Public Law 102-190
102d Congress

An Act

Dec. 5, 1991
[H.R. 2100]

To authorize appropriations for fiscal years 1992 and 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

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

National Defense Authorization Act for Fiscal Years 1992 and 1993.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Years 1992 and 1993".

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

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

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

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

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

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

SEC. 4. EXPIRATION OF AUTHORIZATIONS FOR FISCAL YEARS AFTER 1992.

Authorizations of appropriations, and of personnel strength levels, in this Act for any fiscal year after fiscal year 1992 are effective only with respect to appropriations made during the first session of the One Hundred Second Congress.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

PART A—FUNDING AUTHORIZATIONS

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1992 for procurement for the Army as follows:

(1) For aircraft, $1,783,600,000.
(2) For missiles, $1,046,762,000.
(3) For weapons and tracked combat vehicles, $1,007,300,000.
(4) For ammunition, $1,362,400,000.
(5) For other procurement, $3,081,801,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1992 for procurement for the Navy as follows:

(1) For aircraft, $7,089,800,000.
(2) For weapons, $4,720,860,000.
(3) For shipbuilding and conversion, $8,365,790,000.
(4) For other procurement, $6,492,355,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1992 for procurement for the Marine Corps in the amount of $1,124,637,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1992 for procurement for the Air Force as follows:

(1) For aircraft, $10,636,931,000.
(2) For missiles, $5,204,883,000.
(3) For other procurement, $8,194,009,000.

SEC. 104. DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal year 1992 for procurement for the Defense Agencies in the amount of $2,239,029,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1992 for procurement for the Inspector General of the Department of Defense in the amount of $800,000.

SEC. 106. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1992 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $227,000,000.
(2) For the Air National Guard, $454,800,000.
(3) For the Army Reserve, $84,300,000.
(4) For the Naval Reserve, $45,000,000.
(5) For the Air Force Reserve, $225,000,000.
(6) For the Marine Corps Reserve, $25,000,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

(a) FUNDING.—Funds are hereby authorized to be appropriated for fiscal year 1992 for the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), in the amount of $472,602,000.

(b) FUNDING FOR ARMY CRYOFRACTURE PROGRAM.—Within the amount authorized to be appropriated by subsection (a), $33,900,000 is available for the Army cryofracture program, of which—

(1) $13,900,000 is available for research, development, test, and evaluation of the cryofracture method of chemical weapons demilitarization only; and

(2) $20,000,000 is available for the procurement of long lead items for a cryofracture demonstration plant on and after the date on which the Secretary of the Army certifies in writing to the congressional defense committees that the Army will construct a cryofracture demonstration plant.

SEC. 108. MULTIYEAR AUTHORIZATIONS.

(a) ARMY.—The Secretary of the Army may use funds appropriated for fiscal year 1992 to enter into multiyear procurement contracts in accordance with section 2306(h) of title 10, United States Code, for the Army Tactical Missile System (ATACMS).

(b) NAVY.—The Secretary of the Navy may use funds appropriated for fiscal year 1992 to enter into multiyear procurement contracts in accordance with section 2306(h) of title 10, United States Code, for the following programs:

(1) The MK-48 ADCAP torpedo program.

(2) The enhanced modular signal processor program.

PART B—ARMY PROGRAMS

SEC. 111. M-1 ABRAMS TANK PROGRAM.

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

(b) FISCAL YEAR 1991 FUNDS.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall obligate $150,000,000 in advance procurement funds appropriated for the Army for fiscal year 1991 for the M1A2 tank program.

(2) Section 142 of Public Law 101-510 (104 Stat. 1503) is repealed.

(c) FISCAL YEAR 1992 FUNDS.—(1) Of the amount authorized to be appropriated for fiscal year 1992 pursuant to section 101(3)(A)—

(A) $90,000,000 shall be available for procurement of 60 new production M1A2 tanks; and

(B) $225,000,000 shall be available for the remanufacture of M1 tanks.

(2) The amount referred to in paragraph (1)(B) may be used only to remanufacture M1 tanks to the M1A2 configuration, except that—

(A) if the Secretary of the Army notifies the congressional defense committees that the milestone IIIA decision to proceed with low-rate initial production of the M1A2 tank, scheduled for January 1992, will be delayed for more than 90 days, the Secretary (i) shall proceed initially with remanufacture of M1 tanks to the M1A1 configuration and, upon a subsequent decision to proceed with such low-rate initial production, shall

transition to conversion from the M1 to the M1A2 configuration, and (ii) may use such amount for remanufacture of M1 tanks to either configuration in accordance with clause (i); and

(B) if the Secretary of the Army notifies the congressional defense committees that the milestone IIIA decision as to whether or not to proceed with low-rate initial production of the M1A2 tank failed to affirm production go-ahead for such low-rate initial production, the Secretary shall proceed to use such amount for remanufacture of M1 tanks to the M1A1 configuration.

SEC. 112. REPEAL OF LEASE AUTHORITY FOR NEW TRAINING HELICOPTER PROGRAM.

Section 361 of Public Law 101-510 (104 Stat. 1541) is repealed.

SEC. 113. AH-64 APACHE HELICOPTER MODIFICATIONS.

(a) AUTHORIZATION.—

(1) Of the funds authorized to be appropriated for research, development, test, and evaluation for the Army for fiscal year 1992, $31,000,000 shall be available for the AH-64C aircraft development program.

(2) Of the funds authorized to be appropriated for aircraft procurement for the Army for fiscal year 1992, $1,000,000 shall be available for the AH-64C aircraft program.

(b) LIMITATION.—None of the funds appropriated or otherwise made available for aircraft procurement for the Army for fiscal 1992 may be obligated for the AH-64B helicopter modification program until—

(1) any amounts appropriated for fiscal year 1992 for the AH-64C aircraft program have been obligated; and

(2) the Secretary of the Army certifies to the congressional defense committees that the future-year defense program of the Department of Defense contains sufficient resources to develop and procure at least six AH-64C model aircraft for operational testing during each of fiscal years 1994 and 1995.

SEC. 114. PROCUREMENT OF AHIP SCOUT HELICOPTERS.

The prohibition in section 133(a)(2) of Public Law 101-189 (103 Stat. 1383) does not apply to the obligation of—

(1) funds in amounts not to exceed $135,000,000 for the procurement of not more than 24 OH-58D AHIP Scout aircraft from funds appropriated for fiscal year 1992 pursuant to section 101; and

(2) funds in amounts not to exceed $90,200,000 for the procurement of not more than 12 OH-58D AHIP Scout aircraft from funds appropriated pursuant to title XII of this Act.

PART C—NAVY PROGRAMS

SEC. 121. TRANSFER OF CERTAIN FUNDS FOR PROCUREMENT OF NAVY AIRCRAFT.

(a) AUTHORITY.—To the extent provided in appropriations Acts, the Secretary of the Navy may transfer, out of the unobligated balance of the appropriations for the Navy for fiscal year 1991 for research, development, test, and evaluation that remain available for obligation, $851,600,000 to the appropriations for the Navy for fiscal year 1991 for procurement of aircraft.

(b) AVAILABILITY OF FUNDS.—Amounts transferred pursuant to subsection (a) shall remain available until September 30, 1992.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority in subsection (a) is in addition to any other transfer authority provided in this or any other Act.

SEC. 122. AUTHORIZATION FOR USE OF CERTAIN FUNDS FOR NAVY AIRCRAFT PROCUREMENT.

(a) USE OF UNOBLIGATED FUNDS.—The Secretary of the Navy may use $40,000,000 of fiscal year 1991 AV-8B Harrier procurement funds for other authorized programs, projects, and activities within the Navy for aircraft procurement. The authority provided in the preceding sentence is available only to the extent provided in appropriation Acts. These funds may not be used for the AV-8B Harrier program.

(b) DESCRIPTION OF FUNDS.—The amounts referred to in subsection (a) as fiscal year 1991 AV-8B Harrier procurement funds are amounts appropriated for fiscal year 1991 for the Navy for aircraft procurement that were provided for either advance procurement of new AV-8B aircraft, for remanufacturing of AV-8B aircraft, or for AV-8B production line termination costs.

(c) LIMITATION ON USE OF FUNDS.—(1) None of the funds in the Defense Cooperation Account may be used to augment funding from AV-8B multiyear procurement programs for fiscal year 1989, 1990, or 1991 for design, testing, integration, or nonrecurring production costs related to the AV-8B radar upgrade program, nor to supplement or replace any funds designated for AV-8B aircraft in those fiscal years that have been diverted for those purposes.

(2) No funds appropriated or otherwise made available to the Department of Defense for fiscal year 1992 may be obligated for the AV-8B radar upgrade program or for the remanufacture of AV-8B aircraft requiring installation of a new fuselage.

SEC. 123. AIR CUSHION LANDING CRAFT REPORT.

Not later than March 31, 1992, the Secretary of Defense shall submit to the congressional defense committees a report containing the following information:

(1) A goal for amphibious shipping and a discussion of how that goal relates to the needs of the commanders of the unified and specified combatant commands.

(2) A procurement objective for air cushion landing craft (LCAC) and a discussion of how that objective supports the amphibious shipping goal.

(3) A discussion of how the planned procurement of air cushion landing craft (LCAC) in the multiyear defense plan will affect the inventory levels for such craft.

SEC. 124. TRANSFER OF FUNDS FOR TRIDENT MISSILES.

(a) AUTHORITY.—To the extent provided in appropriations Acts, the Secretary of the Navy may transfer, out of the unobligated balance of the appropriations for the Navy for fiscal year 1991 for other procurement that remain available for obligation, $56,700,000 to the appropriations for the Navy for fiscal year 1992 for procurement of weapons for the procurement of Trident missiles. Funds transferred pursuant to this subsection shall remain available until September 30, 1993.

(b) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority in subsection (a) is in addition to any other transfer authority provided in this or any other Act.

PART D—AIR FORCE PROGRAMS

SEC. 131. B-2 BOMBER AIRCRAFT PROGRAM.

(a) AMOUNT FOR PROGRAM.—Subject to subsection (b), of the amount appropriated pursuant to section 103(1)(A) for the Air Force for fiscal year 1992 for procurement of aircraft, not more than $2,800,000,000 may be obligated for procurement, including advance procurement, for the B-2 bomber aircraft program.

(b) LIMITATIONS ON NEW PRODUCTION AIRCRAFT.—Of the amount referred to in subsection (a), $1,000,000,000 may be obligated for the procurement of not more than one new production B-2 bomber aircraft. None of such funds may be obligated for procurement of such a new production aircraft unless and until—

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

(A) the certification with respect to the performance and procurement limit that is described in subsection (c);

(B) the certification with respect to compliance with aircraft correction-of-deficiency requirements in Public Law 101-189 that is described in subsection (d)(1);

(C) the reports referred to in subsection (d)(2); and

(D) the report referred to in subsection (e); and

(2) subsequent to the submission of the certification and reports referred to in paragraph (1), there is enacted an Act authorizing the obligation of such funds for the procurement of not more than one new production B-2 bomber aircraft.

(c) CERTIFICATION OF PERFORMANCE AND PROCUREMENT LIMIT.—A certification by the Secretary of Defense referred to in subsection (b)(1)(A) is a certification—

(1) that the performance milestones (including initial flight testing) for the B-2 aircraft for fiscal year 1991 (as contained in the B-2 full performance matrix program established under section 121 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180) and section 232 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456)) have been met and that any proposed waiver or modification to the B-2 performance matrix will be provided in writing in advance to the congressional defense committees;

(2) that no major aerodynamic or flight worthiness problems have been identified during the B-2 aircraft testing conducted before October 1, 1991;

(3) that the capability to update the navigation system using the Coherent Map Mode of the B-2 radar has been successfully demonstrated;

(4) that the basic capabilities of X-band and KU-band transponders have been successfully demonstrated;

(5) that the baseline analysis of the radar cross-section signature data for Air Vehicle 1 (AV-1) has been completed;

(6) that the test program for the B-2 aircraft has demonstrated sufficiently the following critical performance characteristics from flight testing to provide a high degree of confidence in mission accomplishment:

(A) Detection and survivability.
(B) Air vehicle performance.
(C) Strength and durability of the structure.
(D) Offensive and defensive avionics.
(E) Weapon separation testing planned (as of August 1, 1991) to take place during fiscal year 1992; and

(7) that the original radar cross section operational performance objectives of the B-2 aircraft have been successfully demonstrated from flight testing.

(d) CERTIFICATION OF COMPLIANCE WITH B-2 AIRCRAFT CORRECTION-OF-DEFICIENCY REQUIREMENTS IN PUBLIC LAW 101-189.—(1) A certification by the Secretary of Defense referred to in subsection (b)(1)(B) is a certification that the Secretary of the Air Force has entered into a contract for the procurement of B-2 aircraft authorized for fiscal years 1989 and 1990 that meets the requirements of section 117(d) of Public Law 101-189 relating to correction-of-deficiencies clauses in B-2 aircraft procurement contracts.

(2) The Secretary of Defense shall submit forthwith to the congressional defense committees the reports (relating to correction-of-deficiencies clauses in B-2 aircraft procurement contracts) required by section 117 of Public Law 101-189. Reports.

(e) LOW OBSERVABILITY REPORT.—A report of the Secretary of Defense referred to in subsection (b)(1)(D) is a report submitted to the congressional defense committees with respect to the B-2 aircraft program that includes the following:

(1) An assessment by the Secretary of Defense of whether the B-2 aircraft will meet its low observability (including radar cross section) requirements, including requirements which were not fulfilled in a B-2 flight test in July 1991.

(2) A description of any additional actions required to assure the B-2 aircraft will meet its low observability requirements, which were not planned for the B-2 aircraft program as of July 1991, and the costs associated with any such actions.

(3) A description of the mission of the B-2 aircraft.

(4) An assessment by the Secretary of Defense concerning the number of B-2 aircraft necessary for a cost-effective and operationally effective force to carry out the mission referred to in paragraph (3).

