of the Intelligence Community Staff shall not be counted against the numbers and percentages of commissioned officers of the grade of such officer authorized for the Armed Force of

which he is a member, except that during such year only one commissioned officer of the Armed Forces occupying the position of Director of Central Intelligence or Deputy Director of Central Intelligence as provided for in section 102 of the National Security Act of 1947 (50 U.S.C. 403) or the position of Director of the Intelligence Community Staff may be exempt from such numbers and percentages at any one time.

#### PERFORMANCE OF CIVIL FUNCTIONS BY MILITARY OFFICERS

SEC. 1002. (a) Section 973 of title 10, United States Code, is amended by striking out subsection (b) and inserting in lieu thereof the following:

“(b)(1) This subsection applies—

“(A) to a regular officer of an armed force on the active-duty list (and a regular officer of the Coast Guard on the active duty promotion list);

“(B) to a retired regular officer of an armed force serving on active duty under a call or order to active duty for a period in excess of 180 days; and

“(C) to a reserve officer of an armed force serving on active duty under a call or order to active duty for a period in excess of 180 days.

“(2)(A) Except as otherwise authorized by law, an officer to whom this subsection applies may not hold, or exercise the functions of, a civil office in the Government of the United States—

“(i) that is an elective office;

“(ii) that requires an appointment by the President by and with the advice and consent of the Senate; or

“(iii) that is a position in the Executive Schedule under sections 5312 through 5317 of title 5.

“(B) An officer to whom this subsection applies may hold or exercise the functions of a civil office in the Government of the United States that is not described in subparagraph (A) when assigned or detailed to that office or to perform those functions.

“(3) Except as otherwise authorized by law, an officer to whom this subsection applies may not hold or exercise, by election or appointment, the functions of a civil office in the government of a State, the District of Columbia, or a territory, possession, or commonwealth of the United States (or of any political subdivision of any such government).

“(4) Nothing in this subsection shall be construed to invalidate any action undertaken by an officer in furtherance of assigned official duties.

“(c) The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating in the Navy, shall prescribe regulations to implement this section.”.

(b) Nothing in section 973(b) of title 10, United States Code, as in effect before the date of the enactment of this Act, shall be construed—

(1) to invalidate any action undertaken by an officer of an Armed Force in furtherance of assigned official duties; or

(2) to have terminated the military appointment of an officer of an Armed Force by reason of the acceptance of a civil office, or the exercise of its functions, by that officer in furtherance of assigned official duties.

5 USC  
5312-5317.

Regulations.

10 USC 973 note.

10 USC 973 note.

(c) Nothing in section 973(b)(3) of title 10, United States Code, as added by subsection (a), shall preclude a Reserve officer to whom such section applies from holding or exercising the functions of an office described in such section for the term to which the Reserve officer was elected or appointed if, before the date of the enactment of this Act, the Reserve officer accepted appointment or election to that office in accordance with the laws and regulations in effect at the time of such appointment or election.

(d) The Act entitled "An Act to grant the consent of the United States to the Red River Compact among the States of Arkansas, Louisiana, Oklahoma, and Texas", approved December 22, 1980 (94 Stat. 3305), is amended by adding at the end thereof the following new section:

"SEC. 5. (a) The President may appoint a regular officer of the Army, Navy, Air Force, or Marine Corps who is serving on active duty as the Federal Commissioner of the Commission.

*Ante*, p. 655.

"(b) Notwithstanding the provisions of section 973(b) of title 10, United States Code, acceptance by a regular officer of the Army, Navy, Air Force, or Marine Corps of an appointment as the Federal Commissioner of the Commission, or the exercise of the functions of Federal Commissioner and chairman of the Commission, by such officer shall not terminate or otherwise affect such officer's appointment as a military officer."

#### MODIFICATIONS TO RESERVE OFFICERS' TRAINING CORPS SCHOLARSHIP PROGRAM

SEC. 1003. (a)(1) Section 2101(3) of title 10, United States Code, is amended by striking out the period and inserting in lieu thereof "(except that, in the case of a student enrolled in an academic program which has been approved by the Secretary of the military department concerned and which requires more than four academic years for completion of baccalaureate degree requirements, including elective requirements of the Senior Reserve Officers' Training Corps course, such term includes a fifth academic year or a combination of a part of a fifth academic year and summer sessions)".

10 USC 2104.

(2) Section 2104(a) of such title is amended by inserting "at least" before "two".

10 USC 2107.

(3) Section 2107(c) of such title is amended by inserting after the first sentence the following new sentence: "In the case of a student enrolled in an academic program which has been approved by the Secretary of the military department concerned and which requires more than four academic years for completion of baccalaureate degree requirements, including elective requirements of the Senior Reserve Officers' Training Corps course, financial assistance under this section may also be provided during a fifth academic year or during a combination of a part of a fifth academic year and summer sessions."

(4) Section 209(a) of title 37, United States Code, is amended by striking out "20" and inserting in lieu thereof "30".

(b)(1) Section 2005 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) The Secretary concerned shall require, as a condition to the Secretary providing financial assistance under section 2107 or 2107a of this title to any person, that such person enter into an agreement described in subsection (a). In addition to the requirements of

10 USC 2107,  
2107a.

clauses (1) through (4) of such subsection, any agreement required by this subsection shall provide—

“(1) that if such person fails to complete the education requirements specified in the agreement, the Secretary will have the option to order such person to reimburse the United States in the manner provided for in clause (3) of such subsection without the Secretary first ordering such person to active duty as provided for under clause (2) of such subsection and sections 2107(f) and 2107a(f) of this title; and

10 USC 2107,  
2107a.

“(2) that any amount owed by such person to the United States under such agreement 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 member is first notified of the amount due to the United States as a reimbursement under this section.”

(2) The amendment made by paragraph (1) shall apply with respect to agreements entered into after September 30, 1983.

10 USC 2005  
note.

(c)(1) Section 2107(b)(5) of title 10, United States Code, is amended—

(A) by striking out “either” in the matter preceding subparagraph (A)(ii);

(B) by striking out “or” at the end of subparagraph (A);

(C) by striking out the period at the end and inserting in lieu thereof “; or”; and

(D) by adding at the end the following:

“(C)(i) accept an appointment, if offered, as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may be; and

“(ii) serve in a reserve component of that armed force until the sixth anniversary of the receipt of such appointment, unless such appointment is otherwise extended by subsection (d) of section 2108 of this title, under such terms and conditions as may be prescribed by the Secretary of the military department concerned.”

10 USC 2108.

(2) The second sentence of section 2107(b) of such title is amended—

(A) by inserting “or (5)(C)” after “(5)(B)”; and

(B) by striking out the period at the end and inserting in lieu thereof “, except that performance of service under clause (5)(C) shall include not less than two years of active duty.”

(3) The amendments made by this subsection shall apply with respect to agreements entered into under section 2107(b)(5) of title 10, United States Code, after September 30, 1983.

10 USC 2107  
note.

#### SELECTION OF PERSONS FROM FOREIGN COUNTRIES TO RECEIVE INSTRUCTION AT THE SERVICE ACADEMIES

SEC. 1004. (a)(1) Section 4344 of title 10, United States Code, is amended to read as follows:

#### “§ 4344. Selection of persons from foreign countries

“(a)(1) The Secretary of the Army may permit not more than 40 persons at any one time from foreign countries to receive instruction at the Academy. Such persons shall be in addition to the authorized

10 USC 4342. strength of the Corps of the Cadets of the Academy under section 4342 of this title.

“(2) The Secretary of the Army, upon approval by the Secretary of Defense, shall determine the countries from which persons may be selected for appointment under this section and the number of persons that may be selected from each country. The Secretary of the Army may establish entrance qualifications and methods of competition for selection among individual applicants under this section and shall select those persons who will be permitted to receive instruction at the Academy under this section.

Pay, allowances,  
and emolu-  
ments.

“(b)(1) A person receiving instruction under this section is entitled to the pay, allowances, and emoluments of a cadet appointed from the United States, and from the same appropriations.

Reimbursement  
of U.S.

“(2) Each foreign country from which a cadet is permitted to receive instruction at the Academy under this section shall reimburse the United States for the cost of providing such instruction, including the cost of pay, allowances, and emoluments provided under paragraph (1) unless a written waiver of reimbursement is granted by the Secretary of Defense. The Secretary of the Army shall prescribe the rates for reimbursement under this paragraph.

“(c)(1) Except as the Secretary of the Army determines, a person receiving instruction under this section is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet at the Academy appointed from the United States. The Secretary may prescribe regulations with respect to access to classified information by a person receiving instruction under this section that differ from the regulations that apply to a cadet at the Academy appointed from the United States.

“(2) A person receiving instruction under this section is not entitled to an appointment in an armed force of the United States by reason of graduation from the Academy.

10 USC 4346.

“(d) A person receiving instruction under this section is not subject to section 4346(d) of this title.”

Repeal.

10 USC 4345.

(2) Section 4345 of such title is repealed.

(3) The table of sections at the beginning of chapter 403 of such title is amended by striking out the items relating to sections 4344 and 4345 and inserting in lieu thereof the following:

“4344. Selection of persons from foreign countries.”

(b)(1) Section 6957 of title 10, United States Code, is amended to read as follows:

#### “§ 6957. Selection of persons from foreign countries

“(a)(1) The Secretary of the Navy may permit not more than 40 persons at any one time from foreign countries to receive instruction at the Academy. Such persons shall be in addition to the authorized strength of the midshipmen under section 6954 of this title.

10 USC 6954.

“(2) The Secretary of the Navy, upon approval by the Secretary of Defense, shall determine the countries from which persons may be selected for appointment under this section and the number of persons that may be selected from each country. The Secretary of the Navy may establish entrance qualifications and methods of competition for selection among individual applicants under this section and shall select those persons who will be permitted to receive instruction at the Academy under this section.

“(b)(1) A person receiving instruction under this section is entitled to the pay, allowances, and emoluments of a midshipman appointed from the United States, and from the same appropriations.

Pay, allowances,  
and emolu-  
ments.

“(2) Each foreign country from which a midshipman is permitted to receive instruction at the Academy under this section shall reimburse the United States for the cost of providing such instruction, including the cost of pay, allowances, and emoluments provided under paragraph (1) unless a written waiver of reimbursement is granted by the Secretary of Defense. The Secretary of the Navy shall prescribe the rates for reimbursement under this paragraph.

Reimbursement  
of U.S.

“(c)(1) Except as the Secretary of the Navy determines, a person receiving instruction under this section is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a midshipman at the Academy appointed from the United States. The Secretary may prescribe regulations with respect to access to classified information by a person receiving instruction under this section that differ from the regulations that apply to a midshipman at the Academy appointed from the United States.

“(2) A person receiving instruction under this section is not entitled to an appointment in an armed force of the United States by reason of graduation from the Academy.”

(2) The item relating to section 6957 in the table of sections at the beginning of chapter 603 of such title is amended to read as follows:

“6957. Selection of persons from foreign countries.”

(c)(1) Section 9344 of title 10, United States Code, is amended to read as follows:

#### “§ 9344. Selection of persons from foreign countries

“(a)(1) The Secretary of the Air Force may permit not more than 40 persons at any one time from foreign countries to receive instruction at the Academy. Such persons shall be in addition to the authorized strength of the Air Force Cadets of the Academy under section 9342 of this title.

10 USC 9342.

“(2) The Secretary of the Air Force, upon approval by the Secretary of Defense, shall determine the countries from which persons may be selected for appointment under this section and the number of persons that may be selected from each country. The Secretary of the Air Force may establish entrance qualifications and methods of competition for selection among individual applicants under this section and shall select those persons who will be permitted to receive instruction at the Academy under this section.

“(b)(1) A person receiving instruction under this section is entitled to the pay, allowances, and emoluments of a cadet appointed from the United States, and from the same appropriations.

Pay, allowances,  
and emolu-  
ments.

“(2) Each foreign country from which a cadet is permitted to receive instruction at the Academy under this section shall reimburse the United States for the cost of providing such instruction, including the cost of pay, allowances, and emoluments provided under paragraph (1) unless a written waiver of reimbursement is granted by the Secretary of Defense. The Secretary of the Air Force shall prescribe the rates for reimbursement under this paragraph.

Reimbursement  
of U.S.

“(c)(1) Except as the Secretary of the Air Force determines, a person receiving instruction under this section is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet at the Academy

appointed from the United States. The Secretary may prescribe regulations with respect to access to classified information by a person receiving instruction under this section that differ from the regulations that apply to a cadet at the Academy appointed from the United States.

“(2) A person receiving instruction under this section is not entitled to an appointment in an armed force of the United States by reason of graduation from the Academy.

“(d) A person receiving instruction under this section is not subject to section 9346(d) of this title.”.

10 USC 9346.

Repeal.

10 USC 9345.

(2) Section 9345 of such title is repealed.

(3) The table of sections at the beginning of chapter 903 of such title is amended by striking out the items relating to sections 9344 and 9345 and inserting in lieu thereof the following:

“9344. Selection of persons from foreign countries.”.

10 USC 4344

note.

(d)(1) Sections 4344(b)(2), 6957(b)(2), and 9344(b)(2) of title 10, United States Code, as added by this section, do not apply to the cost of providing instruction to a person who, before the effective date of this section, entered the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy under section 4344, 4345, 6957, 9344, or 9345 of such title, as in effect on the day before such date. Any such person shall be counted against the maximum of 40 persons who may attend the Academy concerned at any time under any of those sections.

Effective date.

(2) The amendments made by subsections (a), (b), and (c) shall take effect one year after the date of the enactment of this Act and shall apply to each person entering the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy after that effective date.

#### NOMINATIONS TO SERVICE ACADEMIES FROM GUAM AND FORMER CANAL ZONE AREA

SEC. 1005. (a)(1) Clause (10) of section 4342(a) of title 10, United States Code, is amended to read as follows:

“(10) One cadet from American Samoa, nominated by the Delegate in Congress from American Samoa.”.

10 USC 6954.

(2) Clause (10) of section 6954(a) of such title is amended to read as follows:

“(10) One from American Samoa, nominated by the Delegate in Congress from American Samoa.”.

10 USC 9342.

(3) Clause (10) of section 9342(a) of such title, is amended to read as follows:

“(10) One cadet from American Samoa, nominated by the Delegate in Congress from American Samoa.”.

(b)(1) Clause (8) of section 4342(a) of title 10, United States Code, is amended to read as follows:

“(8) One cadet nominated by the Administrator of the Panama Canal Commission from the children of civilian personnel of the United States Government residing in the Republic of Panama who are citizens of the United States.”.

10 USC 6954.

(2) Clause (8) of section 6954(a) of such title is amended to read as follows:

“(8) One nominated by the Administrator of the Panama Canal Commission from the children of civilian personnel of the

United States residing in the Republic of Panama who are citizens of the United States.”.

(3) Clause (8) of section 9342(a) of such title is amended to read as follows: 10 USC 9342.

“(8) One cadet nominated by the Administrator of the Panama Canal Commission from the children of civilian personnel of the United States Government residing in the Republic of Panama who are citizens of the United States.”.