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

(a) REPORT BY DIRECTOR OF OPERATIONAL TEST AND EVALUATION.—(1) The Director of Operational Test and Evaluation of the Department of Defense shall review all B-1B bomber aircraft flight test data related to the electronic countermeasures (ECM) system for that aircraft and shall submit to the congressional defense committees a report on the results of the review.

(2) The report required by paragraph (1) shall include the following:

(A) An assessment of the realism of the threat environment against which the CORE program was tested.

(B) An assessment of whether the CORE program, if implemented on the B-1 bomber fleet, would result in an operationally effective and operationally suitable program.

(C) A comparison of the operational effectiveness of the B-1B bomber with the currently fielded ALQ-161A ECM system to the B-1B bomber with the CORE configuration of the ALQ-161A ECM system.

(D) An assessment of the extent to which completed Air Force testing of the CORE program validates claims that installation of the CORE capability fleetwide would reduce logistics requirements and maintenance costs and increase B-1 operational availability.

(E) An assessment of the maturity of the CORE program and whether testing to date is adequate to support a procurement decision.

(3) The report required by paragraph (1) shall be submitted not later than 90 days after the date of the enactment of this Act.

(b) DEPARTMENT OF DEFENSE EVALUATION AND REPORT.—(1) The Secretary of Defense shall evaluate the costs and effectiveness of taking various actions to maintain or enhance the capabilities of the B-1B bomber aircraft and shall submit to the congressional defense committees a report on the results of the evaluation.

(2) The report required by paragraph (1) shall include the following matters:

(A) A comparison of the projected 20-year life-cycle costs of maintaining the B-1B bomber aircraft—

(i) with the current configuration of the ALQ-161A ECM system;

(ii) with the CORE configuration of the ALQ-161A ECM system; and

(iii) with the modification and installation of an existing ECM suite, such as the ALQ-172 system on B-52 bombers.

(B) A comparison of the projected operational availability of the B-1B bomber aircraft for conventional and nuclear bombing missions—

(i) with the current configuration of the ALQ-161A ECM system;

(ii) with the CORE configuration of the ALQ-161A ECM system; and

(iii) with the modification and installation of an existing ECM suite, such as the ALQ-172 system on B-52 bombers.

(C) An assessment of the costs and effectiveness of taking various actions to maintain or enhance the penetration capabilities of the B-1B bomber aircraft, to include—

(i) undertaking the CORE modification of the ALQ-161A ECM system;

(ii) adding and integrating radar warning receivers for situation awareness into the B-1B bomber aircraft;

(iii) undertaking the augmentations of the B-1B bomber aircraft evaluated in the report to Congress required by section 121(e) of Public Law 101-189 (103 Stat. 1379);

(iv) implementing the modifications identified in the General Accounting Office report entitled "B-1B Cost and Performance" (GAO/NSIAD 89-55); and

(v) providing all conventional capabilities currently available on or planned for B-52G, B-52H, and B-2 bombers.

(D) A detailed plan for making each modification of B-1B bomber aircraft proposed for fiscal years 1992 through 1999, including—

(i) the schedule for the modification;

(ii) the cost of the modification for each such fiscal year; and

(iii) the total expected cost of each modification for which the procurement is planned not to be completed before fiscal year 2000.

(E) A comparison (carried out using then-year dollars) of the total cost for investment for modifications and upgraded capabilities and for operations and support over a period of 20 years (including the cost of appropriate aerial refueling tanker support) for each of the following options for the bomber force:

(i) Retaining in the force the B-52G and B-52H bombers currently in the force and retiring the B-1B bombers currently in the force.

(ii) Retaining in the force the B-52G and B-1B bombers currently in the force and retiring the B-52H bombers currently in the force, with the cost of retaining the B-1B bombers computed by including the costs of modifying those bombers to carry cruise missiles and of modifying those bombers to carry out conventional missions for which B-52H bombers are currently assigned.

(iii) Retaining in the force the B-52H and B-1B bombers currently in the force and retiring the B-52G bombers currently in the force, with the cost of retaining the B-52H and B-1B bombers computed by including the costs of modifying B-52H or B-1B bombers as necessary to carry out conventional missions to which B-52G bombers are currently assigned.

(iv) Retaining in the force the B-52G, B-52H, and B-1B bombers currently in the force, with the cost of retaining the B-1B bombers computed by including the costs of modifying those bombers for delivering only improved conventional munitions.

(v) Retaining in the force the B-1B bombers currently in the force and retiring the B-52G and B-52H bombers currently in the force, with the cost of retaining the B-1B bombers computed by including the costs of modifying those bombers to carry cruise missiles and to carry out conventional missions to which B-52G and B-52H bombers are currently assigned.

(F) A statement of the number of heavy bombers, other than bombers with low observable (stealth) characteristics, required for conventional bombing missions, taking into consideration the historical use of heavy bombers in conventional warfare.

(3) The report required by paragraph (1) shall be submitted not later than 90 days after the date of the enactment of this Act.

(4) The Secretary shall certify in such report that each proposed modification described in paragraph (2)(D)—

(A) is necessary in order to extend the period during which the B-1B bomber aircraft can effectively perform nuclear and conventional bombing missions; and

(B) is cost-effective.

(c) REVIEW AND REPORT BY THE COMPTROLLER GENERAL.—(1) The Comptroller General shall review and evaluate the report required by subsection (a) and the report required by subsection (b).

(2) Within 90 days after the date of the submission of those reports, the Comptroller General shall submit to the congressional defense committees a report on the results of that review and evaluation, together with such recommendations as he considers appropriate.

(d) FISCAL YEAR 1992 FUNDING FOR B-1B PROCUREMENT.—(1) Of the funds authorized to be appropriated by this Act for the Air Force for fiscal year 1992 for the procurement of aircraft, $202,700,000 shall be available for the B-1B bomber program.

(2) Of the amount referred to in paragraph (1), not more than $20,000,000 may be obligated to obtain level three technical drawings for the CORE ECM system. Those funds may not be expended for the procurement of hardware or for implementation of the CORE configuration modification to the B-1B aircraft.

(3) Of the amount referred to in paragraph (1), not more than $67,000,000 may be obligated for deferred logistics activities.

(4) No amount may be obligated for a purpose stated in paragraph (2) or (3) until a period of 15 calendar days has elapsed after the reports required by subsections (a), (b), and (c) have been submitted to the congressional defense committees.

(e) REPEAL OF AUTHORITY FOR FUNDING FOR B-1B AVIONICS MODIFICATIONS.—Subsection (f) of section 121 of Public Law 101-189 (103 Stat. 1380) is repealed.

(f) PROHIBITION REGARDING RADAR WARNING RECEIVER PROJECT.—Funds may not be obligated to carry out project 3895 contained in Air Force program element 6427OF.

SEC. 133. C-17 AIRCRAFT PROGRAM.

(a) USE OF AUTHORIZED APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Air Force for aircraft procurement by section 103, not more than the following amounts may be made available for procurement of the C-17 aircraft for fiscal year 1992:

(1) $1,525,203,000 for procurement.
(2) $122,424,000 for advance procurement.
(3) $126,200,000 for spare parts.

Reports.

(b) LIMITATION FOR FISCAL YEAR 1992.—Of the funds appropriated for the Department of Defense for fiscal year 1992 that are made available for the C-17 aircraft program (other than funds for advance procurement), not more than $400,000,000 may be obligated for the procurement of C-17 aircraft until the Secretary of Defense submits to the congressional defense committees a report that—

(1) describes the total cost to complete the full-scale development contract for that aircraft, identifying both the total cost to be borne by the Government and those costs to be borne solely by the contractor;

(2) contains a projection of how potential cost overruns under that contract would affect subsequent production contract prices;

(3) includes a certification by the Secretary that the first flight of the first development aircraft under that program, and the first flight of the first production aircraft under that program, have both been completed;

(4) sets forth in detail all reductions made in performance specifications for the C-17 aircraft since the signing of the original development contract under the program; and

(5) includes a certification by the Chairman of the Joint Chiefs of Staff (made after consultation with the commanders of the unified and specified combatant commands)—

(A) that the reductions in performance specifications referred to in paragraph (4) do not reduce the military utility

of the C-17 aircraft below the levels needed by those commanders; and

(B) that the C-17 aircraft continues to be the most cost-effective means to meet current and projected airlift requirements.

(c) LIMITATION FOR FISCAL YEAR 1993.—None of the funds appropriated for the Department of Defense for fiscal year 1993 that are made available for the C-17 aircraft program (other than funds for advance procurement) may be obligated before—

(1) the Air Force has accepted delivery of the fifth production aircraft under that program; and

(2) the Director of Operational Test and Evaluation of the Department of Defense—

(A) has evaluated the performance of the C-17 aircraft with respect to critical operational issues after the first 50 flight hours of flight testing conducted during initial operational testing and evaluation of the aircraft; and

(B) has provided to the Secretary of Defense and to the congressional defense committees an early operational assessment of the aircraft regarding both the aircraft's overall suitability and deficiencies in the aircraft relative to (i) the initial requirements and specifications for the aircraft, and (ii) the current requirements and specifications for the aircraft.

SEC. 134. F100/220E ENGINE REMANUFACTURE KITS.

Funds available to be obligated for procurement of remanufacture kits for the F100/220E engines may be obligated only if the contract includes a warranty on the reliability of the complete engine.

SEC. 135. ADVANCED CRUISE MISSILE.

Section 136 of Public Law 101-510 (104 Stat. 1502) is amended—

(1) by inserting "and" at the end of subparagraph (A) of paragraph (1);

(2) by striking out subparagraph (C) of paragraph (1);

(3) by striking out paragraphs (2) and (3); and

(4) by redesignating paragraph (4) as paragraph (2).

SEC. 136. TEMPERATURE SPECIFICATION FOR AIR-LAUNCHED CRUISE MISSILE FLIGHT DATA TRANSMITTER; REVIEW OF TESTING METHODOLOGIES.

(a) PLAN.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall develop and begin implementing a plan to correct the failure by the contractor to deliver flight data transmitters for the air-launched cruise missile that comply with the applicable cold temperature specifications requiring the data transmitters to operate after prolonged exposure to temperatures as low as minus 65 degrees Fahrenheit.

(b) REVIEW OF TESTING METHODOLOGIES.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a review of the testing methodologies used to ascertain compliance with cold temperature specifications required under defense contracts, including the specification requiring flight data transmitters for the air-launched cruise missile to operate after prolonged exposure to temperatures as low as minus 65 degrees Fahrenheit. The review shall include an assessment of the implica-

tions of applying such a method uniformly throughout the Department of Defense.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on implementation of the plan developed under subsection (a) and the results of the review conducted under subsection (b).

SEC. 137. F-15 AIRCRAFT PROGRAM.

(a) AVAILABILITY OF F-15 SALES PROCEEDS FOR PROCUREMENT OF REPLACEMENT F-15 AIRCRAFT.—Of the funds received by the United States from the sale of F-15 aircraft to Saudi Arabia as described in the certification transmitted to the Congress pursuant to section 36(b)(1) of the Arms Export Control Act on August 26, 1990 (transmittal number 90-36)—

(1) $250,000,000 may be used for the procurement of F-15E aircraft in order to replace the F-15 aircraft sold to Saudi Arabia; and

(2) $364,000,000 may be used for the procurement of support equipment for the F-15 aircraft fleet.

(b) CONSTRUCTION WITH PRIOR LAW.—The prohibition in section 134(a)(2) of Public Law 101-189 (103 Stat. 1383) does not apply to the obligation of funds for the purposes described in subsection (a) or for the acquisition of F-15 aircraft for which funds are authorized to be appropriated in title XII of this Act.

SEC. 138. AMRAAM MISSILE PROGRAM.

Section 163 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1389) is amended by adding at the end the following new subsection:

"(d) ALTERNATIVE REMOVAL OF FUNDING LIMITATION.—The limitation on the obligation of funds for full-rate production of the AMRAAM system set forth in subsection (a) shall cease to apply upon the submission by the Director of Operational Test and Evaluation to the congressional defense committees of a report stating that, based upon the operational test and evaluation conducted on the AMRAAM system to the date of the report, it is the opinion of the Director that the results of such test and evaluation confirm that such system is effective and suitable for combat.".

SEC. 139. F-117 AIRCRAFT PROGRAM.

The number of new production F-117 aircraft procured using funds appropriated for fiscal years after fiscal year 1991 may not exceed 12.

PART E—DEFENSE AGENCY PROGRAMS

SEC. 141. C-20 AIRCRAFT PROGRAM.

Of the funds authorized to be appropriated or otherwise made available for procurement for the Defense Agencies for fiscal year 1992, $93,000,000 shall be available for procurement of three Gulfstream IV C-20F operational support aircraft. The Secretary of Defense shall assign the three additional C-20F aircraft to meet the operational support aircraft requirements of the Department of Defense.

SEC. 142. MC-130H (COMBAT TALON) AIRCRAFT PROGRAM.

Section 161(a) of Public Law 101-189 (103 Stat. 1388) is amended by striking out "and the procurement of contractor-furnished equipment".

SEC. 143. MH-47E/MH-60K HELICOPTER MODIFICATION PROGRAMS.

The requirements of subsections (a)(2) and (b) of section 2366, of title 10, United States Code, and the requirements of section 2399(a) of such title, shall apply to the MH-60K and MH-47E helicopter modification programs as if the date on which those programs proceed beyond low-rate initial production is the day that is one year after the date of the enactment of this Act.

PART F—OTHER MATTERS

SEC. 151. CHEMICAL WEAPONS STOCKPILE DISPOSAL PROGRAM.

(a) CHANGE IN STOCKPILE ELIMINATION DEADLINE.—Subsection (b)(5) of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), is amended by striking out "April 30, 1997" and inserting in lieu thereof "July 31, 1999".

(b) CLARIFICATION OF COOPERATIVE AGREEMENT AUTHORITY.—Subsection (c)(3) of such section is amended by adding at the end the following: "Additionally, the Secretary may provide funds through cooperative agreements with State and local governments for the purpose of assisting them in processing and approving permits and licenses necessary for the construction and operation of facilities to carry out this section. The Secretary shall ensure that funds provided through such a cooperative agreement are used only for the purpose set forth in the preceding sentence.".

SEC. 152. GROUND-WAVE EMERGENCY NETWORK.

Section 132 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1501) is amended by inserting "before October 1, 1992, and" before "until—".

SEC. 153. LIMITATIONS RELATING TO REDEPLOYMENT OF MINUTEMAN III ICBMS.

(a) PROHIBITION REGARDING OPERATIONALLY DEPLOYED MISSILES.—Funds appropriated for fiscal year 1992 or any fiscal year preceding fiscal year 1992 pursuant to an authorization contained in this or any other Act may not be obligated or expended for the redeployment or transfer of operationally deployed Minuteman III intercontinental ballistic missiles from one Air Force ICBM base to another Air Force ICBM base.

(b) LIMITATION REGARDING STORED MISSILES.—No Minuteman III missile in storage may be transferred to a Minuteman II silo until the Secretary of Defense submits to Congress a plan for the restructuring of the United States strategic forces consistent with the strategic arms reduction talks (START) treaty signed by the United States and the Soviet Union. Such plan shall include—

(1) a discussion of the force structure options that were considered in developing the plan;

(2) for each option, the locations for the Minuteman III ICBMs and Small ICBMs and the number of each such type of missile for each location;

(3) the cost of each such option; and

(4) the reasons for selecting the force structure provided for in the plan.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

PART A—AUTHORIZATIONS

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1992 for the use of the Armed Forces for research, development, test, and evaluation as follows:

(1) For the Army, $6,686,600,000.
(2) For the Navy, $8,633,875,000.
(3) For the Air Force, $14,467,094,000.
(4) For the Defense Agencies, $10,269,034,000, of which—
(A) $228,495,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and
(B) $14,200,000 is authorized for the Director of Operational Test and Evaluation.

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

(a) FISCAL YEAR 1992.—Of the amounts authorized to be appropriated by section 201, $4,179,933,000 shall be available for basic research and exploratory development projects.

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

SEC. 203. MANUFACTURING TECHNOLOGY.

(a) FUNDING.—Of the amounts authorized to be appropriated by section 201, $280,000,000 shall be available for, and may be obligated only for, manufacturing technology as follows:

(1) For the Army Industrial Preparedness program, $28,058,000.
(2) For the Navy Industrial Preparedness program, $74,407,000.
(3) For the Air Force Industrial Preparedness program, $60,535,000.
(4) For the Defense Agencies, $117,000,000, of which—
(A) $17,000,000 is authorized for the Defense Logistic Agency Industrial Preparedness program; and
(B) $100,000,000 is authorized for Advanced Manufacturing Technology.

(b) DEFINITION.—For the purposes of this section, the term "industrial preparedness" means the Manufacturing Technology (MANTECH) program.

(c) SUBMISSION OF ANNUAL PLAN TO CONGRESS.—Section 2513 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "a National" and inserting in lieu thereof "an annual National"; and
(2) by adding at the end the following new subsection:

"(e) The Secretary shall submit the annual Plan to Congress not later than March 15 of each year. The Plan may be submitted in classified and unclassified versions.".

(d) LIMITATION.—No funds appropriated for fiscal year 1992 or 1993 may be obligated for a manufacturing technology-related research and development activity unless that particular activity—

(1) is specifically included in the National Defense Manufacturing Technology Plan submitted to Congress during the preceding fiscal year pursuant to section 2513(a) of title 10, United States Code (as amended by subsection (c));

(2) is required by law; or

(3) is specifically approved by the Secretary of Defense.

SEC. 204. AUTHORIZATION TO MAKE CERTAIN FISCAL YEAR 1991 NAVY FUNDS AVAILABLE FOR OTHER PURPOSES.

(a) AUTHORITY.—The Secretary of the Navy may use fiscal year 1991 Sea Lance funds (1) for program termination costs related to the termination of the Sea Lance weapon system, and (2) for other authorized programs, projects, and activities of the Navy for research, development, test, and evaluation for fiscal year 1991 or for fiscal year 1992. The authority provided in the preceding sentence is available only to the extent provided in appropriations Acts, not to exceed $71,000,000.

(b) DESCRIPTION OF FUNDS.—The funds referred to in subsection (a) as fiscal year 1991 Sea Lance funds are amounts appropriated for fiscal year 1991 for the Navy for research, development, test, and evaluation that were provided for the Sea Lance weapon system and that remain available for obligation and (due to the termination of that system) are no longer required for that system (other than for program termination costs).

(c) AVAILABILITY OF FUNDS.—This section does not extend the period of the availability for obligation of the funds described in subsection (b).

PART B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

SEC. 211. V-22 OSPREY AIRCRAFT PROGRAM.

(a) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201 or otherwise made available for research, development, test, and evaluation for the Navy for fiscal year 1992, the sum of $790,000,000 shall be used only for development, manufacture, and operational test of three production representative V-22 Osprey aircraft, of which the amount of $165,000,000 is derived by transfer pursuant to subsection (b). The authority under the preceding sentence is available only to the extent provided in appropriation Acts.

(b) TRANSFER OF UNOBLIGATED FISCAL YEAR 1991 FUNDS.—To the extent provided in appropriations Acts, the Secretary of the Navy shall transfer, out of any funds appropriated to the Navy for fiscal year 1991 for procurement of aircraft that remain available for obligation, $165,000,000 for research, development, test, and evaluation in connection with the V-22 Osprey aircraft program. The preceding sentence does not extend the period of the availability for obligation of amounts transferred under that sentence.

(c) AVAILABILITY OF FUNDS FOR THE SPECIAL OPERATIONS VARIANT.—Of the amounts authorized to be appropriated pursuant to section 201(4) for the Defense Agencies for fiscal year 1992, $15,000,000 shall be available for research, development, test, and

evaluation in connection with the special operations variant of the V-22 Osprey aircraft.

SEC. 212. EXTENSION OF PROHIBITION ON TESTING MID-INFRARED ADVANCED CHEMICAL LASER AGAINST AN OBJECT IN SPACE.

The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space during 1992 unless such testing is specifically authorized by law.

SEC. 213. A-(X) ADVANCED TACTICAL AIRCRAFT, NAVY.

The Secretary of Defense may not classify the total acquisition cost and the acquisition schedule for the A-(X) (next-generation naval attack aircraft) program at the level of special access classification.

SEC. 214. F-22 ADVANCED TACTICAL FIGHTER AIRCRAFT PROGRAM, AIR FORCE.

(a) FINDINGS.—Congress finds—

(1) that the emphasis placed on manufacturing in the next phase of the F-22 Advanced Tactical Fighter (ATF) aircraft program is a correct and significant step toward an appropriate acquisition system for the 1990s and beyond;

(2) that the objective of the next phase of the ATF program, known as the Engineering and Manufacturing Development Phase, should be to complete a production representative design (verified by testing production prototypes) with known cost and minimal risk for the Production Phase; and

(3) that the Air Force, having demonstrated satisfactory ATF system performance in the Demonstration Validation Phase, should give priority in the Engineering and Manufacturing Development Phase to investing in ATF manufacturing technologies over improving ATF performance.

(b) MANUFACTURING AND AFFORDABILITY.—The Secretary of the Air Force shall elevate manufacturing considerations during the Engineering and Manufacturing Development Phase of the ATF program—

(1) by accepting small reductions in aircraft performance, if necessary, to achieve a more producible and affordable production design;

(2) by directing the contractor to evaluate a wide selection of alternative production processes and technologies (including use of commercial standards or practices of manufacturing technology) for production of the aircraft; and

(3) by investing funds in those processes and technologies evaluated pursuant to paragraph (2) which have the highest cost or quality return on investment, with the objective of further lowering production costs and improving supportability.

(c) REPORT.—The Secretary of the Air Force shall submit to the congressional defense committees a report covering the production processes evaluated under subsection (b)(2) and the analysis supporting those processes which are ultimately selected under subsection (b)(3) for use in production. The report shall be submitted before fabrication of the first production prototype airframe is begun.

SEC. 215. SUPERCOMPUTER MODERNIZATION PROGRAM.

(a) PLAN.—(1) The Secretary of Defense, acting through the Director, Defense Research and Engineering (DDR&E), shall develop a plan by which the Department of Defense, beginning in fiscal year 1993, will modernize the supercomputer capability of Department of Defense laboratories. The plan shall include determinations of the equipment and software to be procured or leased and a schedule for the funding required to carry out the plan.

(2) The plan shall be developed by April 1, 1992. The Secretary shall submit the plan to the Committees on Armed Services of the Senate and the House of Representatives not later than that date.

(b) PROHIBITION OF NON-DOMESTIC ALTERNATIVES.—None of the equipment planned to be procured or leased under the plan may be obtained from a non-United States computer manufacturer unless the Secretary of Defense certifies to Congress that no United States computer manufacturer can meet the requirement being met by that procurement.

SEC. 216. MANAGEMENT OF NAVY MINE COUNTERMEASURES PROGRAMS.

(a) RESPONSIBILITY.—Subject to the authority, direction, and control of the Secretary of Defense, the Director, Defense Research and Engineering shall have the primary responsibility for developing and testing naval mine countermeasures systems during fiscal years 1993 through 1997.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive the requirement in subsection (a) with respect to any fiscal year if, not later than June 1 of the calendar year in which that fiscal year begins, the Secretary certifies to the congressional defense committees that—

(1) the Secretary of the Navy, in consultation with the Chief of Naval Operations and the Commandant of the Marine Corps, has submitted to the Secretary of Defense an updated mine countermeasures master plan that identifies—

(A) technologies having promising potential for use for improving mine countermeasures; and

(B) programs for advancing those technologies into production;

(2) the budget submitted to Congress pursuant to section 1105(a) of title 31, United States Code, for that fiscal year and the multiyear defense program submitted to Congress in connection with that budget pursuant to section 114a of title 10, United States Code, propose sufficient resources for executing the updated mine countermeasures master plan; and

(3) the Chairman of the Joint Chiefs of Staff has determined that the budget resources for mine countermeasures and the updated mine countermeasures master plan are sufficient.

SEC. 217. NON-ACOUSTIC ANTI-SUBMARINE WARFARE PROGRAM.

After December 31, 1991, funds appropriated or otherwise made available to the Department of the Navy for fiscal years 1992 and 1993 may not be obligated for research, development, test, and evaluation for non-acoustic anti-submarine warfare unless the Secretary of Defense has certified to the congressional defense committees, before any such obligation, that—

(1) the Department of Defense is conducting two viable, independent non-acoustic anti-submarine warfare programs within the Department; and

(2) at least one such program is not managed within the Department of the Navy.

SEC. 218. ANTI-SUBMARINE WARFARE WEAPON SYSTEM REQUIREMENTS.

(a) REPORT.—The Secretary of the Navy shall submit to the congressional defense committees a report containing an analysis of the requirements of the Navy for antisubmarine weapons systems and the program and plans of the Navy for meeting those requirements.

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

(1) A description of the operational requirements of the Navy for antisubmarine weapons for launch from submarines, for launch from surface ships, and for launch from aircraft.

(2) A description of weapons and alternative candidate weapons systems, concepts, and technologies that could satisfy those operational requirements, to include heavyweight torpedoes, lightweight torpedoes, quick-reaction weapons for surface ships, long-range weapons for surface ships, long-range weapons for submarines, and any other weapons concept considered for meeting the requirements stated in paragraph (1).

(3) An estimate of the costs associated with developing, acquiring, operating, and maintaining each of the weapons and alternatives described under paragraph (2).

(4) A detailed description of the programs and plans of the Navy for meeting its antisubmarine weapons systems requirements and for developing, acquiring, and operating antisubmarine weapons, including identification of funding requested for those programs and plans for fiscal year 1993.

(c) DEADLINE FOR SUBMISSION OF REPORT.—The report under subsection (a) shall be submitted not later than May 15, 1992.

SEC. 219. SHIP-TO-SHORE FIRE SUPPORT.

Establishment.

(a) R&D PROGRAM.—The Secretary of the Navy shall establish a naval surface fire support research and development program. The Secretary shall, with the budget request for fiscal year 1993, submit to the congressional defense committees a review of the fiscal year 1992 program for investigation, demonstration, and evaluation of potential technologies and weapons systems for improving ship-to-shore fire support.

(b) INITIAL REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a comprehensive report on naval ship-to-shore fire support requirements. The report shall be prepared in consultation with the Chief of Naval Operations and the Commandant of the Marine Corps and shall include the following:

(1) A description of operational requirements of the Navy and of the Marine Corps for naval surface fire support of amphibious and strike operations and a summary of the analysis supporting these requirements.

(2) A survey of the alternative technologies and other options which could be useful in meeting the requirements described under paragraph (1), including specifically—

(A) options based on guns, multiple-launch rockets, or missiles; and

(B) references to relevant activities being pursued by other military departments and Defense agencies and in private industry.

(3) Identification of the funds requested for fiscal year 1993 for ship-to-shore fire support, identification of plans and programs for ship-to-shore fire support programs in future years, and a description of the plan of the Navy for improving ship-to-shore fire support in the near term (with improvements that are capable of being introduced into the fleet within five years).

(c) SECOND REPORT.—No later than one year after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a second report on ship-to-shore fire support. That report shall include the following:

(1) A cost and operational effectiveness analysis (COEA) based on the requirements and technologies identified in the report under subsection (b), to include evaluation of the effectiveness and use of gun, multiple-launch rocket, and missile systems for surface fire support, both independently and in conjunction with fires from attack helicopter and fixed-wing aircraft.

(2) The near-term plans and the long-term plans of the Navy for meeting its ship-to-shore fire support requirements and a description of the research, development, test, and evaluation programs and of the procurement programs to be carried out in support of those plans.