#### APPOINTMENT OF CITIZENS OF NORTHERN MARIANA ISLANDS AS COMMISSIONED OFFICERS

SEC. 1006. (a) Notwithstanding any provision of law respecting citizenship and in accordance with the covenant entitled “A Covenant to establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America” (approved on March 24, 1976, by Public Law 94-241), a citizen of the Northern Mariana Islands who indicates in writing to a commissioned officer of the Armed Forces of the United States an intent to become a citizen, and not a national, of the United States upon full implementation of such covenant, and who is otherwise qualified for military service under applicable laws and regulations, may be appointed as an officer in the Armed Forces of the United States, may be appointed or enrolled in the Senior Reserve Officers’ Training Corps program of any of the Armed Forces under chapter 103 of title 10, United States Code, and may be selected to be a participant in the Armed Forces Health Professions Scholarship program under chapter 105 of such title. 10 USC 532 note.  
48 USC 1681 note.

(b) This section shall expire upon the establishment of the Commonwealth of the Northern Mariana Islands. 10 USC 2101 *et seq.*  
10 USC 2120 *et seq.*  
Expiration date.

#### TRANSFER OF PUBLIC HEALTH SERVICE OFFICERS TO OTHER UNIFORMED SERVICES

SEC. 1007. (a)(1) Section 716 of title 10, United States Code, is amended to read as follows:

##### “§ 716. Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service

“(a) Notwithstanding any other provision of law, the President, within authorized strengths and with the consent of the officer involved, may transfer any commissioned officer of a uniformed service from his uniformed service to, and appoint him in, another uniformed service. The Secretary of Defense, the Secretary of Transportation, the Secretary of Commerce, and the Secretary of Health and Human Services shall jointly establish, by regulations approved by the President, policies and procedures for such transfers and appointments.

“(b) An officer transferred under this section may not be assigned precedence or relative rank higher than that which he held on the day before the transfer.

“(c) In this section, ‘uniformed service’ means any of the armed forces, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the Public Health Service.”.

“Uniformed service.”



(2) The item relating to such section in the table of sections at the beginning of chapter 41 of such title is amended to read as follows:

“716. Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service.”.

(b)(1) Chapter 53 of such title is amended by adding at the end thereof the following new section:

10 USC 1043.

**“§ 1043. Service credit: service in the National Oceanic and Atmospheric Administration or the Public Health Service**

“Active commissioned service in the National Oceanic and Atmospheric Administration or the Public Health Service shall be credited as active commissioned service in the armed forces for purposes of determining the retirement eligibility and computing the retired pay of a member of the armed forces.”.

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

“1043. Service credit: service in the National Oceanic and Atmospheric Administration or the Public Health Service.”.

10 USC 533.

(c)(1) Section 533(a)(1) of such title is amended by inserting “, the National Oceanic and Atmospheric Administration, or the Public Health Service” after “in any armed force”.

10 USC 1174.

(2) Section 1174(i) of such title is amended—

(A) by inserting “(1)” after “(i)”; and

(B) by adding at the end thereof the following new paragraph:

“(2) Active commissioned service in the National Oceanic and Atmospheric Administration or the Public Health Service shall be credited as active service in the armed forces for the purposes of this section.”.

10 USC 3353.

(3) Section 3353(a)(1) of such title is amended—

(A) by striking out “chapters 337 and 363” and inserting in lieu thereof “this chapter and chapter 363”; and

(B) by inserting “, the National Oceanic and Atmospheric Administration, or the Public Health Service” after “in any armed force”.

10 USC 5600.

(4) Section 5600(a)(1) of such title is amended by inserting “, the National Oceanic and Atmospheric Administration, or the Public Health Service” after “in any armed force”.

10 USC 8353.

(5) Section 8353(a)(1) of such title is amended—

(A) by striking out “chapters 837 and 863” and inserting in lieu thereof “this chapter and chapter 863”; and

(B) by inserting “, the National Oceanic and Atmospheric Administration, or the Public Health Service” after “in any armed force”.

(d) Clause (13) of section 3(a) of the Act of August 10, 1956 (33 U.S.C. 857a(a)), is amended to read as follows:

*Ante*, p. 661.

“(13) Section 716, Commissioned officers: transfers among the Armed Forces, the National Oceanic and Atmospheric Administration, and the Public Health Service.”.

## PART B—RESERVE COMPONENT MANAGEMENT

## BONUSES FOR ENLISTMENTS, REENLISTMENTS, AND VOLUNTARY EXTENSIONS OF SERVICE IN ELEMENTS OF THE READY RESERVE OTHER THAN THE SELECTED RESERVE

SEC. 1011. (a) Chapter 5 of title 37, United States Code, is amended by inserting after section 308f the following new sections:

**“§ 308g. Special pay: bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve** 37 USC 308g.

“(a) An eligible person who enlists in a combat or combat support skill of an element (other than the Selected Reserve) of the Ready Reserve of an armed force for a term of enlistment of not less than six years, and who has not previously served in an armed force, may be paid a bonus as provided in subsection (b) of this section.

“(b) Eligibility for and the amount and method of payment of a bonus under this section shall be determined in accordance with regulations prescribed under subsection (g) of this section, except that the amount of such a bonus may not exceed \$1,000.

“(c) A bonus may not be paid under this section for a term of enlistment to any person who fails to complete satisfactorily initial active duty for training or who, upon completion of initial active duty for training, elects to serve the remainder of the term of enlistment in the Selected Reserve or in an active component of an armed force.

“(d) A person who receives a bonus payment under this section and who fails during the period for which the bonus was paid to serve satisfactorily in the element of the Ready Reserve with respect to which the bonus was paid shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid to such person as the period which such person failed to serve satisfactorily bears to the total period for which the bonus was paid. Refund.

“(e) An obligation to reimburse the United States imposed under subsection (d) of this section is, for all purposes, a debt owed to the United States.

“(f) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an enlistment for which a bonus was paid under this section does not discharge the person receiving such bonus payment from the debt arising under subsection (d) of this section. This subsection applies to any case commenced under title 11 after the date of the enactment of the Department of Defense Authorization Act, 1984. 11 USC 101 *et seq.*

“(g) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy. Ante, p. 614. Regulations.

“(h) A bonus may not be paid under this section to any person for an enlistment after September 30, 1985. Restriction.

**“§ 308h. Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve** 37 USC 308h.

“(a)(1) An eligible person who is or has been a member of an armed force and who reenlists, enlists, or voluntarily extends an enlistment in a combat or combat support skill of an element (other than the Selected Reserve) of the Ready Reserve of an armed force

for a period of not less than three years beyond any other period the person is obligated to serve may be paid a bonus as provided in subsection (b) of this section.

“(2) A bonus may not be paid under this section to a person who has failed to complete satisfactorily any original term of enlistment in the armed forces.

“(b) Eligibility for and the amount and method of payment of a bonus under this section shall be determined under regulations to be prescribed under subsection (f) of this section, except that the amount of such a bonus may not exceed \$900.

Refund.

“(c) A person who receives a bonus payment under this section and who fails during the period for which the bonus was paid to serve satisfactorily in the Ready Reserve shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid to such person as the period which such person failed to serve satisfactorily bears to the total period for which the bonus was paid.

“(d) An obligation to reimburse the United States imposed under subsection (c) of this section is, for all purposes, a debt owed to the United States.

11 USC 101 *et seq.*

“(e) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a reenlistment, enlistment, or extension for which a bonus was paid under this section does not discharge the person receiving such bonus payment from the debt arising under subsection (c) of this section. This subsection applies to any case commenced under title 11 after the date of the enactment of the Department of Defense Authorization Act, 1984.

*Ante*, p. 614.  
Regulations.

“(f) This section shall be administered under regulations to be prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy.

“(g) A bonus may not be paid under this section to any person for a reenlistment, enlistment, or voluntary extension of an enlistment after September 30, 1985.”

Repeal.  
37 USC 308d.

(b)(1) Section 308d of such title is repealed.

(2) The table of sections at the beginning of such chapter is amended—

(A) by striking out the item relating to item 308d; and

(B) by inserting after the item relating to section 308f the following new items:

“308g. Special pay: bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve.

“308h. Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve.”

Effective date.  
37 USC 308g  
note.

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1983.

(d) During fiscal year 1984, not more than \$12,000,000 may be expended to carry out sections 308g and 308h of title 37, United States Code (as added by subsection (a)).

#### EXTENSION OF MEDICAL AND DENTAL CARE FOR RESERVISTS

SEC. 1012. (a)(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074 the following new section:

**“§ 1074a. Medical and dental care for members of the uniformed services for injuries incurred or aggravated while traveling to and from inactive duty training**

10 USC 1074a.

“(a) Under joint regulations prescribed by the Secretary of Defense and the Secretary of Health and Human Services, a member of the uniformed services is entitled to the benefits described in subsection (b) for an injury incurred or aggravated while the member is traveling directly to or from the place at which he is to perform, or has performed, inactive duty training, unless the injury is incurred or aggravated as the result of the member’s own gross negligence or misconduct.

“(b) A person described in subsection (a) is entitled to—

“(1) the medical and dental care appropriate for the treatment of his injury until the resulting disability cannot be materially improved by further hospitalization or treatment; and

“(2) subsistence during hospitalization.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074 the following new item:

“1074a. Medical and dental care for members of the uniformed services for injuries incurred or aggravated while traveling to and from inactive duty training.”.

(b) Section 204 of title 37, United States Code, is amended by adding at the end thereof the following new subsection:

“(j) A member of the uniformed services who is entitled to medical or dental care under section 1074a of title 10 is entitled to travel and transportation allowances, or a monetary allowance in place thereof, for necessary travel incident to such care, and return to his home upon discharge from treatment.”.

(c) The amendments made by subsections (a) and (b) shall apply only in cases of injuries incurred or aggravated on or after the date of the enactment of this Act.

Effective date.  
10 USC 1074a  
note.

**TEST PROGRAM ON LIMITED USE OF COMMISSARY STORES BY MEMBERS  
OF THE SELECTED RESERVE**

SEC. 1013. (a) The Secretary of Defense shall carry out in one or more areas of the United States a test program under which members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces will be permitted to use commissary stores of the Department of Defense a number of days each year equal to the number of days the member performs active duty for training as a member of the Selected Reserve. Under any such test program, a member of the Selected Reserve shall be permitted a period of one year, from the date on which the member performs active duty for training, to use a day of eligibility for using commissary stores.

(b) The Secretary of Defense shall report the results of the test program to the Congress no later than September 30, 1984, together with such comments and recommendations as he determines appropriate.

Report to  
Congress.

**GRADE DETERMINATION FOR PERSONS RECEIVING ORIGINAL APPOINTMENTS AS RESERVE MEDICAL OFFICERS OF THE ARMY OR AIR FORCE**

SEC. 1014. (a) Section 3359 of title 10, United States Code, is amended—

(1) by striking out all that precedes clause (1) and inserting in lieu thereof the following:

10 USC 3353.

“(a) Except as provided in subsection (b), the commissioned grade in which a person credited with service under section 3353 of this title is originally appointed as a reserve officer of the Army (based on the service credited under that section) shall be determined as follows:”; and

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

“(b) In the case of a person who is originally appointed as a reserve officer in the Medical Corps of the Army during the period beginning on October 1, 1983, and ending on September 30, 1985, and who is credited with service under section 3353 of this title, the commissioned grade in which that person is appointed (based on the service credited under that section) shall be determined as follows:

“(1) For persons with at least four, but less than 14, years of service—captain.

“(2) For persons with at least 14, but less than 21, years of service—major.

“(3) For persons with at least 21 years of service—lieutenant colonel.

“(4) For persons with at least 23 years of service—lieutenant colonel or colonel, as the Secretary of the Army determines.”.

(b) Section 8359 of title 10, United States Code, is amended—

(1) by striking out all that precedes clause (1) and inserting in lieu thereof the following:

10 USC 8353.

“(a) Except as provided in subsection (b), the commissioned grade in which a person credited with service under section 8353 of this title is originally appointed as a reserve officer of the Air Force with a designation as a medical officer (based on the service credited under that section) shall be determined as follows:”; and

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

“(b) In the case of a person who is originally appointed as a reserve officer of the Air Force with a designation as a medical officer during the period beginning on October 1, 1983, and ending on September 30, 1985, and who is credited with service under section 8353 of this title, the commissioned grade in which that person is appointed (based on the service credited under that section) shall be determined as follows:

“(1) For persons with at least four, but less than 14, years of service—captain.

“(2) For persons with at least 14, but less than 21, years of service—major.

“(3) For persons with at least 21 years of service—lieutenant colonel.

“(4) For persons with at least 23 years of service—lieutenant colonel or colonel, as the Secretary of the Air Force determines.”.

10 USC 3359  
note.

(c) Reserve officers in the Medical Corps of the Army and Reserve officers of the Air Force designated as medical officers who have at least four years of commissioned service and who on the date of the enactment of this Act have a reserve grade below the grade of

captain shall be eligible for immediate promotion to the grade of captain if otherwise qualified.

**PROMOTION OF CERTAIN RESERVE COMMISSIONED OFFICERS SERVING ON ACTIVE DUTY**

SEC. 1015. (a)(1) Section 3380 of title 10, United States Code, is amended to read as follows:

**“§ 3380. Commissioned officers: promotion of reserve commissioned officers on active duty and not on the active duty list**

“(a) Notwithstanding any other provision of law, a reserve commissioned officer on active duty for duty described in clause (1)(B), (1)(C), or (7) of section 523(b) of this title who is recommended by a selection board for promotion to, or found qualified for Federal recognition in, a higher reserve grade may, in accordance with regulations prescribed by the Secretary of Defense and subject to the limitations of section 524 of this title, be promoted to or extended Federal recognition in such higher reserve grade and may continue to serve on active duty, or be ordered to serve on active duty, in such higher reserve grade.

Regulations.

10 USC 523.

10 USC 524.

“(b) Notwithstanding any other provision of law, the service in grade for promotion purposes only of any reserve commissioned officer who is promoted to or extended Federal recognition in a higher reserve grade but whose promotion to or recognition in such higher reserve grade was delayed solely because of limitations imposed in accordance with regulations prescribed by the Secretary of Defense under subsection (a) or contained in section 524 of this title, is the date such officer would have been promoted to or recognized in such higher reserve grade if the limitations did not exist. In computing service in grade for the purposes of determining the date for discharge or transfer to the Retired Reserve under chapter 363 of this title, the date the officer would have been promoted to or recognized in such higher grade had the limitations not existed shall be considered the date of promotion to or recognition in such higher grade.

10 USC 3843 *et seq.*

“(c) Regulations prescribed by the Secretary of Defense under subsection (a) shall prohibit the promotion of an officer under the authority of that subsection unless the duty assignment of the officer requires a higher grade than the grade currently held by the officer.

“(d) The authority to promote officers under this section shall expire on September 30, 1985.”

Expiration date.

(2) The item relating to section 3380 in the table of sections at the beginning of chapter 337 of such title is amended to read as follows:

“3380. Commissioned officers: promotion of reserve commissioned officers on active duty and not on the active duty list.”

(b)(1) Section 8380 of title 10, United States Code, is amended to read as follows:

**“§ 8380. Commissioned officers: promotion of reserve commissioned officers on active duty and not on the active duty list**

“(a) Notwithstanding any other provision of law, a reserve commissioned officer on active duty for duty described in clause (1)(B), (1)(C), or (7) of section 523(b) of this title who is recommended by a

Regulations.

10 USC 523.

10 USC 524.

selection board for promotion to, or found qualified for Federal recognition in, a higher reserve grade may, in accordance with regulations prescribed by the Secretary of Defense and subject to the limitations of section 524 of this title, be promoted to or extended Federal recognition in such higher reserve grade and may continue to serve on active duty, or be ordered to serve on active duty, in such higher reserve grade.

10 USC 8843 *et seq.*

“(b) Notwithstanding any other provision of law, the service in grade for promotion purposes only of any reserve commissioned officer who is promoted to or extended Federal recognition in a higher reserve grade but whose promotion to or recognition in such higher reserve grade was delayed solely because of limitations imposed in accordance with regulations prescribed by the Secretary of Defense under subsection (a) or contained in section 524 of this title, is the date such officer would have been promoted to or recognized in such higher reserve grade if the limitations did not exist. In computing service in grade for the purposes of determining the date for discharge or transfer to the Retired Reserve under chapter 863 of this title, the date the officer would have been promoted to or recognized in such higher grade had the limitations not existed shall be considered the date of promotion to or recognition in such higher grade.

Expiration date.

“(c) Regulations prescribed by the Secretary of Defense under subsection (a) shall prohibit the promotion of an officer under the authority of that subsection unless the duty assignment of the officer requires a higher grade than the grade currently held by the officer.

“(d) The authority to promote officers under this section shall expire on September 30, 1985.”.

(2) The item relating to section 8380 in the table of sections at the beginning of chapter 837 of such title is amended to read as follows:

“8380. Commissioned officers: promotion of reserve commissioned officers on active duty and not on the active duty list.”.

#### COMPUTATION OF YEARS OF SERVICE FOR MANDATORY TRANSFER OF CERTAIN RESERVISTS TO THE RETIRED RESERVE

SEC. 1016. (a) Section 3853 of title 10, United States Code, is amended—

(1) in clause (1)—

(A) by inserting “and” at the end of subclause (A); and

(B) by striking out the comma and “and” at the end of subclause (B) and all that follows through “Public Law 85-861”; and

(2) by striking out the last sentence.

10 USC 3360.

(b) Sections 3360(b) and 3360(c) of such title are each amended by striking out the last sentence.

10 USC 8853.

(c) Section 8853 of such title is amended—

(1) by inserting “and” at the end of clause (1);

(2) by striking the semicolon and “and” at the end of clause (2) and inserting in lieu thereof a period; and

(3) by striking out clause (3).

Effective date.  
10 USC 3360  
note.

(d) The amendments made by this section shall be effective only for the period beginning on October 1, 1983, and ending on September 30, 1985.

**AUTHORITY TO ORDER CERTAIN RETIRED MEMBERS OF RESERVE  
COMPONENTS TO ACTIVE DUTY**

SEC. 1017. (a) Section 675 of title 10, United States Code, is amended by inserting "or 688" after "672(a)".

(b)(1) Subsection (a) of section 688 of such title is amended by inserting ", a member of the Retired Reserve who has completed at least 20 years of active service, or a member of the Fleet Reserve or Fleet Marine Corps Reserve" in the first sentence after "Marine Corps".

10 USC 688.

(2) Subsection (b) of such section is amended by striking out "A retired member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps" and inserting in lieu thereof "A member ordered to active duty under this section".

(3) The heading of such section is amended to read as follows:

**"§ 688. Retired members".**

(4) The item relating to such section in the table of sections at the beginning of chapter 39 of such title is amended to read as follows:

"688. Retired members."

**AUTHORITY TO PERMIT RETIRED ENLISTED MEMBERS OF REGULAR  
COMPONENTS TO BE PLACED VOLUNTARILY IN THE READY RESERVE**

SEC. 1018. Section 269(d) of title 10, United States Code, is amended to read as follows:

"(d) Under such regulations as the Secretary concerned may prescribe, any qualified member of a reserve component or any qualified retired enlisted member of a regular component may, upon his request, be placed in the Ready Reserve. However, a member of the Retired Reserve entitled to retired pay or a retired enlisted member of a regular component may not be placed in the Ready Reserve unless the Secretary concerned makes a special finding that the member's services in the Ready Reserve are indispensable. The Secretary concerned may not delegate his authority under the preceding sentence."

**VALIDATION OF CERTAIN ARMY APPOINTMENTS MADE IN GRADES ABOVE  
THE GRADE OF SECOND LIEUTENANT**

SEC. 1019. (a) The appointment of a person as a reserve commissioned officer of the Army in a grade above second lieutenant that was made during the period beginning on September 15, 1981 (the effective date of the Defense Officer Personnel Management Act (Public Law 96-513; 94 Stat. 2835)), and ending on August 24, 1982 (the date of a Department of the Army directive which terminated the appointments of reserve commissioned officers above the grade of second lieutenant under appointment criteria in effect before the effective date of the Defense Officer Personnel Management Act) shall be held and considered to be a valid appointment in the grade in which the appointment was made, subject to the consent of the officer concerned.

10 USC 101 note.

(b)(1) A reserve commissioned officer whose appointment in a grade above second lieutenant is validated by subsection (a) is entitled to all the rights, privileges, and benefits of the grade to which appointed as of the original date of that appointment, except that such officer is not entitled to any increase in pay or allowances



for any period prior to the date of the enactment of this section by virtue of the enactment of this section.

(2) An appointment validated by subsection (a) supersedes any appointment or enlistment of the person concerned made between August 25, 1982, and the date of the enactment of this Act.

#### **PART C—OTHER PERSONNEL MANAGEMENT PROVISIONS**

##### **AUTHORITY OF PRESIDENT TO SUSPEND CERTAIN LAWS RELATING TO PROMOTION, RETIREMENT, AND SEPARATION**

SEC. 1021. (a) Chapter 39 of title 10, United States Code, is amended by adding after section 673b the following new section:

10 USC 673c.

**“§ 673c. Authority of President to suspend certain laws relating to promotion, retirement, and separation**

10 USC 672, 673, 673b.

“(a) Notwithstanding any other provision of law, during any period members of a reserve component are serving on active duty pursuant to an order to active duty under authority of section 672, 673, or 673b of this title, the President may suspend any provision of law relating to promotion, retirement, or separation applicable to any member of the armed forces who the President determines is essential to the national security of the United States.

“(b) A suspension made under the authority of subsection (a) shall terminate (1) upon release from active duty of members of the reserve component ordered to active duty under the authority of section 672, 673, or 673b, as the case may be, or (2) at such time as the President determines the circumstances which required the action of ordering members of the reserve component to active duty no longer exist, whichever is earlier.”.

(b) The table of sections at the beginning of chapter 39 of such title is amended by inserting immediately below the item relating to section 673b the following new item:

“673c. Authority of President to suspend certain laws relating to promotion, retirement, and separation.”.

##### **AUTHORITY TO INCREASE TOTAL INITIAL TERM OF SERVICE IN THE ARMED FORCES**

SEC. 1022. (a)(1) Section 511 of title 10, United States Code, is amended—

(A) in subsection (b), by striking out “six years” and inserting in lieu thereof “not less than six years nor more than eight years”; and

(B) in subsection (d), by striking out “six years” and inserting in lieu thereof “not less than six years nor more than eight years”.

10 USC 511 note.

(2) The amendments made by paragraph (1) shall apply only with respect to persons who enlist under the authority of subsection (b) or (d) of section 511 of title 10, United States Code, 60 or more days after the date of the enactment of this Act.

(b)(1) Subsection (a) of section 651 of title 10, United States Code, is amended to read as follows:

“(a) Each person who becomes a member of an armed force, other than a person deferred under the next to the last sentence of section 6(d)(1) of the Military Selective Service Act (50 U.S.C. App. 456(d)(1)) shall serve in the armed forces for a total initial period of not less

than six years nor more than eight years, as provided in regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy, unless such person is sooner discharged under such regulations because of personal hardship. Any part of such service that is not active duty or that is active duty for training shall be performed in a reserve component.”.

(2) The amendment made by paragraph (1) shall apply only with respect to persons who enter the Armed Forces 60 or more days after the date of the enactment of this Act.

Effective date.  
10 USC 651 note.

#### VARIABLE TERMS FOR ENLISTMENTS AND REENLISTMENTS IN REGULAR COMPONENTS

SEC. 1023. Section 505 of title 10, United States Code, is amended by striking out “two, three, four, five, or six years” in subsections (c) and (d) and inserting in lieu thereof “at least two but not more than six years”.

#### PART D—MISCELLANEOUS

##### EXTENSION OF PERIOD DURING WHICH CERTAIN ACCUMULATED LEAVE MAY BE USED

SEC. 1031. (a) The last sentence of section 701(f) of title 10, United States Code, is amended by inserting “third” after “end of the”.

(b)(1) The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to leave accumulated under section 701(f) of such title after September 30, 1980.

Effective date.

(2) A member of the Armed Forces who was authorized under section 701(f) of such title to accumulate 90 days’ leave during fiscal year 1980, 1981, or 1982 and lost any leave at the end of fiscal year 1981, 1982, or 1983, respectively, because of the provisions of the last sentence of such section, as in effect on the day before the date of the enactment of this Act, shall be credited with the amount of the leave lost and may retain leave in excess of 60 days until (A) September 30, 1984, or (B) the end of the third fiscal year after the year in which such leave was accumulated, whichever is later, but in no case may such a member accumulate leave in excess of 90 days.

10 USC 701 note.

(3) Section 404 of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 725), is repealed.

Repeal.

##### TRANSPORTATION OF REMAINS OF MILITARY RETIREES DYING IN MILITARY HOSPITALS

SEC. 1032. (a)(1) Chapter 75 of title 10, United States Code, is amended by adding at the end thereof the following new section.

#### “§ 1490. Transportation of remains of members entitled to retired or retainer pay who die in a military medical facility

10 USC 1490.

“(a) Subject to subsection (b), when a member entitled to retired or retainer pay or equivalent pay dies while properly admitted under chapter 55 of this title to a medical facility of the armed forces located in the United States, the Secretary concerned may transport the remains, or pay the cost of transporting the remains, of the decedent to the place of burial of the decedent.

10 USC 1071 *et seq.*

“(b)(1) Transportation provided under this section may not be to a place outside the United States or to a place further from the place of death than the decedent’s last place of permanent residence, and any amount paid under this section may not exceed the cost of transportation from the place of death to the decedent’s last place of permanent residence.

10 USC 1481,  
1482; 38 USC 901  
*et seq.*

“(2) Transportation of the remains of a decedent may not be provided under this section if such transportation is authorized by sections 1481 and 1482 of this title or by chapter 23 of title 38.

“(c) In this section, ‘United States’ includes the Commonwealth of Puerto Rico and the territories and possessions of the United States.”.

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

“1490. Transportation of remains of members entitled to retired or retainer pay who die in a military medical facility.”.

10 USC 1490  
note.

(b) Section 1490 of title 10, United States Code, as added by subsection (a), shall apply with respect to the transportation of the remains of persons dying after September 30, 1983.

#### FEE FOR VETERINARY SERVICES

Effective date.  
10 USC 133 note.

SEC. 1033. Effective on October 1, 1984, the Secretary of Defense shall require that a member of the Armed Forces pay a fee of \$10 for each time that a pet of such member is provided veterinary care service by a member of the Armed Forces.

#### EXTENSION OF PILOT DEPARTMENT OF DEFENSE EDUCATIONAL ASSISTANCE LOAN REPAYMENT PROGRAM

SEC. 1034. Section 902(g) of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note), is amended by striking out “October 1, 1983” and inserting in lieu thereof “October 1, 1984”.

### TITLE XI—NATO AND RELATED MATTERS

#### NORTH ATLANTIC DEFENSE COOPERATIVE PROGRAMS

Report to  
Congress

SEC. 1101. In order to fulfill the international obligations incurred by the United States under the North Atlantic Treaty Organization’s Long-Term Defense Program for the rapid reinforcement of Europe, and recognizing that such action is in the national interest of the United States, the Secretary of Defense shall carry out commitments of the United States under the United States-German Wartime Host Nation Support Agreement of April 15, 1982, and under the Prepositioned Materiel Configured in Unit Sets (POMCUS) program by the earliest practicable date. The Secretary of Defense shall include in his annual report to the Congress a statement describing the status of implementation of such agreement and program, including his assessment of whether our allies are bearing their equitable share under such agreement and program and whether the implementation of such agreement and program adversely affects the readiness of the reserve components of the Armed Forces of the United States.

## REPORT ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE

SEC. 1102. (a) In recognition of the increasing military threat faced by the Western World and in view of the growth, relative to the United States, in the economic strength of Japan, Canada, and a number of Western European countries which has occurred since the signing of the North Atlantic Treaty on April 4, 1949, and the Mutual Cooperation and Security treaty between Japan and the United States on January 19, 1960, it is the sense of the Congress that—

22 USC 1928  
note.

63 Stat. 2241.

11 UST 1632.

(1) the burdens of mutual defense now assumed by some of the countries allied with the United States under those agreements are not commensurate with their economic resources;

(2) since May 1978, when each NATO member nation agreed to increase real defense spending annually in the range of 3 percent, most NATO members, except for the United States, have failed to meet the 3 percent real growth commitment consistently and performance toward this goal in 1983 is estimated to be the most deficient, on average, since the goal was established;

(3) since May 1981, when the Government of Japan established its policy to defend the air and sea lines of communication out to 1,000 nautical miles from the coast of Japan, progress to develop the necessary self-defense capabilities to fulfill that pledge has been extremely disappointing;

(4) Japan is the ally of the United States with the greatest potential for improving its self-defense capabilities and should, therefore, rapidly increase its annual defense spending to the levels required to fulfill that pledge and to enable Japan to be capable of an effective conventional self-defense capability by 1990, including the capability to carry out its 1,000-mile defense policy, a development that would be consonant not only with Japan's current prominent position in the family of nations but also with its unique sensibilities on the issues of war and peace, sensibilities that are recognized and respected by the people of the United States; and

(5) the continued unwillingness of such countries to increase their contributions to the common defense to more appropriate levels will endanger the vitality, effectiveness, and cohesiveness of the alliances between those countries and the United States.

(b) It is further the sense of the Congress that the President should seek from each signatory country (other than the United States) of the two treaties referred to in subsection (a) acceptance of international security responsibilities and an agreement to make contributions to the common defense which are commensurate with the economic resources of such country, including, when appropriate, an increase in host nation support.

(c)(1) The Secretary of Defense shall submit to the Congress not later than March 1, 1984, a classified report containing—

Classified report  
to Congress.

(A) a comparison of the fair and equitable shares of the mutual defense burdens of these alliances that should be borne by the United States, by other member nations of the North Atlantic Treaty Organization (NATO), and by Japan, based upon economic strength and other relevant factors, and the actual defense efforts of each nation together with an explanation of disparities that currently exist and their impact on mutual defense efforts;

(B) a description of efforts by the United States and of other efforts to eliminate existing disparities;

(C) estimates of the real growth in defense spending in fiscal year 1983 projected for each NATO member nation compared with the annual real growth goal in the range of 3 percent set in May 1978;

(D) a description of the defense-related initiatives undertaken by each NATO member nation within the real growth in defense spending of such nation in fiscal year 1984;

(E) an explanation of those instances in which the commitments to real growth in defense spending have not been realized and a description of efforts being made by the United States to ensure fulfillment of these important NATO commitments;

(F) a description of the activities of each NATO member and Japan to enhance the security and stability of the Southwest Asia region and to assume additional missions for their own defense as the United States allocates additional resources to the mission of protecting Western interests in world areas not covered by the system of Western Alliances; and

(G) a description of what additional actions the executive branch plans to take should the efforts by the United States referred to in clauses (B) and (E) fail, and, in those instances where such additional actions do not include consideration of the repositioning of American troops, a detailed explanation as to why such repositioning is not being so considered.

Report to  
Congress.