(d) INDEPENDENT STUDY AND ANALYSIS.—(1) The Secretary of Defense shall provide for an independent study of naval ship-to-shore fire support requirements to be conducted by the Institute for Defense Analysis, a Federal contract research center. The study shall include (A) an assessment of the operational requirements of the Navy and of the Marine Corps for naval surface fire support of amphibious and strike operations and an independent review and analysis of alternative candidates for meeting both near-term requirements and long-term requirements for ship-to-shore fire support, and (B) an evaluation of the use and cost effectiveness of gun, multiple-launch rocket, and missile systems for ship-to-shore fire support. The Institute shall submit interim and final reports to the Secretary on such study at such times as the Secretary may require. Reports.

(2) The Secretary shall submit an interim report on the results of the study under paragraph (1) to the congressional defense committees within six months after the date of the enactment of this Act. The interim report shall focus on near-term systems and concepts that can be introduced into the fleet within five years and shall identify the preferred technologies for development in the near term.

(3) The Secretary shall submit a final report on the results of the study to the congressional defense committees within one year after the date of the enactment of this Act. The final report shall include a more thorough survey of the available and projected technologies that may be relevant to the mission requirements of the Navy for surface ship-to-shore fire support during the period ten-to-fifteen years after the date of the enactment of this Act.

(e) RESTRICTION ON USE OF FUNDS.—Of the funds appropriated pursuant to authorizations of appropriations in this Act for the Navy ship-to-shore fire support program—

(1) up to $2,500,000 may be used for the study required by subsection (b) and for the cost and operational effectiveness analysis required under subsection (c); and

(2) up to $1,500,000 may be used for the study required under subsection (d).

SEC. 220. SUPERCONDUCTING MAGNETIC ENERGY STORAGE PROJECT.

Establishment.

(a) PROJECT OFFICE.—The Secretary of Defense shall establish or designate an office within the Department of Defense to have responsibility for the Superconducting Magnetic Energy Storage Project. The project shall be carried out in coordination with the Secretary of Energy.

(b) PLAN.—(1) The Secretary of Defense shall develop a plan for the project. The plan shall be developed in cooperation with the Secretary of Energy and shall include provisions for sharing of the costs of the project by each Department.

(2) The plan shall be designed so as to lead to the demonstration of an engineering test model of the superconducting magnetic storage system.

(3) The plan shall be submitted to the Congress not later than April 1, 1992.

(c) FUNDING FOR FISCAL YEAR 1992.—Of the amounts authorized to be appropriated pursuant to section 201 for fiscal year 1992, $20,000,000 shall be available to conduct planning and initial design activities for the project.

SEC. 221. SEALIFT RESEARCH AND DEVELOPMENT.

The Secretary of the Navy may transfer not to exceed $25,000,000 from unobligated funds appropriated for the Navy for fiscal year 1991 for shipbuilding and conversion and made available for sealift to amounts appropriated for the Navy for fiscal year 1992 for research, development, test, and evaluation, to be available for the sealift program established pursuant to section 1424 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1683; 10 U.S.C. 7291 note). The authority under the preceding sentence is available only to the extent provided in appropriations Acts.

SEC. 222. ICBM MODERNIZATION PROGRAM.

(a) FUNDING.—Of the amounts appropriated pursuant to section 201 for fiscal year 1992, not more than $566,444,000 shall be available for the intercontinental ballistic missile (ICBM) modernization program, of which—

(1) not more than $548,838,000 shall be available for the small ICBM (SICBM) program; and

(2) none shall be available for the rail garrison MX (RGMX) program.

(b) LIMITATION.—(1) The funds described in subsection (a)(1) may not be obligated until the Secretary of Defense certifies to the congressional defense committees that a sufficient amount of such funds will be obligated to conduct a viable program of research and development of mobile basing options for the SICBM program consistent with the sense of Congress set forth in section 231(b)(4) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1516).

Reports.

(2) Not later than 90 days after the date on which the Secretary makes a certification under paragraph (1), the Secretary shall submit to the congressional defense committees a report describing—

(A) the revised research and development program for SICBM mobile basing options;

(B) the amount of the funds that the Secretary intends to obligate in each of fiscal years 1992 through 1997 for such program; and

(C) the earliest date on which a SICBM mobile basing option will be available in the event that conditions warrant a rebasing of the missile from existing Minuteman ICBM silos.

(c) REPORT.—Not later than March 1, 1992, the Secretary of Defense shall submit to the congressional defense committees a report on the cost and practicality of extending the service life of existing Minuteman III ICBMs beyond the year 2010.

(d) AVAILABILITY OF UNOBLIGATED FISCAL YEAR 1991 FUNDS.—(1) Of the balance of the amount appropriated for the Air Force for fiscal year 1991 for research, development, test, and evaluation for ICBM modernization that remains available for obligation, $17,500,000 may, to the extent provided in appropriations Acts, be used during fiscal year 1992 for obligation for the procurement of MX missiles.

(2) The authority provided in paragraph (1) does not extend the period of the availability for obligation of the funds referred to in that paragraph.

(3) The authority provided in paragraph (1) is in addition to any other transfer authority provided in this or any other Act.

PART C—MISSILE DEFENSE PROGRAM

Missile Defense Act of 1991. 10 USC 2431 note.

SEC. 231. SHORT TITLE.

This part may be cited as the "Missile Defense Act of 1991".

SEC. 232. MISSILE DEFENSE GOAL OF THE UNITED STATES.

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

(1) deploy an anti-ballistic missile system, including one or an adequate additional number of anti-ballistic missile sites and space-based sensors, that is capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles;

(2) maintain strategic stability; and

(3) provide highly effective theater missile defenses (TMDs) to forward-deployed and expeditionary elements of the Armed Forces of the United States and to friends and allies of the United States.

(b) ENDORSEMENT OF ADDITIONAL MEASURES.—As an additional component of the overall goal of protecting the United States against the threat posed by ballistic missiles, Congress endorses such additional measures as—

(1) joint discussions between the United States and the Soviet Union on strengthening nuclear command and control, to include discussions concerning the use of permissive action links and post-launch destruct mechanisms on all intercontinental-range ballistic missiles of the two nations;

(2) reductions that enhance stability in strategic weapons of the United States and Soviet Union to levels below the limitations of the Strategic Arms Reduction Talks (START) Treaty, to include the down-loading of multiple warhead ballistic missiles; and

(3) reinvigorated efforts to halt the proliferation of ballistic missiles and weapons of mass destruction.

SEC. 233. IMPLEMENTATION OF GOAL.

(a) IN GENERAL.—To implement the goal specified in section 232(a), the Congress—

(1) directs the Secretary of Defense to take the actions specified in subsection (b); and

President.

(2) urges the President to take the actions described in subsection (c).

(b) ACTIONS OF THE SECRETARY OF DEFENSE.—

(1) THEATER MISSILE DEFENSE OPTIONS.—The Secretary of Defense shall aggressively pursue the development of advanced theater missile defense systems, with the objective of downselecting and deploying such systems by the mid-1990s.

(2) INITIAL DEPLOYMENT.—The Secretary shall develop for deployment by the earliest date allowed by the availability of appropriate technology or by fiscal year 1996 a cost-effective, operationally-effective, and ABM Treaty-compliant anti-ballistic missile system at a single site as the initial step toward deployment of an anti-ballistic missile system described in section 232(a)(1) designed to protect the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks. The system to be developed should include—

(A) 100 ground-based interceptors, the design of which is to be determined by competition and downselection for the most capable interceptor or interceptors;

(B) fixed, ground-based, anti-ballistic missile battle management radars; and

(C) optimum utilization of space-based sensors, including sensors capable of cueing ground-based anti-ballistic missile interceptors and providing initial targeting vectors, and other sensor systems that also are not prohibited by the ABM Treaty, such as a ground-based sub-orbital surveillance and tracking system.

(3) DEPLOYMENT PLAN.—Within 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the deployment of theater missile defense systems and an anti-ballistic missile system which meet the guidelines established in paragraphs (1) and (2).

(c) PRESIDENTIAL ACTIONS.—

Union of Soviet Socialist Republics.

(1) NEGOTIATIONS REGARDING THE ABM TREATY.—Congress recognizes the President's call on September 27, 1991, for "immediate concrete steps" to permit the deployment of defenses against limited ballistic missile strikes and the response of the President of the Soviet Union undertaking to consider such proposals from the United States on nonnuclear ABM systems.

(2) In this regard, Congress urges the President to pursue immediate discussions with the Soviet Union on the feasibility and mutual interests of amendments to the ABM Treaty to permit the following:

(A) Construction of anti-ballistic missile sites and deployment of ground-based anti-ballistic missile interceptors in addition to those currently permitted under the ABM Treaty.

(B) Increased use of space-based sensors for direct battle management.

(C) Clarification of what development and testing of space-based missile defenses is permissible under the ABM Treaty.

(D) Increased flexibility for technology development of advanced ballistic missile defenses.

(E) Clarification of the distinctions for the purposes of the ABM Treaty between theater missile defenses and anti-ballistic missile defenses, including interceptors and radars.

SEC. 234. FOLLOW-ON TECHNOLOGY RESEARCH.

(a) FOLLOW-ON ANTI-BALLISTIC MISSILE TECHNOLOGIES.—To effectively develop technologies relating to achieving the goal specified in section 232(a) and to provide future options for protecting the security of the United States and the allies and friends of the United States, robust funding for research and development for promising follow-on anti-ballistic missile technologies, including Brilliant Pebbles, is required.

(b) EXCLUSION FROM INITIAL PLAN.—Deployment of Brilliant Pebbles is not included in the initial plan for the limited defense system architecture described in section 232(a).

(c) REPORT AND LIMITATION.—The Secretary of Defense shall submit to the congressional defense committees a report on conceptual and burden sharing issues associated with the option of deploying space-based interceptors (including Brilliant Pebbles) for the purpose of providing global defenses against ballistic missile attacks. Not more than 50 percent of the funds made available for the purposes described in section 237(b)(3) for the Space-Based Interceptors program element for fiscal year 1992 may be obligated for the Brilliant Pebbles program until 45 days after submission of the report.

SEC. 235. PROGRAM ELEMENTS FOR STRATEGIC DEFENSE INITIATIVE.

(a) EXCLUSIVE ELEMENTS.—The following program elements shall be the exclusive program elements for the Strategic Defense Initiative:

(1) Limited Defense System.
(2) Theater Missile Defenses.
(3) Space-Based Interceptors.
(4) Other Follow-On Systems.
(5) Research and Support Activities.

(b) APPLICABILITY TO BUDGETS.—The program elements specified in subsection (a) shall be the only program elements used in the program and budget provided concerning the Strategic Defense Initiative submitted to Congress by the Secretary of Defense in support of the budget submitted to Congress by the President under section 1105 of title 31, United States Code, for any fiscal year.

SEC. 236. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION OBJECTIVES FOR SDI PROGRAM ELEMENTS.

(a) LIMITED DEFENSE SYSTEM PROGRAM ELEMENT.—The Limited Defense System program element shall include programs, projects, and activities (and supporting programs, projects, and activities) which have as a primary objective the development of systems, components, and architectures for a deployable anti-ballistic missile system as described in section 232(a)(1) capable of providing a highly effective defense of the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third

World attacks, but below a threshold that would bring into question strategic stability. Such activities shall include those activities necessary to develop and test systems, components, and architectures capable of deployment by fiscal year 1996 as part of an ABM Treaty-compliant initial site defensive system. For purposes of planning, evaluation, design, and effectiveness studies, such programs, projects, and activities may take into consideration both the current limitations of the ABM Treaty and modest changes to its numerical limitations and its limitations on the use of space-based sensors.

(b) THEATER MISSILE DEFENSES PROGRAM ELEMENT.—The Theater Missile Defenses program element shall include programs, projects, and activities (including those associated before the date of the enactment of this Act with the Tactical Missile Defense Initiative) that have as primary objectives either of the following:

(1) The development of deployable and rapidly relocatable advanced theater missile defenses capable of defending forward-deployed and expeditionary elements of the Armed Forces of the United States, to be carried out with the objective of selecting and deploying more capable theater missile defense systems by the mid-1990s.

(2) Cooperation with friendly and allied nations in the development of theater defenses against tactical or theater ballistic missiles.

(c) SPACE-BASED INTERCEPTORS PROGRAM ELEMENT.—The Space-Based Interceptors program element shall include programs, projects, and activities (and supporting programs, projects, and activities) that have as a primary objective the conduct of research on space-based kinetic-kill interceptors and associated sensors that could provide an overlay to ground-based anti-ballistic missile interceptors.

(d) OTHER FOLLOW-ON SYSTEMS PROGRAM ELEMENT.—The Other Follow-On Systems program element shall include programs, projects, and activities that have as a primary objective the development of technologies capable of supporting systems, components, and architectures that could produce highly effective defenses for the future.

(e) RESEARCH AND SUPPORT ACTIVITIES PROGRAM ELEMENT.—The Research and Support Activities program element shall include programs, projects, and activities that have as primary objectives the following:

(1) The provision of basic research and technical, engineering, and managerial support to the programs, projects, and activities within the program elements referred to in subsection (a) through (d).

(2) Innovative science and technology projects.

(3) The provision of necessary test and evaluation services other than those required for a specific program element.

(4) Program management.

SEC. 237. STRATEGIC DEFENSE INITIATIVE FUNDING.

(a) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 for fiscal year 1992 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1992, not more than $4,150,000,000 may be obligated for the Strategic Defense Initiative.

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

(1) not more than $1,521,780,000 shall be available for programs, projects, and activities within the Limited Defense System program element;

(2) not more than $828,710,000 shall be available for programs, projects, and activities within the Theater Missile Defenses program element;

(3) not more than $465,000,000 shall be available for programs, projects, and activities within the Space-Based Interceptors program element, of which not more than $390,000,000 shall be available for the Brilliant Pebbles program account;

(4) not more than $629,550,500 shall be available for programs, projects, and activities within the Other Follow-On Systems program element; and

(5) not more than $704,959,500 shall be available for programs, projects, and activities within the Research and Support Activities program element.