(2) The Secretary of Defense shall also submit to the Congress not more than 30 days after the submission of the report required under paragraph (1) an unclassified report containing the matters set forth in clauses (A) through (G) of such paragraph.

#### LIMITATION ON NUMBER OF MILITARY PERSONNEL STATIONED IN EUROPE

Funding  
restriction.

SEC. 1103. (a) Except as provided in subsections (b) and (c), none of the funds authorized to be appropriated by this or any other Act may be used for the purpose of supporting an end-strength level, as of September 30, 1984, of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization (NATO) at any level in excess of 315,600.

(b) A number of United States military personnel in excess of 315,600, but not in excess of 320,000, may be permanently assigned to duty ashore in such European nations as of September 30, 1984, if—

Written  
certifications to  
Congress.

(1) the Secretary of Defense determines and certifies to the Congress in writing that on September 30, 1984, the total number of military personnel of NATO member nations, other than the United States, stationed in the Federal Republic of Germany will not be less than the total number of military personnel of such member nations stationed in that country on the date of the enactment of this Act;

(2) the Secretary of Defense certifies to the Congress in writing on or after June 1, 1984, that the budget for the Department of Defense for fiscal year 1985 and the Five-Year Defense Plan of the Department of Defense for fiscal years 1985 through 1989 give significant priority to programs directly intended to im-

prove NATO's conventional capabilities, particularly its capability for deep interdiction;

(3) the Department of Defense has conducted a thorough and detailed analysis of the United States force and support structure in Europe which the Secretary of Defense submits to Congress on or after June 1, 1984, with his certification in writing that a number of United States military personnel in excess of 315,600 is required to meet the United States commitment to NATO; and

(4) the studies required by sections 1104 through 1107 have been conducted and the reports and recommendations resulting from such studies have been submitted to the Congress.

Submittal to Congress.

(c) A number of United States military personnel in excess of 315,600 or in excess of 320,000 may be assigned to permanent duty ashore in European member nations of NATO as of September 30, 1984, without the conditions specified in subsection (b) having been met if the President (1) determines and certifies to the Congress in writing that overriding national security interests require a number of such personnel to be assigned to permanent duty ashore in such nations in excess of 315,600 or 320,000, as the case may be, and (2) includes in the certification the total number of such personnel required and an explanation of the overriding national security interests that require such number of personnel.

(d) In computing the limitation specified in subsections (a) and (b), there may be excluded not more than 2,600 military personnel assigned to the Ground Launched Cruise Missile program and the Pershing II Missile program.

#### REPORT ON IMPROVEMENT OF CONVENTIONAL FORCES OF NATO

SEC. 1104. (a) At the same time the President submits the budget for fiscal year 1985 pursuant to section 1105 of title 31, United States Code, but not later than May 1, 1984, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a comprehensive report and plan for improving conventional defense capabilities of the North Atlantic Treaty Organization (NATO). The Secretary shall include in such report—

Submittal to congressional committees.

(1) his recommendations on how NATO's strategy and military program could and should be changed to improve substantially the chances of a successful conventional defense of Europe;

(2) a statement and explanation of what the aggregate NATO conventional defense requirements are;

(3) a current assessment and statement of the status of the Air-Land Battle concept within the Department of Defense and NATO;

(4) an explanation of how and to what extent the various doctrines of NATO military forces are coordinated, and how variations in doctrine can be rectified or exploited to NATO's advantage;

(5) his judgment on the most effective means by which NATO military forces can be operationally integrated to implement the Air-Land Battle concept;

(6) the United States programs which are necessary to support improved NATO conventional capabilities, the changes which are needed, and what the fiscal year 1985 budget and

Five-Year Defense Plan of the Department of Defense for fiscal years 1985 through 1989 provide for with respect to NATO conventional capabilities;

(7) the United States conventional programs and weapons that are provided for in the fiscal year 1985 budget and Five-Year Defense Plan of the Department of Defense for fiscal years 1985 through 1989 to enhance the disruption and destruction of Soviet follow-on echelons as well as fixed-site military targets;

(8) the new weapons or systems which are available for such purpose that are not in the current budget or Five-Year Defense Plan of the Department of Defense;

(9) a determination of what are the achievable NATO-wide improvements in conventional defense capability; and

(10) a separate addendum and assessment by the Supreme Allied Commander, Europe, on measures necessary to improve NATO conventional defense capabilities, including a recommended plan for such measures.

Report to  
Congress.

(b) The President shall submit to the Congress not later than June 1, 1984, his recommendations and plan for improving NATO conventional defense capabilities.

#### REPORT ON THE NUCLEAR POSTURE OF NATO

Study.

SEC. 1105. (a) The Secretary of Defense shall conduct a study on the tactical nuclear posture of the North Atlantic Treaty Organization (NATO) and submit a report on the results of such study to the Committees on Armed Services of the Senate and the House of Representatives not later than May 1, 1984. Such study shall include—

(1) a detailed assessment of the current tactical nuclear balance in Europe and that projected for 1990;

(2) an assessment of the current, respective operational doctrines for the use of tactical nuclear weapons in Europe of the Warsaw Pact and NATO;

(3) an explanation of how the threat of the use of such weapons relates to deterrence and to conventional defense;

(4) an identification of the number and types of nuclear warheads, if any, considered to be inessential to the defense structure of Western Europe, the quantity and type of such weapons that could be eliminated from Europe under appropriate circumstances without jeopardizing the security of NATO nations and an assessment of what such circumstances might be;

(5) an explanation of the steps that can be taken to develop a rational and coordinated nuclear posture by NATO in a manner that is consistent with proper emphasis on conventional defense forces; and

(6) an identification of any notable, relevant developments that have occurred since the submission to the Congress in April 1975 of the report entitled "The Theater Nuclear Force Posture in Europe", prepared by the Secretary of Defense pursuant to section 302 of the Department of Defense Appropriation Authorization Act, 1975 (Public Law 93-365), which might cause the findings and conclusions of that report to require revision and such revisions in such report as the Secretary considers appropriate.

88 Stat. 401.

(b) The President shall submit a written report to the Congress on or before June 1, 1984, containing his views on the Department of Defense study and report required under subsection (a) together with such recommendations with respect to such study and report as he considers appropriate.

Report to  
Congress.

**REPORT ON COMBAT-TO-SUPPORT RATIO OF UNITED STATES FORCES IN  
EUROPE IN SUPPORT OF NATO**

SEC. 1106. (a) The Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and House of Representatives not later than May 1, 1984, on the combat, combat support, combat service support, and noncombat components of the Armed Forces of the United States assigned to permanent duty in Europe in support of the North Atlantic Treaty Organization (NATO). The Secretary shall include in such report—

Submittal to  
congressional  
committees.

(1) an analysis of the historical (since 1974), current, and projected combat, combat support, combat service support, and noncombat components of the Armed Forces of the United States assigned to permanent duty in Europe in support of NATO and their relationship to each other;

(2) a review of the requirements for such combat, combat support, combat service support, and noncombat components; and

(3) his assessment of the current balance among units of United States combat components, combat support components, and combat service support components forward deployed in Europe and his recommendations for any changes needed to improve that balance in the future.

(b) For the purposes of the report required by subsection (a)—

(1) the combat component of the Army includes only the infantry, cavalry, artillery, armored, combat engineers, special forces, attack assault helicopter units, air defense, and missile combat units of battalion or smaller size;

(2) the combat component of the Navy includes only the combatant ships (aircraft carrier, battleship, cruiser, destroyer, frigate, submarine, and amphibious assault ships) and combat aircraft wings (fighter, attack, reconnaissance, and patrol); and

(3) the combat component of the Air Force includes only the tactical fighter, reconnaissance, tactical airlift, fighter interceptor, and bomber units of wing or smaller size.

**REPORT ON UNITED STATES EXPENDITURES IN SUPPORT OF NATO**

SEC. 1107. (a) The Secretary of Defense shall review and analyze the fiscal year 1983 expenditures of the Department of Defense in fulfilling the United States commitment to the North Atlantic Treaty Organization (NATO) and the expenditures projected for such purpose for each of the fiscal years 1984 through 1989.

(b)(1) The Secretary of Defense shall submit a detailed written report to the Congress not later than June 1, 1984, on the review and analysis required under subsection (a). The Secretary shall set out in such report, in current and constant fiscal year 1983 dollar figures, the expenditures made in fiscal year 1983 and expenditures projected to be made in fiscal years 1984 through 1989 by the United States in fulfilling its commitment to NATO in each of the following categories:

Submittal to  
Congress.



- (A) Procurement.
- (B) Operations and maintenance.
- (C) Military construction.
- (D) Military personnel.
- (E) Research, development, test, and evaluation.

(2) The Secretary of Defense shall also include in such report a separate breakout of the fiscal year 1983 Department of Defense expenditures in each of the categories specified in paragraph (1) for the Armed Forces of the United States assigned to permanent duty ashore in the European member nations of NATO and the expenditures projected to be incurred by the Department of Defense in each of those categories in each of the fiscal years 1984 through 1989 for personnel of the Armed Forces of the United States planned to be assigned to permanent duty ashore in such nations during each of those fiscal years. The Secretary of Defense shall also include in such report similar separate breakouts for all classes of United States forces reflected in the data submitted to the Committee on Armed Services of the Senate and printed in part 1, pages 61-68, of that Committee's hearings on Department of Defense Authorization For Appropriations For Fiscal Year 1982.

(3) The Secretary of Defense shall also include in such report the estimated percentage growth in each of the five categories specified in paragraph (1) of subsection (b), after allowing for inflation, from one year to the next for the fiscal years 1983 through 1989. In the case of each category of expenditures for which the annual projected rate of expenditure growth after fiscal year 1983 exceeds 3 percent, after allowing for inflation, over the previous fiscal year, the Secretary shall include his assessment of the impact on NATO of limiting the growth of expenditures in that category to 3 percent real growth.

## TITLE XII—GENERAL PROVISIONS

### PART A—FINANCIAL MATTERS

#### TRANSFER AUTHORITY

SEC. 1201. (a)(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 Act between any such authorizations (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) The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for higher priority items 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) The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

(d) Transfers between paragraphs of a subsection of section 301 may be made without regard to the requirements of this section.

Notification of  
Congress.

*Ante*, p. 625.

## LONG-TERM LEASE OR CHAPTER OF AIRCRAFT AND VESSELS

SEC. 1202. (a)(1) Chapter 141 of title 10, United States Code, is amended by adding at the end thereof the following new section:

**“§ 2401. Requirement for authorization by law of certain contracts relating to vessels and aircraft**

10 USC 2401.

“(a)(1) The Secretary of a military department may make a contract for the lease of a vessel or aircraft or for the provision of a service through use by a contractor of a vessel or aircraft only as provided in subsection (b) if—

“(A) the contract will be a long-term lease or charter; or

“(B) the terms of the contract provide for a substantial termination liability on the part of the United States.

“(2) The Secretary of a military department may make a contract that is an agreement to lease or charter or an agreement to provide services and that is (or will be) accompanied by a contract for the actual lease, charter, or provision of services only as provided in subsection (b) if the contract for the actual lease, charter, or provision of services is (or will be) a contract described in paragraph (1).

“(b)(1) The Secretary may make a contract described in subsection (a)(1) if—

“(A) the Secretary has been specifically authorized by law to make the contract;

“(B) before a solicitation for proposals for the contract was issued the Secretary notified the Committees on Armed Services and on Appropriations of the Senate and House of Representatives of the Secretary's intention to issue such a solicitation; and

Notification of congressional committees.

“(C) the Secretary has notified the Committees on Armed Services and on Appropriations of the Senate and House of Representatives of the proposed contract and provided a detailed description of the terms of the proposed contract and a justification for entering into the proposed contract rather than providing for the lease, charter, or services involved through purchase of the vessel or aircraft to be used under the contract, and a period of 30 days of continuous session of Congress has expired following the date on which notice was received by such committees.

“(2) For purposes of paragraph (1)(C), 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 three days to a day certain are excluded in a computation of such 30-day period.

Congressional adjournment.

“(c) Funds may not be appropriated for any fiscal year to or for any armed force or obligated or expended for—

Funding restrictions.

“(1) the long-term lease or charter of any aircraft or naval vessel; or

“(2) for the lease or charter of any aircraft or naval vessel the terms of which provide for a substantial termination liability on the part of the United States, unless funds for that purpose have been specifically authorized by law.

“(d)(1)(A) In this section, the term ‘long-term lease or charter’ (except as provided in subparagraph (B)) means a lease, charter, service contract, or conditional sale agreement—

“Long-term lease or charter.”

“(i) the term of which is for a period of five years or longer or more than one-half the useful life of the vessel or aircraft; or

“(ii) the initial term of which is for a period of less than five years but which contains an option to renew or extend the agreement for a period which, when added to the initial term (or any previous renewal or extension), is five years or longer. Such term includes the extension or renewal of a lease or charter agreement if the term of the extension or renewal thereof is for a period of five years or longer or if the term of the lease or charter agreement being extended or renewed was for a period of five years or longer.

26 USC 168.

“(B) In the case of an agreement under which the lessor first places the property in service under the agreement or the property has been in service for less than one year and there is allowable to the lessor or charterer an investment tax credit or depreciation for the property leased, chartered, or otherwise provided under the agreement under section 168 of the Internal Revenue Code of 1954 (unless the lessor or charterer has elected depreciation on a straight-line method for such property), the term ‘long-term lease or charter’ means a lease, charter, service contract, or conditional sale agreement—

“(i) the term of which is for a period of three years or longer; or

“(ii) the initial term of which is for a period of less than three years but which contains an option to renew or extend the agreement for a period which, when added to the initial term (or any previous renewal or extension), is three years or longer. Such term includes the extension or renewal of a lease or charter agreement if the term of the extension or renewal thereof is for a period of three years or longer or if the term of the lease or charter agreement being extended or renewed was for a period of three years or longer.

Termination liability.

“(2) For the purposes of this section, the United States shall be considered to have a substantial termination liability under a contract—

“(A) if there is an agreement by the United States under the contract to pay an amount not less than the amount equal to 25 percent of the value of the vessel or aircraft under lease or charter, calculated on the basis of the present value of the termination liability of the United States under such charter or lease (as determined under regulations prescribed by the Secretary of Defense); or

“(B) if (as determined under regulations prescribed by the Secretary of Defense) the sum of—

“(i) the present value of the amount of the termination liability of the United States under the contract as of the end of the term of the contract (exclusive of any option to extend the contract); and

“(ii) the present value of the total of the payments to be made by the United States under the contract (excluding any option to extend the contract) attributable to capital-hire,

is more than one-half the price of the vessel or aircraft involved.

Request submittal to Congress.

“(e)(1) Whenever a request is submitted to Congress for the authorization of the long-term lease or charter of aircraft or naval vessels or for the authorization of a lease or charter of aircraft or naval vessels which provides for a substantial termination liability on the part of the United States, the Secretary of Defense shall submit with that request an analysis of the cost to the United States

(including lost tax revenues) of any such lease or charter arrangement compared with the cost to the United States of direct procurement of the aircraft or naval vessels by the United States.

“(2) Any such analysis shall be reviewed and evaluated by the Director of the Office of Management and Budget and the Secretary of the Treasury within 30 days after the date on which the request and analysis are submitted to Congress. The Director and Secretary shall conduct such review and evaluation on the basis of the guidelines issued pursuant to subsection (f) and shall report to Congress in writing on the results of their review and evaluation at the earliest practicable date, but in no event more than 45 days after the date on which the request and analysis are submitted to the Congress.

Analysis, review and evaluation.