(c) ENVIRONMENTAL IMPACT STATEMENT.—Of the amount described in paragraph (b)(1)—

(1) not more than $5,000,000 may be used to carry out an expeditious site-specific environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) not more than $40,000,000 may be used to conduct studies, site surveys, technical assessments, analysis, and refurbishments to remove the Grand Forks anti-ballistic missile site from its deactivated status.

The Congress hereby expressly waives any and all requirements to evaluate alternative sites to the site at Grand Forks.

(d) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Strategic Defense Initiative for fiscal year 1992. The report shall specify the amount of such funds allocated for each program, project, and activity of the Strategic Defense Initiative and shall list each Strategic Defense Initiative program, project, and activity under the appropriate program element.

(e) TRANSFER AUTHORITIES.—

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

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

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

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

(3) EXCEPTION.—Transfer authority may not be used for a decrease in funds identified in subsection (b)(2) for Theater Missile Defenses.

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

(f) LAND TRANSFER, NORTH DAKOTA.—The Administrator of the General Services Administration shall, without reimbursement and no later than 90 days after the date of the enactment of this Act, transfer accountability of the real property and improvements thereon, comprising approximately 473 acres (fee and easements) located within and contiguous to the Grand Forks SAFEGUARD-MSR site at Nekoma, North Dakota, to the Secretary of the Army.

SEC. 238. REVIEW OF FOLLOW-ON DEPLOYMENT OPTIONS.

As deployment at the anti-ballistic missile site described in section 233(b)(2) draws near to the deployment date of fiscal year 1996, the President and the Congress shall assess the progress in the ABM Treaty amendments negotiation called for under section 233(c) and shall consider the options available to the United States as now exist under the ABM Treaty. To assist in this review process, the President shall submit to the Congress not later than May 1, 1994, an interim report on the progress of the negotiations.

President.
Reports.

SEC. 239. ABM TREATY DEFINED.

For purposes of this part, the term "ABM Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed in Moscow on May 26, 1972.

SEC. 240. INTERPRETATION.

Nothing in this part may be construed to imply—

(1) congressional authorization for development, testing, or deployment of anti-ballistic missile systems in violation of the ABM Treaty, including any protocol or amendment to that treaty; or

(2) final congressional authorization for deployment of anti-ballistic missile systems in compliance with the ABM Treaty.

PART D—OTHER MISSILE DEFENSE MATTERS

SEC. 241. ARROW TACTICAL ANTI-MISSILE PROGRAM.

(a) COOPERATIVE RESEARCH AND DEVELOPMENT.—Congress endorses a continuing program of cooperative research and development, jointly funded by the United States and the government of Israel, on the Arrow Tactical Anti-Missile program with a view to proving out (through such cooperative research and development) the feasibility and practicality of the system.

(b) ARROW DEPLOYABILITY INITIATIVE.—(1) Subject to paragraphs (2) and (3), the Secretary of Defense may obligate from funds appropriated pursuant to section 201 for fiscal year 1992 up to $54,400,000 for the purpose of initiating research and development of systems to deploy the Arrow missile in the future, such as battle management, lethality, system integration, test bed, and fire control radar. Funds for such purpose may not be derived from funds available for the Strategic Defense Initiative.

(2) The authority under paragraph (1) is in addition to any other authority provided in this Act regarding the Arrow Tactical Anti-Missile program.

(3) Funds may not be obligated for the purpose described in paragraph (1) unless—

(A) the United States and the government of Israel enter into a Memorandum of Understanding governing the conduct and funding of such an effort; Israel.

(B) the Secretary of Defense certifies to the congressional defense committees that the Arrow missile has successfully completed the current four-test proof-of-principle flight test program; and

(C) the President has certified to Congress— President. Israel.

(i) with respect to any waiver of activities sanctionable under the laws described in paragraph (4) granted on or before the date of the enactment of this Act to any firm involved in the Arrow program at the time of such certification, that such activities have been terminated and the government of the nation in which such firm is located has given assurances to the United States that such activities by such firm will not be repeated; and

(ii) that the government of Israel has undertaken to adopt export controls pursuant to the Guidelines and Annex of the Missile Technology Control Regime (MTCR).

(4) The laws referred to in paragraph (3)(C)(i) are section 73(a)(1) of the Arms Export Control Act, section 11B(b)(1) of the Export Administration Act of 1979, and sections 1702 and 1703 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510).

SEC. 242. DEVELOPMENT AND TESTING OF ANTI-BALLISTIC MISSILE SYSTEMS OR COMPONENTS.

(a) USE OF FUNDS.—

(1) LIMITATION.—Funds appropriated to the Department of Defense for fiscal year 1992, or otherwise made available to the Department of Defense from any funds appropriated for fiscal year 1992 or for any fiscal year before 1992, may not be obligated or expended—

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

(B) for the acquisition of any material or equipment (including any long lead materials, components, piece parts, test equipment, or any modified space launch vehicle) required or to be used for the development or testing of anti-ballistic missile systems or components, except for material or equipment required for development or testing consistent with the development and testing described in the May 1991 SDIO Report.

(2) EXCEPTION.—The limitation under paragraph (1) shall not apply to funds transferred to or for the use of the Strategic Defense Initiative for fiscal year 1992 if the transfer is made in accordance with section 1001 of this Act.

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

PART E—OTHER MATTERS

SEC. 251. MEDICAL COUNTERMEASURES AGAINST BIOWARFARE THREATS.

(a) FUNDING.—Of the amounts appropriated pursuant to section 201 for fiscal year 1992, not more than $53,800,000 shall be available for the medical component of the Biological Defense Research Program (BDRP) of the Department of Defense.

(b) LIMITATIONS.—(1) No funds appropriated or otherwise made available for the Department of Defense for fiscal year 1992 may be obligated or expended for product development, or for research, development, testing, or evaluation, of medical countermeasures against a biowarfare threat except for medical countermeasures against a validated biowarfare threat agent or a potential (far-term) biowarfare threat agent.

(2) Of the funds made available pursuant to subsection (a), not more than $10,000,000 may be obligated or expended for research, development, testing, and evaluation of medical countermeasures against potential (far-term) biowarfare threats.

(c) DEFINITIONS.—In this section:

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

(A) is named in the biological warfare threat list published jointly by the Defense Intelligence Agency (DIA) and the Armed Forces Medical Intelligence Center (AFMIC); or

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

(2) The term "validated biowarfare threat agent" means a biowarfare threat agent that is being or has been developed or produced for weaponization within 10 years, as assessed and determined jointly by the Defense Intelligence Agency and the Armed Forces Medical Intelligence Center.

(3) The term "potential (far-term) biowarfare threat agent" means a biowarfare threat agent that is an emerging or future biowarfare threat, is the object of research by a foreign threat country, and will be ready for weaponization in more than 10 years and less than 20 years, as assessed and determined jointly by the Defense Intelligence Agency and the Armed Forces Medical Intelligence Center.

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

SEC. 252. UNIVERSITY RESEARCH INITIATIVE.

Of the amounts authorized to be appropriated for fiscal year 1992 pursuant to section 201, $182,373,000 shall be available for research and development under the University Research Initiative program of the Department of Defense, of which $30,000,000 shall be available only for research in advanced manufacturing technologies and industrial processes.

SEC. 253. GRANT FOR THE INSTITUTE FOR ADVANCED SCIENCE AND TECHNOLOGY.

(a) AUTHORITY TO MAKE GRANT.—Of the amount authorized to be appropriated pursuant to section 201 for the Defense Agencies, and

as previously authorized in Public Law 101-510 and appropriated in Public Law 101-511 for the establishment of an Institute for Advanced Science and Technology (IAST), an additional $25,000,000 shall be made available until expended as a grant. The grant shall be made to the institution of higher education which has been selected as the site, through competitive procedures and based on the qualifications stipulated in section 243 of Public Law 101-510, of the Institute for Advanced Science and Technology for Phase II.

(b) COST-SHARING REQUIREMENT.—The grant under subsection (a) shall be available for construction of the facility for the institute. In making the grant, the Secretary of Defense shall ensure that the Federal share of the cost of the construction project does not exceed 50 percent of the total cost of the project.

(c) PURPOSE OF GRANTS.—The grant shall be used to support development of critical technologies as identified by the Department of Defense in its Critical Technologies Plan as required by Public Law 100-456.

SEC. 254. ADVANCED APPLIED TECHNOLOGY DEMONSTRATION FACILITY FOR ENVIRONMENTAL TECHNOLOGY.

(a) AUTHORITY TO MAKE GRANT.—Of the amount authorized to be appropriated for research, development, test, and evaluation for fiscal year 1992 for the Defense Agencies, $20,000,000 shall be available for a grant to a nonprofit organization or an institution of higher education to establish an advanced applied technology demonstration facility for environmental technology. Such grant shall be awarded through the use of competitive procedures.

(b) QUALIFICATIONS.—A grant under subsection (a) may be awarded only to an organization or institution that—

(1) has nationally recognized expertise in environmental technology and business administration; and

(2) proposes a clear plan (as determined by the Secretary of Defense) showing how its management of such a facility will be usable by the Department of Defense in resolving environmental cleanup problems of the Department.

(c) COST SHARING.—In evaluating proposals for a grant under subsection (a), the Secretary of Defense shall consider as favorable evaluation factors for the award of the grant provisions of such a proposal under which the organization or institution submitting the proposal—

(1) proposes that, if awarded the grant, it will agree to have available all equipment necessary to conduct environmental cleanup demonstration projects at the facility; and

(2) demonstrates that it has, or upon receipt of the grant will obtain, secure sources of funding such that—

(A) the Federal share of the administrative costs of the facility established with the grant will not exceed one-half of the total administrative costs of the facility for the first two years of the operation of the facility; and

(B) no Department of Defense assistance for the operation of the facility will be required after the first three years of the operation of the facility.

SEC. 255. CONTINUED COOPERATION WITH JAPAN ON TECHNOLOGY RESEARCH AND DEVELOPMENT.

Of the funds authorized to be appropriated pursuant to section 201 for research, development, test, and evaluation for fiscal year 1992, and made available for basic research, exploratory development, and advanced technology, $10,000,000 shall be available for such fiscal year for research and development projects conducted jointly by the United States and Japan in accordance with section 1454(d) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1695).

SEC. 256. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) WORKLOAD LEVELS TO BE SPECIFIED IN BUDGET DOCUMENTS.—(1) Section 2367 of title 10, United States Code, is amended by adding at the end the following:

"(d) IDENTIFICATION TO CONGRESS OF FFRDC WORKLOAD EFFORT.—(1) In the documents provided to Congress by the Secretary of Defense in support of the budget submitted by the President under section 1105 of title 31 for any fiscal year, the Secretary shall set forth the proposed amount of the man-years of effort to be funded by the Department of Defense for each federally funded research and development center for the fiscal year covered by that budget.

Reports.

"(2) After the close of a fiscal year, and not later than January 1 of the next year, the Secretary shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a report setting forth the actual obligations and the actual man-years of effort expended at each federally funded research and development center during that fiscal year.".

10 USC 2367 note.

(2)(A) Paragraph (1) of subsection (d) of section 2367 of title 10, United States Code, as added by paragraph (1), shall take effect with respect to the budget submitted for fiscal year 1994.

(B) Paragraph (2) of such subsection shall take effect with respect to fiscal year 1992.

(b) MAN-YEAR LIMITATIONS.—Funds appropriated or otherwise made available for the Department of Defense for fiscal years 1992 and 1993 may not be obligated at any of the following federally funded research and development centers in order to obtain work in excess of the number of man-years specified for that center as follows:

(1) For the Center for Naval Analysis, 270.
(2) For the Institute for Defense Analysis—
  (A) for studies and analysis, 320;
  (B) for systems and engineering in connection with operational test and evaluation, 75; and
  (C) for research and development in connection with command, control, communications, and intelligence, 150.
(3) For the Rand Project Air Force, 150.
(4) For the National Defense Research Institute, 160.
(5) For the Arroyo Center, 150.
(6) For the Logistics Management Institute, 140.
(7) For the Aerospace Corporation, 2,500.
(8) For the MIT Lincoln Laboratory, 1,150.
(9) For the Software Engineering Institute, 160.
(10) For the Institute for Advanced Technology, 40.

(c) FUNDING LIMITATION.—Of the funds appropriated or otherwise made available for the Department of Defense for fiscal years 1992

and 1993, not more than $446,000,000 may be obligated for the federally funded research and development center of MITRE.

(d) AUTHORITY TO WAIVE LIMITATIONS.—The Secretary of Defense may waive a limitation in subsection (b) or (c) in the case of any federally funded research and development center. Such a waiver may not be implemented until the Secretary notifies the congressional defense committees of the proposed waiver and the reasons for the waiver and a period of 60 days elapses after the date on which the notification is made. However, in a case in which the Secretary determines that it is essential to the national security that funds be obligated for work in excess of that limitation before the end of such 60-day period, the Secretary may waive such 60-day period upon notification to the congressional defense committees of that determination and the reasons for the determination.

SEC. 257. REVISION IN MEMBERSHIP OF STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM COUNCIL: MEMBERSHIP ON COUNCIL AND ON SCIENTIFIC ADVISORY BOARD.

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

(1) by striking out "nine members" and inserting in lieu thereof "thirteen members";

(2) by redesignating paragraph (9) as paragraph (10); and

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

"(9) One representative from each of the Army, Navy, Air Force, and Coast Guard, who shall be non-voting members.".

(b) REVISION IN MEMBERSHIP OF ADVISORY BOARD.—Section 2904 of such title is amended—

(1) in subsection (a), by striking out "13 members" and inserting in lieu thereof "14 members"; and

(2) in subsection (b), by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) The following persons shall be permanent members of the Advisory Board:

"(A) The Science Advisor to the President, or his designee.

"(B) The Administrator of the National Oceanic and Atmospheric Administration, or his designee.".

TITLE III—OPERATION AND MAINTENANCE

PART A—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1992 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army, $21,155,854,000.

(2) For the Navy, $23,185,380,000.

(3) For the Marine Corps, $1,845,500,000.

(4) For the Air Force, $19,657,010,000.

(5) For the Defense Agencies, $8,652,716,000.

(6) For the Army Reserve, $968,200,000.

(7) For the Naval Reserve, $824,600,000.

(8) For the Marine Corps Reserve, $80,900,000.

(9) For the Air Force Reserve, $1,078,700,000.
(10) For the Army National Guard, $2,124,800,000.
(11) For the Air National Guard, $2,276,300,000.
(12) For the National Board for the Promotion of Rifle Practice, $4,000,000.
(13) For the Defense Inspector General, $120,100,000.
(14) For Drug Interdiction and Counter-Drug Activities, Defense, $1,158,600,000.
(15) For the Court of Military Appeals, $5,500,000.
(16) For Environmental Restoration, Defense, $1,183,900,000.
(17) For Humanitarian Assistance, $13,000,000.

(b) SPECIAL AUTHORIZATION FOR CONTINGENCIES.—There are authorized to be appropriated for fiscal year 1992, in addition to the amounts authorized to be appropriated in subsection (a) and (c), such sums as may be necessary—
(1) for unbudgeted increases in fuel costs; and
(2) for unbudgeted increases as a result of inflation in the cost of activities authorized by subsection (a) and (c).

(c) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1993.—Funds are hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:
(1) For the Army, $20,039,200,000.
(2) For the Navy, $23,781,100,000.
(3) For the Marine Corps, $2,190,200,000.
(4) For the Air Force, $21,047,600,000.
(5) For the Defense Agencies, $9,119,800,000.
(6) For the Army Reserve, $993,500,000.
(7) For the Naval Reserve, $816,950,000.
(8) For the Marine Corps Reserve, $77,650,000.
(9) For the Air Force Reserve, $1,263,900,000.
(10) For the Army National Guard, $2,116,300,000.
(11) For the Air National Guard, $2,723,600,000.
(12) For the Inspector General of the Department of Defense, $116,700,000.
(13) For Drug Interdiction and Counter-Drug Activities, Defense, $1,249,400,000.
(14) For the Court of Military Appeals, $5,900,000.
(15) For Environmental Restoration, Defense, $1,450,200,000.
(16) For Humanitarian Assistance, $13,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1992.—There is authorized to be appropriated for fiscal year 1992 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for the Defense Business Operations Fund, $3,400,200,000.

(b) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1993.—There is authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for the Defense Business Operations Fund, $1,145,300,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 1992 from the Armed Forces Retirement Home Trust Fund the sum of

$57,651,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. HUMANITARIAN ASSISTANCE.

(a) PURPOSE.—(1) Funds appropriated pursuant to the authorization in section 301(a)(17) for humanitarian assistance shall be used for the purpose of providing transportation for humanitarian relief for persons displaced or who are refugees because of the invasion of Afghanistan by the Soviet Union.

(2) Of the funds authorized to be appropriated for fiscal year 1992 pursuant to such section for such purpose, not more than $3,000,000 shall be available for distribution of humanitarian relief supplies to displaced persons or refugees who are noncombatants, including those affiliated with the Cambodian non-Communist resistance, at or near the border between Thailand and Cambodia.

(b) AUTHORITY TO TRANSFER FUNDS.—The Secretary of Defense may transfer to the Secretary of State not more than $3,000,000 of the funds appropriated pursuant to such section for fiscal year 1992 for humanitarian assistance, other than the funds described in subsection (a)(2), to provide for—

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

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

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

(d) MEANS OF TRANSPORTATION TO BE USED.—Transportation for humanitarian relief provided with funds appropriated pursuant to such section for humanitarian assistance shall be provided by the most economical commercial or military means available, unless the Secretary of State determines that it is in the national interest of the United States to provide transportation other than by the most economical means available. The means used to provide such transportation may include the use of aircraft and personnel of the reserve components of the Armed Forces.

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

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

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

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

(B) not later than June 1, 1992; and

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

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

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

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

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

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

(A) This section.

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

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

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

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

(F) Section 305 of the Department of Defense Authorization Act, Fiscal Year 1986 (Public Law 99-145; 99 Stat. 617).

(5) Section 303 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1525) is amended by striking out subsection (f).

New York.

SEC. 305. SUPPORT FOR THE 1993 WORLD UNIVERSITY GAMES.

(a) AUTHORITY TO PROVIDE SUPPORT.—The Secretary of Defense may provide logistical support and personnel services in connection with the 1993 World University Games to be held in the State of New York.

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

(2) Paragraph (1) does not apply in the case of members of a reserve component called or ordered to active duty to provide logistical support and personnel services for the 1993 World University Games.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Defense for fiscal year 1992 the sum of $3,000,000 to carry out subsection (a).

Georgia.

SEC. 306. SUPPORT FOR THE 1996 SUMMER OLYMPICS.

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

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

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

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Defense for fiscal year 1992 the sum of $2,000,000 to carry out subsection (a).

SEC. 307. PRESIDENTIAL INAUGURATION ASSISTANCE.

(a) FURNISHING OF MATERIALS, SUPPLIES, AND SERVICES.—With respect to the Presidential inauguration to take place on January 20, 1993, the Secretary of Defense may lend materials and supplies, and provide materials, supplies, and services of personnel, during fiscal years 1992 and 1993—

(1) to the Inaugural Committee established under the first section of the Presidential Inaugural Ceremonies Act (36 U.S.C. 721); and

(2) to the joint committee of the Senate and House of Representatives described in section 9 of that Act (36 U.S.C. 729).

(b) TERMS OF ASSISTANCE.—Assistance under subsection (a) shall be loaned or provided in such manner as the Secretary of Defense determines to be appropriate and under such conditions as the Secretary may prescribe.

(c) ADDITIONAL AUTHORITY.—The authority provided by subsection (a) is in addition to the authority provided by section 2543 of title 10, United States Code.

PART B—LIMITATIONS

SEC. 311. LIMITATION ON OBLIGATIONS AGAINST STOCK FUNDS.

(a) LIMITATION.—(1) The Secretary of Defense may not incur obligations against the stock funds of the Department of Defense during fiscal year 1992 in an amount in excess of 80 percent of the sales from such stock funds during that fiscal year.

(2) For purposes of determining the amount of obligations incurred against, and sales from, the stock funds during fiscal year 1992, the Secretary shall exclude obligations and sales for fuel, commissary and subsistence items, retail operations, repair of equipment, and the cost of operations.

(b) EXCEPTION.—The Secretary of Defense may waive the limitation contained in subsection (a) if the Secretary determines that such waiver is critical to the national security of the United States. The Secretary shall immediately notify Congress of any such waiver and the reasons for such waiver.

SEC. 312. REPEAL OF REQUIREMENT FOR AUTHORIZATION OF CIVILIAN PERSONNEL BY END STRENGTH.

(a) IN GENERAL.—Section 115 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out paragraph (4); and

(2) in subsection (b)—

(A) by inserting "or" at the end of paragraph (2);

(B) by striking out "; or" at the end of paragraph (3) and inserting in lieu thereof a period; and

(C) by striking out paragraph (4).

(b) CONFORMING AMENDMENT.—Section 129(a) of such title is amended—

(1) by striking out "department, (2)" and inserting in lieu thereof "department and (2)"; and

(2) by striking out ", and (3)" and all that follows through "fiscal year" in the first sentence.

SEC. 313. LIMITATION RELATING TO CONSOLIDATION OF SUPPLY DEPOTS.

(a) LIMITATION.—The Secretary of Defense may not proceed with the consolidation of supply depots under decision 902 of the Defense Management Review (or any successor of that decision) until the Secretary—

(1) completes an analysis of the results of the supply depot consolidations referred to in subsection (c);

(2) makes a determination that an automatic data processing system in the Department of Defense for the consolidation of supply depots is developed and operational and meets the requirements of the military departments; and

Reports. (3) submits to Congress a report describing the basis and results of the analysis under paragraph (1) and the determination under paragraph (2).

(b) ELEMENTS OF ANALYSIS.—The analysis required by subsection (a)(1) shall include—

(1) a determination of the cost savings associated with the supply depot consolidations referred to in subsection (c); and

(2) an assessment of the effect of those consolidations on the ability of the military departments to provide mission support.

(c) EXCEPTION.—Notwithstanding subsection (a), the Secretary of Defense may proceed with—

(1) the consolidation of the Mechanicsburg, New Cumberland, Ogden, and Red River supply depots; and

(2) any consolidation of the supply depots made as part of the Bay Area regional prototype and initiated before the date of the enactment of this Act.

SEC. 314. LIMITATION ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL.

(a) PERCENTAGE LIMITATION.—(1) Section 2466 of title 10, United States Code, is amended to read as follows:

"§ 2466. Limitations on the performance of depot-level maintenance of materiel

"(a) PERCENTAGE LIMITATION.—Not less than 60 percent of the funds available for each fiscal year for depot-level maintenance of materiel managed for the Department of the Army and the Department of the Air Force shall be used for the performance of such depot-level maintenance by employees of the Department of Defense.

"(b) PROHIBITION ON MANAGEMENT BY END STRENGTH.—The civilian employees of the Department of Defense involved in the depot-level maintenance of materiel may not be managed on the basis of any end-strength constraint or limitation on the number of such employees who may be employed on the last day of a fiscal year. Such employees shall be managed solely on the basis of the available workload and the funds made available for such depot-level maintenance.

"(c) WAIVER OF LIMITATION.—The Secretary of the Army, with respect to the Department of the Army, and the Secretary of the Air

Force, with respect to the Department of the Air Force, may waive the applicability of subsection (a) for a fiscal year, to a particular workload, or to a particular depot-level activity if the Secretary determines that the waiver is necessary for reasons of national security and notifies Congress regarding the reasons for the waiver.

"(d) EXCEPTION.—Subsection (a) shall not apply with respect to the Sacramento Army Depot, Sacramento, California.

"(e) REPORTS.—Not later than January 15, 1992, and January 15, 1993, the Secretary of the Army and the Secretary of the Air Force shall jointly submit to Congress a report describing the progress during the preceding fiscal year to achieve and maintain the percentage of depot-level maintenance required to be performed by employees of the Department of Defense pursuant to subsection (a).".

(2) The item relating to section 2466 of title 10, United States Code, in the table of sections at the beginning of chapter 146 of such title is amended to read as follows:

"2466. Limitations on the performance of depot-level maintenance of materiel.".

(3) The Secretary of the Army and the Secretary of the Air Force may not cancel a depot-level maintenance contract in effect on the date of the enactment of this Act in order to comply with the requirements of section 2466(a) of such title, as amended by subsection (a). 10 USC 2466 note.

(b) COMPETITION PILOT PROGRAM.—(1) During fiscal years 1992 and 1993, the Secretary of Defense shall conduct a pilot program under which competitive procedures are used to select entities to perform depot-level maintenance of materiel for the Department of the Army and the Department of the Air Force. Entities eligible for selection shall include depot-level activities of the Department of Defense. The program may not involve more than 10 percent of all depot-level maintenance of materiel that is not required to be performed by employees of the Department of Defense pursuant to the limitations contained in section 2466 of title 10, United States Code. 10 USC 2466 note.

(2) Section 922 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1627) is repealed.

(c) REVIEW BY COMPTROLLER GENERAL.—Not later than February 1, 1994, the Comptroller General shall submit to Congress an evaluation of all depot maintenance workloads of the Department of Defense, including Navy depot maintenance workloads, that are performed by an entity selected pursuant to competitive procedures. 10 USC 2466 note.

(d) REPORT BY SECRETARY OF DEFENSE.—Not later than December 1, 1993, the Secretary of Defense shall submit to Congress a report— 10 USC 2466 note.

(1) containing a five-year strategy of the Department of Defense to use competitive procedures for the selection of entities to perform depot maintenance workloads; and

(2) describing the cost savings anticipated through the use of those procedures.

SEC. 315. TWO-YEAR EXTENSION OF AUTHORITY OF BASE COMMANDERS OVER CONTRACTING FOR COMMERCIAL ACTIVITIES.

(a) EXTENSION.—Section 2468(f) of title 10, United States Code, is amended by striking "September 30, 1991" and inserting in lieu thereof "September 30, 1993".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 30, 1991. 10 USC 2468 note.

10 USC 2208 note.

SEC. 316. LIMITATIONS ON THE USE OF DEFENSE BUSINESS OPERATIONS FUND.

(a) MANAGEMENT METHOD.—During the period beginning on the date of the enactment of this Act and ending on April 15, 1993, the Secretary of Defense may manage the performance of the working-capital funds and industrial, commercial, and support type activities described in subsection (b) through the use of a single Defense Business Operations Fund. Except for the funds and activities specified in subsection (b), no other functions, activities, funds, or accounts of the Department of Defense may be managed through the Defense Business Operations Fund.

(b) FUNDS AND ACTIVITIES INCLUDED.—The funds and activities referred to in subsection (a) are—

(1) working-capital funds established under section 2208 of title 10, United States Code, and in existence on the date of the enactment of this Act;

(2) those activities that, on the date of the enactment of this Act, are funded through the use of a working-capital fund established under that section; and

(3) the Defense Finance and Accounting Service, the Defense Industrial Plant Equipment Center, the Defense Commissary Agency, the Defense Technical Information Service, and the Defense Reutilization and Marketing Service.

SEC. 317. ACQUISITION OF INVENTORY.

(a) LIMITATION.—Chapter 131 of title 10, United States Code, is amended by inserting after section 2212 the following new section:

"§ 2213. Limitation on acquisition of excess supplies

"(a) TWO-YEAR SUPPLY.—The Secretary of Defense may not incur any obligation against a stock fund of the Department of Defense for the acquisition of any item of supply if that acquisition is likely to result in an on-hand inventory (excluding war reserves) of that item of supply in excess of two years of operating stocks.