Report to Congress.

“(3) Whenever a request is submitted to Congress for the authorization of funds for the Department of Defense for the long-term lease or charter of aircraft or naval vessels authorized under this section, the Secretary of Defense—

Request submittal to Congress.

“(A) shall indicate in the request what portion of the requested funds is attributable to capital-hire; and

“(B) shall reflect such portion in the appropriate procurement account in the request.

“(f) The Director of the Office of Management and Budget and the Secretary of the Treasury shall jointly issue guidelines for determining under what circumstances the Department of Defense may use lease or charter arrangements for aircraft and naval vessels rather than directly procuring such aircraft and vessels. Such guidelines shall be issued not later than 90 days after the date of enactment of this section.”

Guidelines.

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

“2401. Requirement for authorization by law of certain contracts relating to vessels and aircraft.”

(3) Section 2401 of title 10, United States Code, as added by paragraph (1), shall not apply in the case of any lease or charter agreement entered into by the Department of Defense before December 1, 1983.

10 USC 2401 note.

(b) Funds appropriated pursuant to an authorization contained in this Act may not be used to indemnify any person under the terms of a contract entered into with the United States under section 2401 of title 10, United States Code (as added by subsection (a))—

10 USC 2401 note.

(1) for any amount paid or due by any person to the United States for any liability arising under the Internal Revenue Code of 1954; or

26 USC 1 *et seq.*

(2) to pay any attorneys' fees in connection with such contract.

(c)(1) At the same time that the President submits the budget request for the Department of Defense to Congress for fiscal year 1985, the Secretary of Defense shall submit a written report to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives concerning leases or charters described in paragraph (2).

Submittal to congressional committees.

(2) Such report shall include a list of all leases, charters, service contracts, or conditional sales, the term of which is for a period of 1 year or longer, for major items of defense equipment (including aircraft and naval vessels) which are to be funded either directly or indirectly by any portion of the funds contained in such budget

Funding  
restriction.  
10 USC 2401  
note.

request. Such report shall also include an estimate of the funding level and the source of funding for each such lease, charter, service contract, or conditional sale.

(d) Funds available to the Department of Defense may not be used to enter into any contract during fiscal year 1984 under section 2401 of title 10, United States Code, as added by subsection (a), the term of which is for 3 years or more, inclusive of any option for contract extension or renewal, for any vessels, aircraft, or vehicles, through a lease, charter, or similar agreement, that imposes an estimated termination liability (excluding the estimated value of the leased item at the time of termination) on the United States exceeding 50 percent of the original purchase value of the vessel, aircraft, or vehicle involved for which the Congress has not specifically provided budget authority for the obligation of 10 percent of such termination liability.

(e) Nothing in this section shall impede or affect the ability of the Secretary of the Navy to proceed to acquire the use of thirteen T-AKX class Maritime Prepositioning Ships and the use of five new T-5 class tankers in accordance with the long-term charter arrangements negotiated by the Navy before the date of the enactment of this Act.

#### INDEPENDENT COST ESTIMATES OF MAJOR DEFENSE ACQUISITION PROGRAMS

SEC. 1203. (a)(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 139b the following new section:

10 USC 139c.

**“§ 139c. Major defense acquisition programs: independent cost estimates.**

“(a) The Secretary of Defense may not approve the full-scale engineering development or the production and deployment of a major defense acquisition program unless an independent estimate of the cost of the program first has been submitted to (and considered by) the Secretary of Defense.

“(b) In this section:

10 USC 139a.  
“Independent  
estimate.”

“(1) ‘Major defense acquisition program’ has the same meaning as provided in section 139a(a)(1) of this title.

“(2) ‘Independent estimate’ means, with respect to a major defense acquisition program, an estimate of the cost of such program prepared by an office or other entity that is not under the supervision, direction, or control of the military department, defense agency, or other component of the Department of Defense that is directly responsible for carrying out the development or acquisition of the program.

“Cost of the  
program.”

“(3) ‘Cost of the program’ means, with respect to a major defense acquisition program, all elements of the life-cycle costs of the program, including—

“(A) the cost of all research and development efforts, without regard to the funding source or management control;

“(B) the cost of the prime hardware and its major subcomponents, support costs (including training, peculiar support, and data), initial spares, military construction costs, and the cost of all related procurements (including, where applicable, modifications to existing aircraft or ship platforms),

without regard to the funding source or management control of the program; and

“(C) all elements of operating and support costs.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 139b the following new item:

“139c. Major defense acquisition programs: independent cost estimates.”.

(b) Section 139c of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1983.

Effective date.  
10 USC 139c  
note.  
Report to  
congressional  
committees.  
10 USC 139c  
note.

(c) Not later than May 1, 1984, the Secretary of Defense shall submit a written report to the Committees on Armed Services of the Senate and House of Representatives on the use of independent cost estimates in the planning, programing, budgeting, and selection process for major defense acquisition programs in the Department of Defense. That report shall include an overall assessment of the extent to which such estimates were adopted by the Department in making decisions on the fiscal year 1985 budget and a general explanation of why such estimates might have been modified or rejected. In addition, the Secretary shall include in that report a discussion of current and future initiatives to make greater or more productive use of independent cost estimates in the Department of Defense.

(d) It is the sense of the Congress that the Secretary of Defense should ensure that adequate personnel and financial resources are allocated at all levels of the Department of Defense to those organizations or offices charged with developing or assessing independent estimates of the costs of major defense acquisition programs.

10 USC 139c  
note.

#### REQUIREMENT OF AUTHORIZATION OF APPROPRIATIONS FOR WORKING-CAPITAL FUNDS

SEC. 1204. (a) The second sentence of section 2208(d) of title 10, United States Code, is amended to read as follows: “In addition, such amounts may be appropriated for the purpose of providing capital for working-capital funds as have been specifically authorized by law.”.

(b) The amendment made by subsection (a) shall apply only with respect to appropriations for fiscal years beginning after September 30, 1984.

Effective date.  
10 USC 2208  
note.

#### ONE-YEAR EXTENSION OF TEST PROGRAM TO AUTHORIZE PRICE DIFFERENTIALS TO RELIEVE ECONOMIC DISLOCATIONS

SEC. 1205. (a) Subsection (a) of section 1109 of the Department of Defense Authorization Act, 1983 (10 U.S.C. 2392 note), is amended by striking out “fiscal year 1983” each place it appears and inserting in lieu thereof “fiscal years 1983 and 1984”.

(b) Subsection (b) of such section is amended by inserting “and April 15, 1984,” after “1983” in the first sentence.

10 USC 2392  
note.

#### AUTHORIZATION OF FUNDS FOR UPGRADING THE INTERNATIONAL COORDINATING COMMITTEE (COCOM) LOGISTICAL SUPPORT

SEC. 1206. The Secretary of Defense may use, out of any funds available to the Department of Defense for fiscal year 1984, an amount not to exceed \$2,000,000 for the purpose of upgrading and improving the logistical support of the International Coordinating

Committee (COCOM) in order to strengthen control over the export of technology and equipment to certain countries by the United States and certain of its allies.

## PART B—DEPARTMENT OF DEFENSE MANAGEMENT MATTERS

### ESTABLISHMENT OF DEFENSE DIRECTOR OF OPERATIONAL TEST AND EVALUATION

SEC. 1211. (a)(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 136 the following new section:

10 USC 136a.

#### **“§136a. Director of Operational Test and Evaluation: appointment; powers and duties**

“(a)(1) There is a Director of Operational Test and Evaluation in the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the office of Director. The Director may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

Definitions.

“(2) In this section:

“(A) ‘Operational test and evaluation’ means—

“(i) the field test, under realistic combat conditions, of any item of (or key component of) weapons, equipment, or munitions for the purpose of determining the effectiveness and suitability of the weapons, equipment, or munitions for use in combat by typical military users; and

“(ii) the evaluation of the results of such test.

10 USC 139a.

“(B) ‘Major defense acquisition program’ means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 139a(a)(1) of this title or that is designated as such a program by the Director for purposes of this section.

“(b) The Director is the principal adviser to the Secretary of Defense on operational test and evaluation in the Department of Defense and the principal operational test and evaluation official within the senior management of the Department of Defense. The Director shall—

“(1) prescribe, by authority of the Secretary of Defense, policies and procedures for the conduct of operational test and evaluation in the Department of Defense;

“(2) provide guidance to and consult with the Secretary of Defense and the Secretaries of the military departments with respect to operational test and evaluation in the Department of Defense in general and with respect to specific operational test and evaluation to be conducted in connection with a major defense acquisition program;

“(3) monitor and review all operational test and evaluation in the Department of Defense;

“(4) coordinate operational testing conducted jointly by more than one military department or defense agency;

“(5) analyze the results of the operational test and evaluation conducted for each major defense acquisition program and, at the conclusion of such operational test and evaluation, report to the Secretary of Defense and to the Committees on Armed

Services and on Appropriations of the Senate and House of Representatives as provided in subsection (c) on—

“(A) whether the test and evaluation performed was adequate; and

“(B) whether the test and evaluation results confirm that the items or components actually tested are effective and suitable for combat; and

“(6) review and make recommendations to the Secretary of Defense on all budgetary and financial matters relating to operational test and evaluation, including operational test facilities and equipment, in the Department of Defense.

“(c) Each report of the Director required under subsection (b)(5) shall be submitted to the committees specified in that subsection in precisely the same form and with precisely the same content as the report originally was submitted to the Secretary and shall be accompanied by such comments as the Secretary of Defense may wish to make on such report.

Report  
submittal.

“(d) The Director reports directly, without intervening review or approval, to the Secretary of Defense. The Director shall consult closely with, but the Director and the Director's staff are independent of, the Under Secretary of Defense for Research and Engineering and all other officers and entities of the Department of Defense responsible for research and development.

“(e)(1) The Secretary of a military department shall report promptly to the Director the results of all operational test and evaluation conducted by the military department and of all studies conducted by the military department in connection with operational test and evaluation in the military department.

“(2) The Director may require that such observers as he designates be present during the preparation for and the conduct of the test part of any operational test and evaluation conducted in the Department of Defense.

“(3) The Director shall have access to all records and data in the Department of Defense (including the records and data of each military department) that the Director considers necessary to review in order to carry out his duties under this section.

Records and data  
accessibility.

“(f)(1) Operational testing of a major defense acquisition program may not be conducted until the Director has approved in writing the adequacy of the plans (including the adequacy of projected levels of funding) for operational test and evaluation to be conducted in connection with that program.

“(2) A final decision within the Department of Defense to proceed with a major defense acquisition program beyond low-rate initial production may not be made until the Director has submitted to the Secretary of Defense the report with respect to that program required by subsection (b)(5) and the Committees on Armed Services and on Appropriations of the Senate and House of Representatives have received that report.

“(g)(1) The Director shall prepare an annual report summarizing the operational test and evaluation activities of the Department of Defense during the preceding fiscal year. Each such report shall be submitted concurrently to the Secretary of Defense and the Congress not later than January 15 immediately following the end of the fiscal year for which the report is prepared. The report shall include such comments and recommendations as the Director considers appropriate, including comments and recommendations on resources and facilities available for operational test and evaluation

Report  
submittal.



Comments.

and levels of funding made available for operational test and evaluation activities. The Secretary may comment on any report of the Director to Congress under this paragraph.

“(2) The Director shall comply with requests from Congress (or any committee of either House of Congress) for information relating to operational test and evaluation in the Department of Defense.

“(h) The President shall include in the Budget transmitted to Congress pursuant to section 1105 of title 31 for each fiscal year a separate statement of estimated expenditures and proposed appropriations for that fiscal year for the activities of the Director of Operational Test and Evaluation in carrying out the duties and responsibilities of the Director under this section.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 136 the following new item:

“136a. Director of Operational Test and Evaluation: appointment; powers and duties.”

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new item:

“Director of Operational Test and Evaluation, Department of Defense.”

(c) The amendments made by this section shall take effect on November 1, 1983.

Effective date.  
10 USC 136a  
note.

#### ASSISTANT SECRETARIES IN THE DEPARTMENT OF DEFENSE

SEC. 1212. (a)(1) Subsection (a) of section 136 of title 10, United States Code, is amended by striking out “seven” and inserting in lieu thereof “eleven”.

(2) Subsection (b) of such section is amended—

(A) by inserting “(1)” after “(b)”;

(B) by designating the second sentence of such subsection as paragraph (2);

(C) by designating the fourth sentence of such subsection as paragraph (3) and by striking out “Reserve Affairs” in such sentence and inserting in lieu thereof “Logistics”;

(D) by striking out “reserve component” in the fifth sentence of such subsection and inserting in lieu thereof “logistics”;

(E) by inserting after paragraph (3) of such subsection (as designated by clause (C)) the following paragraphs:

“(4) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Reserve Affairs. He shall have as his principal duty the overall supervision of reserve component affairs of the Department of Defense.

“(5) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence. He shall have as his principal duty the overall supervision of command, control, communications, and intelligence affairs of the Department of Defense.”; and

(F) by designating the sentence beginning “In addition” as paragraph (6) and in such sentence—

(i) striking out “In addition, one” and inserting in lieu thereof “One”;

(ii) redesignating clauses (1) through (5) as clauses (A) through (E), respectively;

(iii) redesignating subclauses (A) through (D) of subclauses (i) through (iv), respectively; and

(iv) striking out “clauses (1)–(4)” and inserting in lieu thereof “clauses (A) through (D)”.

(3) Subsection (f) of such section is repealed.

(b) Section 175(c) of title 10, United States Code, is amended by striking out “Manpower and”.

(c)(1) The first sentence of section 3013 of title 10, United States Code, is amended by striking out “four” and inserting in lieu thereof “five”.

(2) The first sentence of section 5034(a) of such title is amended by striking out “three” and inserting in lieu thereof “four”. 10 USC 5034.

(d) Section 5315 of title 5, United States Code, is amended—

(1) by striking out “(7)” after “Assistant Secretaries of Defense” and inserting in lieu thereof “(11)”;

(2) by striking out “(4)” after “Assistant Secretaries of the Army” and inserting in lieu thereof “(5)”;

(3) by striking out “(3)” after “Assistant Secretaries of the Navy” and inserting in lieu thereof “(4)”.

(e) The amendments made by this section shall take effect on October 1, 1983. Effective date.  
10 USC 136 note.

#### COMMANDANT OF THE MARINE CORPS TO BE A MEMBER OF THE ARMED FORCES POLICY COUNCIL

SEC. 1213. Section 171(a) of title 10, United States Code, is amended—

(1) by striking out “and” at the end of clause (9);

(2) by striking out the period at the end of clause (10) and inserting in lieu thereof a semicolon and “and”; and

(3) by adding after clause (10) the following new clause: “(11) the Commandant of the Marine Corps.”.

#### 5 PERCENT ACROSS-THE-BOARD REDUCTION IN HEADQUARTERS STAFFS

SEC. 1214. (a) Not later than September 30, 1984, the Secretary of Defense shall reduce the total number of military and civilian personnel assigned to duty in the Office of the Secretary of Defense, the agencies of the Department of Defense, and the military departments to perform management headquarters activities or management headquarters support activities by a number that is at least 5 percent below the total number of personnel requested by the President for fiscal year 1984 to perform such activities.

(b) Any reduction in military or civilian personnel assigned to perform management headquarters activities or management headquarters support activities in the National Security Agency/Central Security Service, the Defense Intelligence Agency, the Organization of the Joint Chiefs of Staff, or the Naval Intelligence Command may not be included for the purposes of complying with the requirements of subsection (a).