"(b) EXCEPTIONS.—The head of a procuring activity may authorize the acquisition of an item of supply in excess of the limitation contained in subsection (a) if that activity head determines in writing—

"(1) that the acquisition is necessary to achieve an economical order quantity and will not result in an on-hand inventory (excluding war reserves) in excess of three years of operating stocks and that the need for the item is unlikely to decline during the period for which the acquisition is made; or

"(2) that the acquisition is necessary for purposes of maintaining the industrial base or for other reasons of national security.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2212 the following new item:

"2213. Limitation on acquisition of excess supplies.".

PART C—ENVIRONMENTAL PROVISIONS

SEC. 331. REIMBURSEMENT REQUIREMENT FOR CONTRACTORS HANDLING HAZARDOUS WASTES FROM DEFENSE FACILITIES.

(a) REQUIREMENT.—(1) Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2708. Contracts for handling hazardous waste from defense facilities

"(a) REIMBURSEMENT REQUIREMENT.—(1) Each contract or subcontract to which this section applies shall provide that, upon receipt of hazardous wastes properly characterized pursuant to applicable laws and regulations, the contractor or subcontractor will reimburse the Federal Government for all liabilities incurred by, penalties assessed against, costs incurred by, and damages suffered by, the Government that are caused by—

"(A) the contractor's or subcontractor's breach of any term or provision of the contract or subcontract; and

"(B) any negligent or willful act or omission of the contractor or subcontractor, or the employees of the contractor or subcontractor, in the performance of the contract or subcontract.

"(2) Not later than 30 days after such a contract or subcontract is awarded, the contractor or subcontractor shall demonstrate that the contractor or subcontractor will reimburse the Federal Government as provided in paragraph (1).

"(b) APPLICABILITY.—(1) Except as provided in paragraph (2), this section applies to all contracts entered into by the Secretary of Defense or the Secretary of a military department, and all subcontracts under such contracts, with an owner or operator of a hazardous waste treatment or disposal facility during fiscal year 1992 for the offsite treatment or disposal of hazardous wastes from a facility under the jurisdiction of the Secretary of Defense.

"(2) This section does not apply to—

"(A) any contract or subcontract to perform remedial action or corrective action under the Defense Environmental Restoration Program, other programs or activities of the Department of Defense, or authorized State hazardous waste programs;

"(B) any contract or subcontract under which the generation of the hazardous waste to be disposed of is incidental to the performance of the contract; or

"(C) any contract or subcontract to dispose of ammunition or solid rocket motors.

"(c) EXCEPTION TO REIMBURSEMENT REQUIREMENT.—Notwithstanding subsection (a), in the case of any contract to which this section applies, if the Secretary of Defense or the Secretary of the military department concerned determines that—

"(1) there is only one responsible offeror or there is no responsible offeror willing to provide the reimbursement required by subsection (a) for such contract; or

"(2) failure to award the contract would place the facility concerned in violation of any requirement of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.),

then the contract may be awarded without including the reimbursement provision required by subsection (a).

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'hazardous waste' has the meaning given that term by section 1004(5) of the Solid Waste Disposal Act (42 U.S.C. 6903(5)), except that such term also includes polychlorinated biphenyls.

"(2) The term 'remedial action' has the meaning given that term by section 101(24) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(24)).

"(3) The term 'corrective action' has the meaning given that term under section 3004(u) of the Solid Waste Disposal Act (42 U.S.C. 6924(u)).

"(4) The term 'polychlorinated biphenyls' has the meaning given that term under section 6(e) of the Toxic Substances Control Act (15 U.S.C. 2605(e)).

"(e) EFFECT ON LIABILITY.—Nothing in this section shall affect the liability of the Federal Government under any Federal or State law or under common law.".

(2) The table of sections relating to chapter 160 of such title is amended by adding at the end the following new item:

"2708. Contracts for handling hazardous waste from defense facilities.".

10 USC 2708 note.

(b) EFFECTIVE DATE.—Section 2708 of title 10, United States Code, shall apply with respect to contracts entered into after the expiration of the 60-day period beginning on the date of the enactment of this Act.

SEC. 332. EXTENSION OF WASTE MINIMIZATION PROGRAM.

10 USC 2701 note.

Section 354 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189) is amended as follows:

(1) Subsection (a) is amended by striking out "fiscal year 1992" and inserting in lieu thereof "fiscal years 1992, 1993, and 1994".

(2) Subsection (b) is amended in the second sentence by striking out "fiscal year 1992" and inserting in lieu thereof "each of fiscal years 1992, 1993, and 1994".

SEC. 333. PROHIBITION ON USE OF ENVIRONMENTAL RESTORATION FUNDS FOR PAYMENT OF FINES AND PENALTIES.

None of the funds appropriated for fiscal year 1992 pursuant to the authorization for the Environmental Restoration, Defense account provided in section 301 may be used for the payment of fines or penalties unless the act or omission for which a fine or penalty is imposed arises out of activities funded by the account.

10 USC 2687 note.

SEC. 334. ENVIRONMENTAL RESTORATION REQUIREMENTS AT MILITARY INSTALLATIONS TO BE CLOSED.

(a) REQUIREMENTS FOR INSTALLATIONS TO BE CLOSED UNDER 1989 BASE CLOSURE LIST.—(1) All draft final remedial investigations and feasibility studies related to environmental restoration activities at each military installation described in paragraph (2) shall be submitted to the Environmental Protection Agency not later than 24 months after the date of the enactment of this Act.

(2) Paragraph (1) applies to each military installation—

(A) which is to be closed pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note); and

(B) which is on the National Priorities List under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(b) REQUIREMENTS FOR INSTALLATIONS TO BE CLOSED UNDER 1991 BASE CLOSURE LIST.—(1) All draft final remedial investigations and feasibility studies related to environmental restoration activities at each military installation described in paragraph (2) shall be submitted to the Environmental Protection Agency not later than 36 months after the date of the enactment of this Act.

(2) Paragraph (1) applies to each military installation—

(A) which is to be closed pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510) as a result of being recommended for closure in the report transmitted to Congress by the President pursuant to section 2903(e) of such Act on or before September 1, 1991, and

(B) which is on the National Priorities List under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(c) DEADLINE EXTENSION.—(1) Subject to paragraph (2), the Secretary of Defense, after consultation with the Administrator of the Environmental Protection Agency, may extend for a 6-month period the period of time in which the requirements of subsection (a) or (b) must be met with respect to a military installation covered by subsection (a) or (b) if, within the scope of the Federal Facility Agreement governing cleanup at the installation, any of the following conditions exists at the installation:

(A) There are newly discovered sites or areas on the installation where a hazardous substance has been released, stored, or disposed of. For purposes of this subparagraph, the term "newly discovered" means discovered after the expiration of the 6-month period beginning on the date of enactment of this Act.

(B) There are technical engineering difficulties in carrying out the investigations and studies.

(C) Expediting the investigations and studies would constitute a substantial endangerment to the public health and the environment.

(D) Adequate funds have not been appropriated to the Department of Defense, or adequate resources are not available to any party to the Federal Facility Agreement, to carry out or oversee the investigations and studies by the applicable deadline.

(2)(A) An extension under paragraph (1) shall take effect if—

(i) the Secretary of Defense submits to Congress a notification containing a certification that, to the best of the Secretary's knowledge and belief, the requirements of subsection (a) or (b) cannot be met with respect to the military installation by the applicable deadline because one of the conditions set forth in paragraph (1) exists; and

(ii) a period of 30 calendar days after receipt by Congress of such notice has elapsed.

(B) In the computation of the 30-day period under subparagraph (A)(ii), there shall be excluded each day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(3) The Secretary may grant more than one 6-month extension for a military installation under paragraph (1), but each such extension is subject to paragraphs (1) and (2).

President.

(d) BUDGET ESTIMATE.—Each year the President shall include, in the budget submitted to Congress for a fiscal year (pursuant to section 1105 of title 31, United States Code), an estimate of the funding levels required for the Department of Defense to comply with this section during the fiscal year for which the budget is submitted.

SEC. 335. PROHIBITION ON THE PURCHASE OF SURETY BONDS AND OTHER GUARANTIES FOR THE DEPARTMENT OF DEFENSE.

No funds appropriated or otherwise made available to the Department of Defense for fiscal year 1992 or fiscal year 1993 may be obligated or expended for the purchase of surety bonds or other guaranties of financial responsibility in order to guarantee the performance of any direct function of the Department of Defense.

SEC. 336. SURETY BONDS FOR DEFENSE ENVIRONMENTAL RESTORATION PROGRAM CONTRACTS.

(a) IN GENERAL.—Section 2701 of title 10, United States Code, is amended by adding at the end the following:

"(h) SURETY-CONTRACTOR RELATIONSHIP.—Any surety which provides a bid, performance, or payment bond in connection with any direct Federal procurement for a response action contract under the Defense Environmental Restoration Program and begins activities to meet its obligations under such bond, shall, in connection with such activities or obligations, be entitled to any indemnification and the same standard of liability to which its principal was entitled under the contract or under any applicable law or regulation.

"(i) SURETY BONDS.—

"(1) APPLICABILITY OF MILLER ACT.—If under the Act of August 24, 1935 (40 U.S.C. 270a–270d), commonly referred to as the 'Miller Act', surety bonds are required for any direct Federal procurement of any response action contract under the Defense Environmental Restoration Program and are not waived pursuant to the Act of April 29, 1941 (40 U.S.C. 270e–270f), the surety bonds shall be issued in accordance with such Act of August 24, 1935.

"(2) LIMITATION OF ACCRUAL OF RIGHTS OF ACTION UNDER BONDS.—If, under applicable Federal law, surety bonds are required for any direct Federal procurement of any response action contract under the Defense Environmental Restoration Program, no right of action shall accrue on the performance bond issued on such contract to or for the use of any person other than an obligee named in the bond.

"(3) LIABILITY OF SURETIES UNDER BONDS.—If, under applicable Federal law, surety bonds are required for any direct Federal procurement of any response action contract under the Defense Environmental Restoration Program, unless otherwise provided for by the Secretary in the bond, in the event of a default, the surety's liability on a performance bond shall be only for the cost of completion of the contract work in accordance with the plans and specifications of the contract less the balance of funds remaining to be paid under the contract, up to the penal sum of the bond. The surety shall in no event be liable on bonds to indemnify or compensate the obligee for loss or liability arising from personal injury or property damage whether or not caused by a breach of the bonded contract.

"(4) NONPREEMPTION.—Nothing in this section shall be construed as preempting, limiting, superseding, affecting, applying to, or modifying any State laws, regulations, requirements, rules, practices, or procedures. Nothing in this section shall be construed as affecting, applying to, modifying, limiting, superseding, or preempting any rights, authorities, liabilities, demands, actions, causes of action, losses, judgment, claims, statutes of limitation, or obligations under Federal or State law, which do not arise on or under the bond.

"(j) APPLICABILITY.—Subsections (h) and (i) shall not apply to bonds executed before the date of the enactment of the National Defense Authorization Act for Fiscal Years 1992 and 1993 or after December 31, 1992.".

PART D—OTHER MATTERS

SEC. 341. ANNUAL REPORT ON DEFENSE CAPABILITIES AND PROGRAMS OF THE ARMED FORCES.

Section 113(i)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) include a description of the means by which the Department of Defense will maintain the capability to reconstitute or expand the defense capabilities and programs of the armed forces of the United States on short notice to meet a resurgent or increased threat to the national security of the United States;".

SEC. 342. COVERAGE OF CONTRACTS FOR EQUIPMENT MAINTENANCE AND OPERATION UNDER PROVISION ALLOWING APPROPRIATED FUNDS TO BE AVAILABLE FOR CERTAIN CONTRACTS FOR 12 MONTHS.

Section 2410a of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting ", equipment," after "tools"; and

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

"(4) The operation of equipment.".

SEC. 343. USE OF PROCEEDS FROM THE SALE OF CERTAIN LOST, ABANDONED, OR UNCLAIMED PERSONAL PROPERTY.

(a) DEMONSTRATION PROJECT.—Notwithstanding section 2575(b) of title 10, United States Code, the Secretary of Defense shall conduct a demonstration project under which the proceeds from the sale under that section of lost, abandoned, or unclaimed property found on a military installation referred to in subsection (b) shall be credited to the operation and maintenance account of that installation and used—

(1) to reimburse the installation for any costs incurred by the installation to collect, transport, store, protect, or sell the property; and

(2) if all such costs are reimbursed, to support morale, welfare, and recreation activities under the jurisdiction of the Armed Forces conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces at that installation.

(b) COVERED MILITARY INSTALLATIONS.—Subsection (a) shall apply to Naval Base, Norfolk, Virginia, and Naval Air Station, Norfolk, Virginia.

(c) RECOVERY OF PROCEEDS.—The owner (or the heirs, next of kin, or legal representative of the owner) of personal property the proceeds of which are credited to a military installation under subsection (a) may file a claim with the Secretary of Defense for the amount equal to the proceeds (less costs referred to in subsection (a)(1)). Amounts to pay the claim shall be drawn from the morale, welfare, and recreation account for the installation that received the proceeds. Unless the claim is filed with the Secretary of Defense within five years after the date of the disposal of the property, the claim may not be considered by a court or the Secretary of Defense. A claim may not be filed under section 2575(b) of title 10, United States Code, in the case of property covered by this section.

(d) PERIOD OF DEMONSTRATION PROJECT.—The demonstration project required by subsection (a) shall—

(1) terminate at the end of the one-year period beginning on the date of the enactment of this Act; and

(2) apply with respect to the disposal during that period under section 2575 of title 10, United States Code, of property found on the military installations referred to in subsection (b).

(e) REPORT.—Not later than 60 days after the end of the one-year period described in subsection (d), the Secretary of Defense shall submit a report to Congress describing the results of the demonstration project required by subsection (a).