(c) For purposes of this section, the terms “management headquarters activities” and “management headquarters support activities” have the same meanings as prescribed for such terms in Department of Defense Directive 4100.73 entitled “Department of Defense Management Headquarters and Headquarters Support”, dated March 12, 1981.

Definitions.

## REGULATIONS RELATING TO INCREASES IN PRICES FOR SPARE PARTS AND REPLACEMENT EQUIPMENT

10 USC 2452  
note.

SEC. 1215. (a) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue regulations which—

(1) except as provided in clause (2), prohibit the purchase of any spare part or replacement equipment when the price of such part or equipment, since a time in the past specified by the Secretary (in terms of days or months) or since the most recent purchase of such part or equipment by the Department of Defense, has increased in price by a percentage in excess of a percentage threshold specified by the Secretary in such regulations, and

(2) permit the purchase of such spare part or equipment (notwithstanding the prohibition contained in clause (1)) if the contracting officer for such part or equipment certifies in writing to the head of the procuring activity before the purchase is made that—

(A) such officer has evaluated the price of such part or equipment and concluded that the increase in the price of such part or equipment is fair and reasonable, or

(B) the national security interests of the United States require that such part or equipment be purchased despite the increase in price of such part or equipment.

Publication in  
Federal  
Register.  
Submittal to  
congressional  
committees.

(b) The Secretary shall publish the regulations issued under this section in the Federal Register.

(c) Not less than 30 days before the Secretary publishes such regulations in accordance with subsection (b), the Secretary shall submit the text of the proposed regulations to the Committees on Armed Services of the Senate and House of Representatives.

## REPORT ON MANAGEMENT OF SPARE PARTS

Submittal to  
congressional  
committees.  
10 USC 2452  
note.

SEC. 1216. (a) The Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives, by June 1, 1984, a comprehensive report on the management by the Department of Defense of acquisition of initial and replenishment spare parts and on the status of efforts within the Department of Defense (including particularly the Defense Logistics Agency and the military departments) to correct problems associated with increased costs of such parts. The Secretary shall include in such report the following:

(1) An analysis of the extent of overcharging on spare parts and shortages of spare parts.

(2) The status of efforts (if any) to ensure that procurement method codes (PMCs) used to denote the method of procurement for spare parts are accurately and appropriately applied.

(3) With respect to technical data required by a contract to be delivered to the Department of Defense, the status of efforts (if any) to identify and obtain such data that are missing and to identify and correct such data that are inaccurate or incomplete.

(4) The status of efforts to enhance the Department of Defense High-Dollar Spare Parts Breakout Program.

(5) The organizational identity of personnel assigned to the efforts referred to in paragraphs (1) through (4).

(6) A brief summary of any audit, investigation, or study relating to the acquisition or management of spare or replenishment parts conducted by or for any organization within the Department of Defense during the period beginning on the date of the interim report required in subsection (b) and ending on the date of the submission of the report under this subsection, to be accompanied by a copy of all current regulations or proposed defense regulations relating specifically to the acquisition or management of spare or replenishment parts.

(7) An analysis of the feasibility and desirability of establishing a statutory or contractual time limit on the protection from disclosure outside the Department of Defense given technical data delivered by contractors to the Department of Defense with limited rights (as defined in the Defense Acquisition Regulations).

(8) An analysis of the feasibility and desirability of withholding Department of Defense contracts from contractors who have obtained unreasonable profits on defense contracts or have sold items to the Department of Defense at unjustifiable prices, until any such excess amounts have been repaid.

(b) Not later than December 1, 1983, the Secretary shall submit to the committees named in subsection (a) an interim report stating briefly the actions being taken by the Department of Defense to improve the acquisition and management of spare parts by the Department. Such interim report shall include the identity of any working groups and a description of any studies being done.

Interim report  
submittal to  
congressional  
committees.

(c) The Secretary of Defense shall put into effect at the earliest practicable date policies and procedures to achieve a long-term solution to problems relating to excessive costs of, and long lead times in the acquisition of, initial and replenishment spare parts. In formulating such policies and procedures, the Secretary shall consider the following recommendations:

(1) Parts should be acquired competitively whenever feasible and practicable.

(2) Parts should be acquired through Federal Supply Schedules and the Department of Defense supply system.

(3) Parts should be acquired in economic order quantities and on a multiyear basis whenever feasible and practicable.

(4) On all major system acquisitions, contractors should be required to identify in their contract proposals the cost to the Government of acquiring unlimited rights in technical data and the extent to which the contractor uses standard commercial products in order to allow the Government to assess the desirability of acquiring those unlimited rights and to enable the Government to assess properly the total lifecycle cost of the system.

(5) Contractors should be required to identify the manufacturer of a part and the manufacturer's part number.

(6) Consideration should be given early in the acquisition process to determinations of whether acquisition of unlimited rights in technical data is desirable, taking into consideration that the cost of acquiring procurement data may in some instances outweigh the benefits to be derived from such acquisition.

(7) When unlimited data rights in technical data are acquired from a contractor, the contractor should be required to provide to

the Government data necessary to incorporate changes in design or technology.

(8) Before ordering any spare part, the contracting officer should review the acquisition history of that part.

**AUTHORITY TO WITHHOLD FROM PUBLIC DISCLOSURE CERTAIN  
TECHNICAL DATA**

SEC. 1217. (a) Chapter 4 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 140c.

**“§ 140c. Secretary of Defense: authority to withhold from public disclosure certain technical data**

“(a) Notwithstanding any other provision of law, the Secretary of Defense may withhold from public disclosure any technical data with military or space application in the possession of, or under the control of, the Department of Defense, if such data may not be exported lawfully outside the United States without an approval, authorization, or license under the Export Administration Act of 1979 (50 U.S.C. App. 2401-2420) or the Arms Export Control Act (22 U.S.C. 2751 et seq.). However, technical data may not be withheld under this section if regulations promulgated under either such Act authorize the export of such data pursuant to a general, unrestricted license or exemption in such regulations.

Regulations.

Publication in  
Federal  
Register.

“(b)(1) Within 90 days after enactment of this section, the Secretary of Defense shall propose regulations to implement this section. Such regulations shall be published in the Federal Register for a period of no less than 30 days for public comment before promulgation. Such regulations shall address, where appropriate, releases of technical data to allies of the United States and to qualified United States contractors, including United States contractors that are small business concerns, for use in performing United States Government contracts.

“Technical data  
with military or  
space appli-  
cation.”

“(2) In this section, ‘technical data with military or space application’ means any blueprints, drawings, plans, instructions, computer software and documentation, or other technical information that can be used, or be adapted for use, to design, engineer, produce, manufacture, operate, repair, overhaul, or reproduce any military or space equipment or technology concerning such equipment.”.

(b) The table of sections at the beginning of chapter 4 of such title is amended by adding at the end thereof the following new item:

“140c. Secretary of Defense: authority to withhold from public disclosure certain technical data.”.

**USE OF POLYGRAPHS BY THE DEPARTMENT OF DEFENSE**

SEC. 1218. (a) The Secretary of Defense may not, before April 15, 1984, use, enforce, issue, implement, or otherwise rely on any rule, regulation, directive, policy, decision, or order that would permit the use of polygraph examinations in the case of civilian employees of the Department of Defense or members of the Armed Forces in any manner or to any extent greater than was permitted under rules, regulations, directives, policies, decisions, or orders of the Department of Defense in effect on August 5, 1982.

(b) The restrictions prescribed in subsection (a) with respect to the use of polygraph examinations in the Department of Defense shall

not apply to the National Security Agency of the Department of Defense.

**AUTHORITY TO PROVIDE ROUTINE PORT SERVICES TO NAVAL VESSELS OF ALLIED COUNTRIES AT NO COST**

SEC. 1219. (a) Section 7227(b) of title 10, United States Code, is amended—

(1) by inserting “(1)” after “(b)”; and

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

“(2)(A) When furnishing routine port services under this section to naval vessels of an allied country, the Secretary may furnish such services without reimbursement if such services are provided under an agreement that provides for the reciprocal furnishing by such country of routine port services to naval vessels of the United States without reimbursement. If routine port services are furnished under this section by a working-capital fund activity of the Navy established under section 2208 of this title and such activity is not reimbursed directly for the costs incurred by the activity in furnishing those services by reason of this paragraph, the working-capital fund activity shall be reimbursed for such costs out of operating funds currently available to the Navy.

10 USC 2208.

“(B) In this paragraph, ‘allied country’ means any of the following:

“Allied country.”

“(i) A country that is a member of the North Atlantic Treaty Organization.

“(ii) Australia or New Zealand.

“(iii) Any other country designated as an allied country for the purposes of this paragraph by the Secretary of Defense with the concurrence of the Secretary of State.”

(b) The amendments made by subsection (a) shall take effect on October 1, 1983.

Effective date.  
10 USC 7227  
note.

**RECIPROCAL COMMUNICATIONS SUPPORT**

SEC. 1220. (a) During fiscal year 1984, the Secretary of Defense, subject to the concurrence of the Secretary of State, may enter into an agreement with the Government of any allied country under which the United States agrees to provide communications support and related supplies and services to such country in return for the reciprocal provision to the United States of an equivalent value of communications support and related supplies and services by such country.

(b) In this section, “allied country” means any of the following:

“Allied country.”

(1) A country that is a member of the North Atlantic Treaty Organization.

(2) Australia or New Zealand.

**TWO-YEAR EXTENSION OF PROHIBITION ON CONTRACTS FOR THE PERFORMANCE OF FIREFIGHTING AND SECURITY FUNCTIONS**

SEC. 1221. (a) Except as provided in subsection (b), funds appropriated to the Department of Defense may not be obligated or expended before October 1, 1985, for the purpose of entering into a contract for the performance of firefighting or security-guard functions at any military installation or facility.

(b) The prohibition in subsection (a) does not apply—

(1) to a contract to be carried out at a location outside the United States (including its commonwealths, territories, and possessions) at which military personnel would have to be used for the performance of the function described in subsection (a) at the expense of unit readiness;

(2) to a contract to be carried out on a Government-owned but privately operated installation; or

(3) to a contract (or the renewal of a contract) for the performance of a function under contract on the date of the enactment of this Act.

Report to  
Congress.

(c) Not later than March 1, 1984, the Secretary of Defense shall submit to Congress a written report containing an assessment of the special needs of the Department of Defense with respect to firefighting and base security and an assessment of how those needs are met by both Federal employees and contract personnel. The report shall be prepared in consultation with the Administrator of the United States Fire Administration of the Federal Emergency Management Agency.

#### REPORT ON COST SAVINGS UNDER CONTRACTING OUT PROCEDURES

Submittal to  
Congress.

SEC. 1222. (a) Not later than April 15, 1984, the Secretary of Defense shall submit a report to Congress describing the experience of the Department of Defense since January 1, 1981, with conversion to contractor operation of commercial or industrial type functions of the Department of Defense which previously had been performed by Department of Defense civilian or military personnel.

(b)(1) The report under subsection (a) shall include with respect to each function of the Department of Defense converted to contractor operation since January 1, 1981—

(A) the estimated cost (as of the date of the award of the contract) of performance of the function by the Government;

(B) the contractor's estimated cost of performance of the function in the bid of the contractor;

(C) the actual cost (as of the end of the contract or the date of the report) of contractor operation of such function; and

(D) the savings (shown in dollars and as a percentage) for the operation of such function since conversion to contractor performance.

(2) The report shall also show—

(A) the average savings (shown in dollars and as a percentage) of all functions converted to contractor performance since January 1, 1981, as projected at the time of contracting and as realized at the end of the contract or the date of the report;

(B) the dollar amount and percentage of such contracts awarded to small businesses; and

(C) the number of Federal employees whose employment by the Government was terminated as a result of conversion of such functions to contractor performance.

#### EXTENSION OF PERIOD FOR TRANSFER OF DEFENSE DEPENDENTS' EDUCATION SYSTEM TO DEPARTMENT OF EDUCATION

SEC. 1223. Section 302(a) of the Department of Education Organization Act (20 U.S.C. 3442(a)) is amended by striking out "not later than May 4, 1984" and inserting in lieu thereof "not earlier than May 4, 1986".

## FORCE STRUCTURE CHANGES, AIR FORCE

SEC. 1224. None of the funds appropriated pursuant to an authorization contained in this or any other Act for operation and maintenance for the Air Force may be obligated or expended to carry out alterations in the planned changes with respect to F-106 and F-15 aircraft announced by the Air Force on January 31, 1983, in its plan for "Tactical and Air Defense Force Structure Changes" to be carried out at K. I. Sawyer Air Force Base, Michigan, until—

Funding  
restriction.

(1) the Secretary of the Air Force has conducted a study of the cost benefit, cost effectiveness, and military effectiveness of those proposed alterations to such plan and has submitted a written report to Congress, in conjunction with the submission of the Department of Defense's budget request for funds for fiscal year 1986 or any subsequent fiscal year, containing the results of such study, including an analysis of—

Report to  
Congress.

(A) the impacts on the regional economy of the area that would be affected by those proposed alterations to such plan and of the nonmilitary costs to the United States, including increases in Federal outlays for unemployment compensation, for other benefits and services to individuals and communities, and for economic adjustment activities; and

(B) the environmental, strategic, and operational consequences of those proposed alterations to such plan; and

(2) a period of 60 days has expired after the date on which such report is received by the Congress in order to provide the appropriate committees of Congress with ample opportunity to consider fully the fiscal, economic, environmental, and military ramifications of those proposed alterations to the plan announced January 31, 1983.

## PART C—PROVISIONS RELATING TO SPECIFIC PROGRAMS

## LIMITATION ON DEPLOYMENT OF MX MISSILE; DEVELOPMENT OF SMALL MOBILE MISSILE

SEC. 1231. (a) The Secretary of Defense may not deploy more than 10 MX missiles until—

(1) demonstration of subsystems and testing of components of the small mobile intercontinental ballistic missile system (including missile guidance and propulsion subsystems) have occurred; and

(2) nuclear effects tests on the components and subsystems of the prototype mobile transporter-launcher basing system and fixed basing system for the small missile have been carried out using full-scale tests, when practicable, and otherwise using scaled tests.

(b) The Secretary of Defense may not deploy more than 40 MX missiles until—

(1) the major elements (including the guidance and control subsystems) of a mobile missile weighing less than 33,000 pounds as a part of an intercontinental ballistic missile system have been flight tested;

(2) the major elements of the prototype small mobile intercontinental ballistic missile system (including the missile, the prototype mobile transporter-launcher basing system and fixed basing system, and the command, control, and communications



system) have been designed and functionally integrated and the system has been validated;

(3) contractors for the full-scale engineering development of such a missile system have been selected and contracts have been awarded to those contractors; and

(4) full-scale engineering development of such a missile system has begun.

Report to  
congressional  
committees.

(c)(1) Not later than January 15 of each year from 1984 through 1988, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) on the progress being made with respect to the development and deployment of the MX missile system;

(B) on the progress being made with respect to the development and testing of a small mobile intercontinental ballistic missile system; and

(C) on developments related to silo-hardening technology.

(2) In each report under paragraph (1), the Secretary shall certify whether the Department of Defense is developing a small mobile intercontinental ballistic missile system with a missile that weighs no more than 33,000 pounds and that is planned to carry no more than a single warhead.

Report to  
Congress.

(d) If at any time during the development of the small mobile intercontinental ballistic missile it appears that the weight of the missile when deployed will exceed 30,000 pounds, the Secretary of Defense shall submit a report to Congress stating the projected weight of the missile and providing an explanation of the reasons for the weight exceeding 30,000 pounds and the anticipated effects that weight could have on the mobility and blast resistance of the missile system.

Written  
assessment.

(e) The President shall submit to the Committees on Armed Services of the Senate and the House of Representatives, coincident with the submission to the Congress of any request made after the date of the enactment of this Act for funds for the procurement of operational MX missiles intended for deployment, a written assessment relating to the requirement for and the anticipated impact of the procurement of such missiles. This assessment shall include the President's judgment with respect to—

(A) the degree to which current and projected international conditions require the procurement of such missiles for operational purposes;

(B) the expected impact the procurement of such missiles will have on the stability of the strategic balance between the United States and the Soviet Union; and

(C) the effect the procurement of such missiles, if approved by the Congress, will likely have on achieving negotiated reductions in the nuclear forces of the United States and the Soviet Union through sound, equitable, and verifiable arms control agreements.

#### SMALL, MOBILE, SINGLE WARHEAD ICBMS

SEC. 1232. It is the sense of the Congress that the design, development, and testing of small, mobile, single warhead intercontinental ballistic missiles (ICBMs) be pursued as a matter of the highest national priority. To achieve this objective, the administration should proceed without delay to engineering design of a small, single

warhead ICBM capable of mobile deployment. Key elements of such a program which should be pursued immediately include missile design, guidance accuracy, hardened mobile transporter design, mobile basing and survivable Communication, Command and Control (C<sup>3</sup>). Program emphasis should be consistent with past top national priorities such as Polaris, Minuteman, and Apollo, and program management structure should also reflect such priority. The Department of Defense should set forth funding and production schedules consistent with the earliest possible Initial Operational Capability (IOC), at or prior to 1992, in its submission to Congress to authorize appropriations for fiscal year 1985.

#### LIMITATION ON PROCUREMENT OF BINARY CHEMICAL WEAPONS

SEC. 1233. (a) Notwithstanding any other provision of law, no funds may be obligated or expended after the date of the enactment of this Act for the production of binary chemical weapons unless the President certifies to the Congress that for each 155-millimeter binary artillery shell or aircraft-delivered binary aerial bomb produced a serviceable unitary artillery shell from the existing arsenal shall be rendered permanently useless for military purposes.

50 USC 1519a.

(b)(1) Funds appropriated pursuant to the authorization of appropriations for the Army in section 101 of this Act may be used for the establishment of a production base for binary chemical munitions and for the procurement of components for 155-millimeter binary chemical artillery projectiles, but such funds may not be used for the actual production of binary chemical munitions before October 1, 1985.

*Ante*, p. 618.

(2) Notwithstanding the provisions of paragraph (1), before the production of binary chemical munitions may begin after September 30, 1985, the President must certify to Congress in writing that, in light of circumstances prevailing at the time the certification is made, the production of such munitions is essential to the national interest.

Written certifications to Congress.

(3) For purposes of this subsection, "production of binary chemical munitions" means the final assembly of weapon components and the filling or loading of components with binary chemicals.

"Production of binary chemical munitions."

#### PROHIBITION AGAINST USING FUNDS APPROPRIATED FOR THE ADVANCED TECHNOLOGY BOMBER PROGRAM FOR ANY OTHER PURPOSE

SEC. 1234. None of the funds appropriated pursuant to an authorization of appropriations in this Act to carry out the Advanced Technology Bomber program may be used for any other purpose.

#### ESTABLISHING CRITERIA GOVERNING THE TEST OF ANTISATELLITE WARHEADS

SEC. 1235. Notwithstanding any other provision of law, none of the funds appropriated pursuant to an authorization contained in this or any other Act may be obligated or expended to test any explosive or inert antisatellite warheads against objects in space unless the President determines and certifies to the Congress—

Funding restriction.  
10 USC 139 note

(1) that the United States is endeavoring, in good faith, to negotiate with the Soviet Union a mutual and verifiable ban on antisatellite weapons; and

(2) that, pending agreement on such a ban, testing of explosive or inert antisatellite warheads against objects in space by the United States is necessary to avert clear and irrevocable harm to the national security.

**REQUIREMENT FOR THE USE OF COMPETITIVE BIDDING PROCEDURES FOR THE LEASE OF CT-39 REPLACEMENT AIRCRAFT**

Funding  
restriction.

SEC. 1236. None of the funds appropriated pursuant to an authorization of appropriations contained in this Act may be used by the Air Force for the lease of any CT-39 replacement aircraft unless competitive bidding procedures are followed in the awarding of the lease for such aircraft and the bidding on the lease is open to all qualified domestic firms. Such bidding procedures shall include consideration of the total costs to the Government of leasing such aircraft, including maintenance, logistics and training costs.

**LIMITATION ON WAIVERS OF COST-RECOVERY REQUIREMENTS UNDER ARMS EXPORT CONTROL ACT**

22 USC 2761.

SEC. 1237. The authority of the President under section 21(e)(2) of the Arms Export Control Act may be exercised without regard to the limitation imposed by section 770 of the Department of Defense Appropriation Act, 1983 (as contained in Public Law 97-377; 96 Stat. 1862).

**WAIVER OF LIMITATION ON FOREIGN MILITARY SALES PROGRAM**

SEC. 1238. The Arms Export Control Act shall be administered as if section 747 of the Department of Defense Appropriation Act, 1983 (as contained in Public Law 97-377; 96 Stat. 1858) had not been enacted into law.

**F/A-18 AIRCRAFT PROGRAM**

SEC. 1239. The Secretary of the Navy may carry out the F/A-18 aircraft program without regard to the first proviso in the paragraph under the heading "AIRCRAFT PROCUREMENT, NAVY" in title IV (procurement) of the Department of Defense Appropriation Act, 1983 (as contained in Public Law 97-377; 96 Stat. 1841).

**STUDY TO RE-ESTIMATE THE COST OF THE B-1B BOMBER PROGRAM**

SEC. 1240. (a) The Secretary of Defense shall conduct a detailed financial analysis on the projected cost of procuring 100 B-1B bomber aircraft and, on the basis of such analysis, shall as necessary make any revisions to the estimate of the total projected cost for the procurement of such aircraft certified to by the President on January 18, 1982.

Report to  
Congress.

(b) The Secretary shall submit a written report to the Congress not more than 60 days after the date of the enactment of the Department of Defense Appropriation Act for fiscal year 1984, but in no event later than January 31, 1984, setting forth the results of the analysis required under subsection (a). The Secretary shall include in such report the new estimate of the projected total cost for the procurement of 100 B-1B aircraft.

Review.

(c) The Secretary shall transmit a copy of the report referred to in subsection (b) to the Comptroller General of the United States for

his review and shall make available to the Comptroller General (consistent with those provisions of title 31, United States Code, replacing the Budget and Accounting Act, 1921, and provisions of law contained in the amendments made by Public Law 96-226) such additional data and information as the Comptroller General requires for the purposes of his review. Such data and information as the Comptroller General receives under this section shall not be disclosed to anyone other than those persons specially designated by the Comptroller General to have access to that data and information. Any report by the Comptroller General concerning data and information provided pursuant to this section may, consistent with the classification of such report, be provided to the Congress and shall be prepared with due regard to the sensitivity of the information received in such a manner as to avoid disclosure of data which could adversely affect ongoing contract negotiations or the national security.

Nondisclosure of information.

#### PART D—MISCELLANEOUS

##### ENDORSEMENT OF REPORT ON IMPROVED STRATEGIC COMMUNICATIONS

SEC. 1251. (a) The Congress finds that the report to the Congress by the Secretary of Defense entitled "Direct Communications Links and Other Measures to Enhance Stability", dated April 11, 1983, and submitted to the Congress pursuant to section 1123 of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 756), contains several significant proposals that if implemented would, taken together, make significant progress toward eliminating the danger of accident or misinterpretation leading to nuclear war. Among the proposals in that report that Congress specifically finds constructive are proposals—

(1) to enhance the speed and quality of communications between the Governments of the United States and the Soviet Union;

(2) to establish a communications link between the senior military commands of the United States and the Soviet Union; and

(3) to develop a system of prior notification between the United States and the Soviet Union of missile launches and military exercises by either nation that could be misinterpreted by the other and therefore be destabilizing.

(b) The Congress—

(1) endorses the findings in the report described in subsection (a) and urges the President and the Secretary of Defense to implement as rapidly as possible the proposals made in that report;

(2) suggests that, when practicable and not harmful to the national security of the United States, the United States should unilaterally implement confidence-building measures (such as prior notification of missile launches and military exercises) on a temporary, voluntary basis and should invite the Soviet Union to join in implementing those measures; and

(3) endorses proposals that the United States, through its arms control negotiators, should seek a separate, limited agreement with the Soviet Union on confidence-building measures, such as those recommended in the report described in subsection (a), designed to reduce the danger of accident or misinterpretation leading to nuclear war.

## PUBLIC HEALTH SERVICE HOSPITALS

Demonstration  
projects.  
42 USC 248d.

SEC. 1252. (a) The Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall conduct demonstration projects for the purpose of comparing and evaluating the cost-effectiveness, accessibility, patient acceptance, and the quality of medical care contracted for by the Secretary of Defense under sections 1079 and 1086 of title 10, United States Code, with the medical care provided in those facilities deemed to be facilities of the uniformed services by virtue of section 911 of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c). The Secretary of Defense shall begin conducting such projects within one year after the date of the enactment of this section and continue conducting such projects for not less than three years.

(b) The projects carried out by the Secretary of Defense under this subsection shall utilize various alternative mechanisms for the payment of medical services provided eligible persons, including capitation, prospective payment, all-inclusive fee-for-service charges, and other concepts and programs consistent with the purpose of this section.

10 USC 1079.

(c) If the Secretary of Defense and the Secretary of Health and Human Services determine such action is necessary in order to permit a meaningful evaluation of alternative methods of providing medical care to persons eligible for such care under sections 1079 and 1086 of title 10, United States Code, they may jointly designate additional civilian medical facilities to be facilities of the uniformed services for the purposes of section 1079 of such title. The Secretary may designate a facility under the authority of this subsection for such purposes only if such action is agreed to by the governing body of the facility.

Report to  
congressional  
committees.

(d) The Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall submit annually to the Committees on Appropriations and on Armed Services of the Senate and the House of Representatives a written report on the results of the studies and projects carried out under this section. The first such report shall be submitted not later than one year after the date of the enactment of this section. The last such report shall be submitted not later than one year after the completion of all such studies and projects.

Termination of  
facility status.  
Effective date.  
10 USC 1071 *et*  
*seq.*

(e) The Secretary of Defense and the Secretary of Health and Human Services may terminate, for purposes of chapter 55 of title 10, United States Code, the status of any facility referred to in subsection (a) or (c) to furnish medical or dental care to members and former members of the uniformed services or their dependents, and such termination may become effective at any time after December 31, 1987. The termination of such status in the case of any such facility may be effected only by an order jointly issued by the Secretary of Defense and the Secretary of Health and Human Services which identifies the facility whose status is being terminated and specifies the date on which such status is being terminated. A copy of each such order shall be furnished to the affected facility and the Committees on Appropriations and on Armed Services of the Senate and the House of Representatives and shall become effective in accordance with the terms of the notice, but not earlier than six months following the date on which a copy of the notice has been furnished to the facility and the committees. Any facility described in subsection (a) or designated under subsection (c)

may terminate its status or designation made under that subsection at any time after the expiration of six months following the date on which a copy of the order terminating the status or designation has been furnished the facility.

(f) Section 911(b) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(b)), is amended by striking out "at any time after" and all that follows through the end of the second sentence and inserting in lieu thereof: "as provided for in section 1252(e) of the Department of Defense Authorization Act, 1984."

**EMPLOYMENT PROTECTION FOR CERTAIN NONAPPROPRIATED FUND  
INSTRUMENTALITY EMPLOYEES**

**SEC. 1253.** (a)(1) Chapter 81 of title 10, United States Code, is amended by adding at the end thereof the following new section:

**"§ 1587. Employees of nonappropriated fund instrumentalities**

10 USC 1587.

**"(a) In this section:**

Definitions.

"(1) 'Nonappropriated fund instrumentality employee' means a civilian employee who is paid from nonappropriated funds of Army and Air Force Exchange Service, Navy Resale and Services Support Office, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the armed forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the armed forces.

"(2) 'Civilian employee' has the meaning given the term 'employee' by section 2105(a) of title 5.

5 USC 2105.

"(3) 'Personnel action', with respect to a nonappropriated fund instrumentality employee (or an applicant for a position as such an employee), means—

"(A) an appointment;

"(B) a promotion;

"(C) a disciplinary or corrective action;

"(D) a detail, transfer, or reassignment;

"(E) a reinstatement, restoration, or reemployment;

"(F) a decision concerning pay, benefits, or awards, or concerning education or training if the education or training may reasonably be expected to lead to an appointment, promotion, or other action described in this paragraph; and

"(G) any other significant change in duties or responsibilities that is inconsistent with the employee's salary or grade level.

"(b) Any civilian employee or member of the armed forces who has authority to take, direct others to take, recommend, or approve any personnel action shall not, with respect to such authority, take or fail to take a personnel action with respect to any nonappropriated fund instrumentality employee (or any applicant for a position as such an employee) as a reprisal for—

"(1) a disclosure of information by such an employee or applicant which the employee or applicant reasonably believes evidences—

Disclosure of  
information.

"(A) a violation of any law, rule, or regulation; or

"(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

if such disclosure is not specifically prohibited by law and if the information is not specifically required by or pursuant to executive order to be kept secret in the interest of national defense or the conduct of foreign affairs; or

“(2) a disclosure by such an employee or applicant to any civilian employee or member of the armed forces designated by law or by the Secretary of Defense to receive disclosures described in clause (1), of information which the employee or applicant reasonably believes evidences—

“(A) a violation of any law, rule, or regulation; or

“(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

“(c) This section does not apply to an employee in a position excluded from the coverage of this section by the President based upon a determination by the President that the exclusion is necessary and warranted by conditions of good administration.

Prevention of prohibited actions.

“(d) The Secretary of Defense shall be responsible for the prevention of actions prohibited by subsection (b) and for the correction of any such actions that are taken. The authority of the Secretary to correct such actions may not be delegated to the Secretary of a military department or to the Assistant Secretary of Defense for Manpower and Logistics.

Regulations.

“(e) The Secretary of Defense, after consultation with the Director of the Office of Personnel Management and the Special Counsel of the Merit Systems Protection Board, shall prescribe regulations to carry out this section. Such regulations shall include provisions to protect the confidentiality of employees and applicants making disclosures described in clauses (1) and (2) of subsection (b).”

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

“1587. Employees of nonappropriated fund instrumentalities.”

10 USC 1587 note.

(b) Section 1587 of such title, as added by subsection (a), shall apply with respect to any conduct prohibited by subsection (b) of such section which occurs after the date of the enactment of this Act.

#### EXTENSION OF THE GRACE PERIOD FOR THE ENFORCEMENT OF THE PROVISIONS RELATING TO THE FAILURE TO REGISTER AND THE DENIAL OF FEDERAL EDUCATIONAL ASSISTANCE

SEC. 1254. The provision of the notice regarding the implementation of regulations entitled “Student Assistance General Provisions; Registration With Selective Service” (48 Federal Register No. 130, July 6, 1983), relating to the schedule under which an institution of higher education may certify first and then inform the student of the requirement that the student file a Statement of Registration Compliance for the period prior to July 31, 1983, is extended from July 31, 1983, through September 30, 1983.

48 FR 31175.

#### IMPACT AID AUTHORIZATION

SEC. 1255. (a)(1) Section 505(a)(1) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out “section 2” the second place it appears and inserting in lieu thereof “section 7”.

20 USC 237 note.

(2) Section 505(a)(1) of such Act is further amended—

(A) by striking out “1983, and 1984” and inserting in lieu thereof “and 1983, and \$565,000,000 for each of the fiscal years 1984 and 1985”; and

(B) by inserting after “\$10,000,000” in clause (A) the following: “for each of the fiscal years 1982 and 1983 and \$20,000,000 for each of the fiscal years 1984 and 1985”.

(3)(A) Section 505(a)(3) of such Act is amended by striking out “or 1984” and inserting in lieu thereof “1984, or 1985”. 20 USC 237 note.

(B) Section 505(b) of such Act is amended by striking out “or 1984” and inserting in lieu thereof “1984, or 1985”. 20 USC 238 note.

(b) Section 3(d)(2)(E) of the Act of September 30, 1950 (Public Law 874, 81st Congress) is amended— 20 USC 238.

(1) by inserting “or 1984” after “fiscal year 1983” in clause (ii); and

(2) by striking out “1984” in clause (iii) and inserting in lieu thereof “1985”.

#### RETIREMENT DEDUCTIONS FROM THE PAY OF JUDGES OF THE UNITED STATES COURT OF MILITARY APPEALS

SEC. 1256. (a) Section 8334 of title 5, United States Code, is amended—

(1) in the first sentence of subsection (a)(1) by inserting “and a judge of the United States Court of Military Appeals” before the period; and

(2) by adding at the end of the table contained in subsection (c) the following:

“Judge of the United States Court of Military Appeals for service as a judge of that court.	6..	May 5, 1950, to October 31, 1956.
	6½	November 1, 1956, to December 31, 1969.
	7	January 1, 1970, to (but not including) the date of the enactment of the Department of Defense Authorization Act, 1984.
	8	On and after the date of the enactment of the Department of Defense Authorization Act, 1984.”.

(b) Section 8336 of such title is amended—

5 USC 8336.

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection (k):

“(k) A judge of the United States Court of Military Appeals who is separated from the service after becoming 62 years of age and completing 5 years of civilian service or after completing the term of service for which he was appointed as a judge of such court is entitled to an annuity. A judge who is separated from the service before becoming 60 years of age is entitled to a reduced annuity.”.

Annuities.

(c) Section 8337(a) of such title is amended by inserting the following after the third sentence: “A judge of the United States Court of Military Appeals who completes 5 years of civilian service and who is found by the Office to be disabled for useful and efficient service as a judge of such court or who is removed for mental or physical disability under section 867(a)(2) of title 10 shall be retired on the judge’s own application or upon such removal.”.

5 USC 8337.

10 USC 867.



- 5 USC 8338. (d) Section 8338 of such title is amended—  
 (1) by redesignating subsection (c) as subsection (d); and  
 (2) by inserting after subsection (b) the following new subsection (c):
- Annuities. “(c) A judge of the United States Court of Military Appeals who is separated from the service after completing 5 years of civilian service is entitled to an annuity beginning at the age of 62 years. A judge of such court who is separated from the service after completing the term of service for which he was appointed is entitled to an annuity. If an annuity is elected before the judge becomes 60 years of age, it shall be a reduced annuity.”
- 5 USC 8339. (e) Section 8339 of such title is amended—  
 (1) in subsection (d), by adding at the end thereof the following new paragraph:
- Annuity computation. “(6) The annuity of an employee who is a judge of the United States Court of Military Appeals, or a former judge of such court, retiring under this subchapter is computed under subsection (a) of this section, except, with respect to his service as a judge of such court, his service as a Member, his congressional employee service, and his military service (not exceeding 5 years) creditable under section 8332 of this title, his annuity is computed by multiplying 2½ percent of his average pay by the years of that service.”; and  
 (2) by adding at the end of subsection (h) the following new sentence: “The annuity computed under subsections (a), (d)(6), and (f) of this section for a judge of the United States Court of Military Appeals retiring under the second sentence of section 8336(k) of this title or the third sentence of section 8338(c) of this title is reduced by ½ of 1 percent for each full month not in excess of 60 months, and ⅙ of 1 percent for each full month in excess of 60 months, the judge is under 60 years of age at the date of separation.”
- Ante*, p. 701.  
*Supra*. (f) The increase in deductions from the pay of a judge of the United States Court of Military Appeals required by section 8334(a) of title 5, United States Code, as amended by subsection (a), shall take effect with respect to the first pay period that begins after the date of the enactment of this Act.
- Effective date.  
 5 USC 8334 note.

**ONE-YEAR POSTPONEMENT FOR CERTAIN DEPOSITS FOR CIVIL SERVICE  
 RETIREMENT CREDIT FOR MILITARY SERVICE**

SEC. 1257. Section 8334(j)(2)(A) of title 5, United States Code, is amended by striking out “October 1, 1982” and inserting in lieu thereof “October 1, 1983”.

**COMPENSATION FOR INJURIES INCURRED IN THE PERFORMANCE OF  
 DUTY BY MEMBERS OF THE CIVIL AIR PATROL**

SEC. 1258. (a) Section 8141 of title 5, United States Code, is amended—

(1) in subsection (a), by inserting “under 18 years of age” after “Civil Air Patrol Cadet”; and

(2) in subsection (b)(1), by striking out “\$300” and inserting in lieu thereof “the rate of basic pay payable for step 1 of grade GS-9 in the General Schedule under section 5332 of this title”.

5 USC 5332.  
 Effective date.  
 5 USC 8141 note.

(b)(1) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) The amendment made by subsection (a)(1) shall apply only to deaths or injuries occurring on or after the date of the enactment of this Act.

(3) The amendment made by subsection (a)(2) shall apply only to the computation of compensation payable for periods commencing on or after the date of the enactment of this Act.

#### REPEAL OF REQUIREMENT FOR RETIREE SUGGESTION PROGRAM

SEC. 1259. (a) Section 2390 of title 10, United States Code, is repealed. Repeal.

(b) The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2390.

#### OFFSHORE DRILLING AFFECTING NAVAL OPERATIONS

SEC. 1260. (a) The Secretary of the Navy shall submit a report to the Committees on Armed Services of the Senate and House of Representatives on the potential effect on naval operations of any proposed lease by the Department of the Interior of offshore lands for oil or gas drilling. Report transmittals.

(b) The Secretary of the Navy shall define offshore zones along the United States in which oil or gas drilling would cause appreciable impact on naval operations. The Secretary shall transmit to Congress and to the Secretary of the Interior a report describing the zones so established and the justification for each such zone.

#### RESTORATION OF BEDFORD AIR FORCE STATION, VIRGINIA

SEC. 1261. The Secretary of the Air Force may remove from the site of the former Bedford Air Force Station, Virginia, the improvements made to that site by the Air Force and may restore the premises as provided in the license from the United States Forest Service of the Department of Agriculture authorizing the use of that site by the Air Force.

#### PROHIBITION ON PURCHASE OF CERTAIN TYPEWRITERS

SEC. 1262. None of the funds available to the Department of Defense shall be available for the procurement of manual typewriters which were manufactured by facilities located within states which are signatories to the Warsaw Pact.

#### AWARD OF CAMPAIGN AND SERVICE MEDALS TO CERTAIN PERSONS

SEC. 1263. (a) Section 401 of the GI Bill Improvements Act of 1977 (Public Law 95-202; 91 Stat. 1449; 38 U.S.C. 106 note) is amended by adding at the end thereof the following new subsection:

“(c) Under regulations prescribed by the Secretary of Defense, any person who is issued a discharge under honorable conditions pursuant to the implementation of subsection (a) of this section may be awarded any campaign or service medal warranted by such person’s service.” Regulations.

(b) The amendment made by subsection (a) shall apply to all persons issued discharges under honorable conditions pursuant to section 401 of the GI Bill Improvements Act of 1977, whether such discharges are awarded before, on, or after the date of the enactment of this Act. 38 USC 106 note.  
38 USC 106 note.

COMMEMORATIVE MEDAL FOR FAMILIES OF AMERICAN PERSONNEL  
MISSING IN SOUTHEAST ASIA

SEC. 1264. (a) The Congress finds and declares that—

(1) 2,494 Americans, military and civilian, are listed as missing or otherwise unaccounted for in Southeast Asia;

(2) those missing or otherwise unaccounted for for Americans have suffered untold hardship at the hands of a cruel enemy while in the service of their country;

(3) the loyalty, hope, love, and courage of these families provide inspiration to all Americans;

(4) the Congress and the people of the United States are committed to a full accounting for all Americans missing or otherwise unaccounted for in Southeast Asia; and

(5) the service of those missing and otherwise unaccounted for Americans is deserving of special recognition by the Congress and all Americans.

(b)(1)(A) The Speaker of the House of Representatives and the President pro tempore of the Senate are authorized jointly to present, on behalf of the Congress, to those American personnel listed as missing or otherwise unaccounted for in Southeast Asia, to be accepted by next of kin, bronze medals designed by an artist who is an in-theater Vietnam veteran, in recognition of the distinguished service, heroism, and sacrifice of these personnel, and the commitment of the American people to their return. For such purpose, the Secretary of the Treasury shall cause to be struck bronze medals.

(B) There is authorized to be appropriated not to exceed \$20,000 to carry out the provisions of subparagraph (A).

(2) The Secretary of the Treasury may cause miniature duplicates in bronze of the medal provided for in paragraph (1) to be coined and sold, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof (including labor, materials, dies, use of machinery, and overhead expenses), and the appropriation used for carrying out the provisions of this subsection shall be reimbursed out of the proceeds of such sale.

(3) The medals provided for in this subsection are national medals for the purpose of section 5111 of title 31, United States Code.

Appropriation  
authorization.

Miniature  
duplicate bronze  
medals.

NAME OF SCHOOL OF MEDICINE AT THE UNIFORMED SERVICES  
UNIVERSITY OF THE HEALTH SCIENCES

F. Edward  
Hébert School of  
Medicine.  
10 USC 2112  
note.

SEC. 1265. The School of Medicine of the Uniformed Services University of the Health Sciences shall after the date of the enactment of this Act be known and designated as the "F. Edward Hébert School of Medicine". Any reference to such school of medicine in any law, regulation, map, document, or other record of the United States shall after such date be deemed to be a reference to such school of medicine as the F. Edward Hébert School of Medicine.

ACCEPTANCE OF VOLUNTARY SERVICES FOR MILITARY MUSEUMS AND  
FAMILY SUPPORT PROGRAMS

SEC. 1266. (a) Chapter 81 of title 10, United States Code, is amended by adding after section 1587 (as added by section 1253) the following new section:

**“§ 1588. Authority to accept certain voluntary services**

10 USC 1588.

“(a) Notwithstanding section 1342 of title 31, the Secretary of a military department may accept from any person voluntary services to be provided for a museum or a family support program operated by that military department.

“(b) A person providing voluntary services under subsection (a) 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 the provision of such services.”.

5 USC 8101 *et seq.*  
28 USC 2671 *et seq.*

(b) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1587 (as added by section 1253) the following new item:

“1588. Authority to accept certain voluntary services.”.

**REPORT ON PROPOSED LEGISLATION FOR CODIFICATION OF CERTAIN  
PROVISIONS OF LAW**

SEC. 1267. The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives not later than February 1, 1984, proposed legislation for codification into appropriate titles of the United States Code, or for incorporation into other existing laws, those provisions of law that have been enacted during the past five years as a part of the annual Department of Defense Authorization Act or the annual Department of Defense Appropriation Act under the heading “General Provisions” and that in the opinion of the Secretary should be so codified or incorporated.

Submittal to congressional committees.

**TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE**

SEC. 1268. Title 10, United States Code, is amended as follows:

(1) Section 139b(g)(2) is amended by striking out “procurement” and inserting in lieu thereof “procurement”.

(2) Section 140 is amended by striking out “of this section” in subsections (a) and (c).

(3) Section 520(a) is amended—

(A) by striking out “For the fiscal year beginning on October 1, 1980” and all that follows through “1982, the” and inserting in lieu thereof “The”;

(B) by striking out “such fiscal year” the first place it appears in the last sentence and inserting in lieu thereof “any fiscal year”; and

(C) by striking out “number of such” and all that follows through “into” in the last sentence and inserting in lieu thereof “total number of persons originally enlisted or inducted to serve on active duty (other than active duty for training) in”.

(4) Section 1079 is amended—

(A) by striking out “thirty” in subsections (a) and (d) and inserting in lieu thereof “30”; and

(B) by striking out “of this section” in subsection (g).

10 USC 1081.

(5)(A) The heading of section 1081 is amended by striking out the semicolon and the last word.

(B) The item relating to that section in the table of sections at the beginning of chapter 55 is amended by striking out the semicolon and the last word.

(6) Section 1085 is amended by inserting a comma after “or his dependent” the first place it appears.

(7) Section 1090 is amended by striking out “(a)”.

(8) Section 1126(a)(1) is amended by striking out “Who” and inserting in lieu thereof “who”.

(9) Section 1489(a)(2) is amended by striking out “the date of the enactment of this section” and inserting in lieu thereof “October 14, 1980”.

(10) Section 2005 is amended—

(A) by striking out “of this section” each place it appears in subsections (c) and (d); and

(B) by striking out “section—” in subsection (e) and inserting in lieu thereof “section:”.

(11) Section 2101 is amended—

(A) by striking out “chapter—” and inserting in lieu thereof “chapter:”;

(B) by striking out “‘program’” and inserting in lieu thereof “‘Program’”;

(C) by striking out the semicolon at the end of paragraph (1) and inserting in lieu thereof a period;

(D) by striking out “‘member’” and inserting in lieu thereof “‘Member’”;

(E) by striking out “; and” and inserting in lieu thereof a period; and

(F) by striking out “‘advanced’” and inserting in lieu thereof “‘Advanced’”.

(12)(A) Section 2116 is repealed.

(B) The table of sections at the beginning of chapter 104 is amended by striking out the item relating to section 2116.

(13) Section 2120 is amended by striking out “chapter—” and inserting in lieu thereof “chapter:”.

Repeal.  
10 USC 2116.

(14) Section 2134 is amended by striking out the second sentence of such section. 10 USC 2134.

(15) The table of chapters at the beginning of subtitle A and the table of chapters at the beginning of part II of such subtitle are amended by striking out “and” in the item relating to chapter 60 and inserting in lieu thereof “or”.

Approved September 24, 1983.

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**LEGISLATIVE HISTORY—S. 675 (H.R. 2969) (S. 1107) (H.R. 2797) (H.R. 2972):**

**HOUSE REPORTS:** No. 98-107 accompanying H.R. 2969 (Comm. on Armed Services) and No. 98-352 (Comm. of Conference).

**SENATE REPORTS:** No. 98-174 (Comm. on Armed Services) and No. 98-213 (Comm. of Conference).

**CONGRESSIONAL RECORD, Vol. 129 (1983):**

May 18, 26, June 14-16, July 20, 21, 26, H.R. 2969 considered and passed House.

July 11-16, 18-22, 25, 26, S. 675 considered and passed Senate.

July 29, S. 675 considered and passed House, amended, in lieu of H.R. 2969.

Sept. 13, Senate agreed to conference report with an amendment.

Sept. 15, House agreed to conference report and concurred in Senate amendment.