SEC. 344. USE OF PROCEEDS FROM THE TRANSFER OR DISPOSAL OF COMMISSARY STORE FACILITIES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.

(a) BASE CLOSURES UNDER 1988 ACT.—(1) Section 204(b)(4) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 102 Stat. 2629; 10 U.S.C. 2687 note) is amended—

(A) by inserting "or (C)" after "subparagraph (B)" in subparagraph (A); and

(B) by adding at the end the following new subparagraphs:

"(C) In the case of the transfer or disposal under this subsection of any real property or facility that was acquired, constructed, or improved (in whole or in part) with funds described in subparagraph (D), a portion of the proceeds equal to the total amount of the funds so used shall be deposited in a reserve account established in the Treasury to be administered and used by the Secretary (in such an aggregate amount as is provided in advance in appropriation Acts) for the purpose of acquiring, constructing, or improving commissary stores and nonappropriated fund instrumentalities.

"(D) The funds referred to in subparagraph (C) are funds received from—

"(i) the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code (or a prior law to that effect); or

"(ii) a nonappropriated fund instrumentality.".

10 USC 2687 note.

(2) Section 209 of that Act (102 Stat. 2634) is amended by adding at the end the following new paragraph:

"(10) The term 'nonappropriated fund instrumentality' means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Ex-

change Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.".

(b) BASE CLOSURES UNDER 1990 ACT.—(1) Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 104 Stat. 1815; 10 U.S.C. 2687 note) is amended—

(A) in subsection (a)(2)(C), by inserting "except as provided in subsection (d)," after "(C)"; and

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

"(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—(1) In the case of the transfer or disposal under this part of any real property or facility that was acquired, constructed, or improved (in whole or in part) with funds described in paragraph (2), a portion of the proceeds equal to the total amount of the funds so used shall be deposited in the reserve account established under section 204(b)(4)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act. The Secretary may use amounts in the account (in such an aggregate amount as is provided in advance in appropriation Acts) for the purpose of acquiring, constructing, or improving commissary stores and nonappropriated fund instrumentalities.

"(2) The funds referred to in paragraph (1) are funds received from—

"(A) the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code; or

"(B) a nonappropriated fund instrumentality.

"(3) As used in this subsection, the term 'nonappropriated fund instrumentality' means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.".

(2) Section 2921 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1819; 10 U.S.C. 2687 note) is amended—

(A) in subsection (c)(1), by striking out "Any" in the second sentence and inserting in lieu thereof "Except as provided in subsection (d),"; and

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

"(d) AMOUNTS CORRESPONDING TO THE VALUE OF PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—(1) In the case of a payment referred to in subsection (c)(1) for the residual value of real property or improvements at an overseas military facility, the portion of the payment that is equal to the value of the improvements carried out with nonappropriated funds shall be deposited in the reserve account established under section 204(b)(4)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act. The Secretary may use amounts in the account (in such an aggregate amount as is provided in advance by appropriation Acts) for the purpose of acquiring, constructing, or improving commissary stores and nonappropriated fund instrumentalities.

"(2) As used in this subsection:

"(A) The term 'nonappropriated funds' means funds received from—

"(i) the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code; or

"(ii) a nonappropriated fund instrumentality.

"(B) The term 'nonappropriated fund instrumentality' means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.".

10 USC 2687 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with regard to the transfer or disposal of any real property or facility pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act or the Defense Base Closure and Realignment Act of 1990 occurring on or after the date of the enactment of this Act.

SEC. 345. USE OF APPROPRIATED FUNDS FOR EXPENSES RELATING TO CERTAIN VOLUNTARY SERVICES.

Section 1588(c) of title 10, United States Code, is amended by striking out "may only be made from nonappropriated funds" in the third sentence and inserting in lieu thereof "may be made from appropriated or nonappropriated funds".

SEC. 346. TREATMENT OF SEVERANCE PAY FOR FOREIGN NATIONALS UNDER OVERSEAS MILITARY BANKING CONTRACTS.

(a) WAIVER AUTHORITY.—Section 2324(e) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

"(2)(A) The Secretary may provide in a military banking contract that the provisions of paragraphs (1)(M) and (1)(N) shall not apply to costs incurred under the contract by the contractor for payment of mandated foreign national severance pay. The Secretary may include such a provision in a military banking contract only if the Secretary determines, with respect to that contract, that the contractor has taken (or has established plans to take) appropriate actions within the contractor's control to minimize the amount and number of incidents of the payment of severance pay by the contractor to employees under the contract who are foreign nationals.

"(B) In subparagraph (A):

"(i) The term 'military banking contract' means a contract between the Secretary and a financial institution under which the financial institution operates a military banking facility outside the United States for use by members of the armed forces stationed or deployed outside the United States and other authorized personnel.

"(ii) The term 'mandated foreign national severance pay' means severance pay paid by a contractor to a foreign national employee the payment of which by the contractor is required in order to comply with a law that is generally applicable to a significant number of businesses in the country in which the

foreign national receiving the payment performed services under the contract.

"(C) Subparagraph (A) does not apply to a contract with a financial institution that is owned or controlled by citizens or nationals of a foreign country, as determined by the head of the agency awarding the contract. Such a determination shall be made in accordance with the criteria set out in paragraph (1) of section 4(g) of title III of the Act of March 3, 1933 (41 U.S.C. 10b-1) (commonly referred to as the Buy American Act) and the policy guidance referred to in paragraph (2)(A) of that section.".

(b) APPLICATION OF SECTION.—The amendments made by subsection (a) shall not apply with respect to a foreign national whose employment under a military banking contract (defined in section 2324(e)(2)(B) of title 10, United States Code, as added by subsection (a)) was terminated before the date of the enactment of this Act. 10 USC 2324 note.

SEC. 347. IMPROVEMENT OF INVENTORY MANAGEMENT POLICY AND PROCEDURE.

(a) IMPROVEMENT IN INVENTORY MANAGEMENT POLICY.—Section 2458(a) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

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

"(3) set forth a uniform system for the valuation of inventory items by the military departments and Defense Agencies.".

(b) ANNUAL REPORT ON INVENTORY.—Section 2721 of such title is amended—

(1) by inserting "(a)" before "Under"; and

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

"(b) The regulations prescribed pursuant to subsection (a) shall include a requirement that the records maintained under such subsection—

"(1) to the extent practicable, provide up-to-date information on all items in the inventory of the Department of Defense;

"(2) indicate whether the inventory of each item is sufficient or excessive in relation to the needs of the Department for that item; and

"(3) permit the Secretary of Defense to include in the budget submitted to Congress under section 1105 of title 31 for each fiscal year, information relating to—

"(A) the amounts proposed for each appropriation account in such budget for inventory purchases of the Department of Defense; and

"(B) the amounts obligated for such inventory purchases out of the corresponding appropriations account for the preceding fiscal year.".

(c) IMPLEMENTATION.—The Secretary of Defense shall establish the uniform system of valuation described in section 2458(a)(3) of title 10, United States Code (as added by subsection (a)), and prescribe the regulations required by section 2721(b) of such title (as added by subsection (b)), not later than 180 days after the date of the enactment of this Act. Regulations. 10 USC 2721 note.

7 USC 426 note.

SEC. 348. PREVENTION OF THE TRANSPORTATION OF BROWN TREE SNAKES ON AIRCRAFT AND VESSELS OF THE DEPARTMENT OF DEFENSE.

The Secretary of Defense shall take such action as may be necessary to prevent the inadvertent introduction of brown tree snakes from Guam to Hawaii in aircraft and vessels transporting personnel or cargo for the Department of Defense. In carrying out this section, the Secretary shall consider the use of sniffer or tracking dogs, snake traps, and other preventive processes or devices at aircraft and vessel loading facilities in Guam or Hawaii or at intermediate transit points for personnel or cargo transported between Guam and Hawaii.

SEC. 349. DONATION OF CERTAIN SCRAP METAL TO THE MEMORIAL FUND FOR DISASTER RELIEF.

(a) DONATION AUTHORIZED.—Notwithstanding any provision of the Federal Property and Administrative Services Act of 1941 (40 U.S.C. 471 et seq.) or any other provision of law, the Secretary of Defense may donate not more than 15 tons of cruise missile scrap generated by the INF Treaty destruction requirements and managed by the Defense Logistics Agency at the Davis-Monthan Air Force Base, Tucson, Arizona, to the Memorial Fund for Disaster Relief, a corporation incorporated under the laws of the State of Delaware.

(b) INF TREATY DEFINED.—For purposes of this section, the term "INF Treaty" means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, signed in Washington, D.C., on December 8, 1987.

SEC. 350. MANAGEMENT OF MARITIME PREPOSITIONING SHIP PROGRAMS.

(a) PRIMARY RESPONSIBILITY.—Subject to the authority, direction, and control of the Secretary of Defense, the Commandant of the Marine Corps shall have the primary responsibility within the Department of Defense for managing the maritime prepositioning ship programs of the Department of Defense during fiscal years 1993 and 1994.

(b) CHANGE IN PERSON RESPONSIBLE.—The Secretary of Defense may give the primary responsibility referred to in subsection (a) to a person other than the Commandant of the Marine Corps with respect to a fiscal year if, not later than May 1 of the year in which that fiscal year begins, the Secretary certifies to the congressional defense committees that—

(1) the Navy's funding of maritime prepositioning ship programs is adequate to meet Marine Corps requirements for that fiscal year; and

(2) the Navy's maritime prepositioning ship program meets the requirements of the combatant commands for that fiscal year.

(c) CONSULTATION.—Before making a certification under subsection (b), the Secretary of Defense shall consult with the Commandant of the Marine Corps and the commanders of the combatant commands having responsibility for conducting or relying on mobility force operations.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

PART A—ACTIVE FORCES

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

10 USC 115 note.

(a) FISCAL YEAR 1992.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1992, as follows:

(1) The Army, 660,200, of whom not more than 96,781 shall be commissioned officers.

(2) The Navy, 551,400, of whom not more than 69,768 shall be commissioned officers.

(3) The Marine Corps, 188,000 of whom not more than 19,180 shall be commissioned officers.

(4) The Air Force, 486,800 of whom not more than 92,020 shall be commissioned officers.

(b) FISCAL YEAR 1993.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1993, as follows:

(1) The Army, 618,200 of whom not more than 90,768 shall be commissioned officers.

(2) The Navy, 536,000, of whom not more than 67,607 shall be commissioned officers.

(3) The Marine Corps, 182,200 of whom not more than 18,591 shall be commissioned officers.

(4) The Air Force, 458,100 of whom not more than 86,594 shall be commissioned officers.

SEC. 402. ASSESSMENT OF THE STRUCTURE AND MIX OF ACTIVE AND RESERVE FORCES.

10 USC 115a note.

(a) REQUIREMENT FOR ASSESSMENT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing an assessment of a wide range of alternatives relating to the structure and mix of active and reserve forces appropriate for carrying out assigned missions in the mid- to late-1990s.

Reports.

(b) CONCEPT FOR ASSESSMENT.—(1) The assessment shall consist of two parts.

(2)(A) The first part shall consist of a study conducted by a federally funded research and development center that is independent of the military departments. The study shall provide comprehensive analytical information about the matters set out in subsection (c).

(B) The Secretary shall ensure that the study group established by the federally funded research and development center to conduct the study has full access to the Department of Defense information necessary for the conduct of the study, including information on the performance of active and reserve forces during Operations Desert Shield and Desert Storm. The study group shall examine all active and reserve component missions, with particular emphasis on missions carried out by land forces.

(C) The study group shall be assisted by a panel of experts who, by reason of their background, experience, and knowledge, are particularly qualified in the areas covered by the study.

(3) The second part of the assessment shall consist of an evaluation by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff of the independent analysis, assumptions, findings,

and recommendations of the study group under paragraph (1). The Secretary and the Chairman shall determine, on the basis of the evaluation, the mix or mixes of reserve and active forces included in the independent study that are considered acceptable to carry out expected future military missions.

(c) MATTERS TO BE INCLUDED.—(1) The study conducted pursuant to subsection (b)(2) shall include the following:

(A) An assessment of the existing policies and practices for implementing the Total Force Policy of the Department of Defense, including—

(i) the methodology used by the Department of Defense in assigning missions between the active and reserve components; and

(ii) the methodology used by the Department of Defense to determine how force reductions are distributed within and between active and reserve components.

(B) An assessment of the effectiveness of the Total Force Policy during the Persian Gulf conflict.

(C) An assessment of a range of possible mixes of active and reserve forces, assuming a range of manning levels and declining funding levels.

(D) An assessment of the costs associated with alternative active and reserve force mixes and structures.

(2) In making the assessment referred to in paragraph (1)(C), the study group referred to in subsection (b)(2) shall—

(A) for each active forces manning level considered in the range of possible mixes of active and reserve forces, consider the levels provided for the Selected Reserve in this Act for fiscal year 1993, levels significantly higher than those levels, and levels significantly lower than those levels;

(B) for each mix of active and reserve forces, conduct an analysis of the ability of the resulting alternative base-forces to successfully prosecute a range of military operations and focus on the time that would be required to prepare such forces for combat, the cost of training and maintaining such forces in peacetime, and the sustainability of reserve recruiting and retention; and

(C) in analyzing various active and reserve mix options, consider possible revisions in the missions assigned to some active and reserve units, possible changes in training practices, and possible changes in the organizational structure of active and reserve components.

(d) COMMENCEMENT OF ASSESSMENT.—The assessment shall be initiated not later than 30 days after the date of the enactment of this Act.

(e) REPORTS.—The study group referred to in subsection (b)(2) shall submit to the Secretary of Defense an interim report on the matters set out in subsection (c) not later than May 1, 1992, and a final report on such matters not later than December 1, 1992. The Secretary shall submit each such report to the committees within 15 days after receiving the report. The Secretary shall submit the evaluation required in subsection (b)(3) to such committees not later than February 15, 1993.

(f) FUNDING.—Of the amount appropriated for fiscal year 1992 pursuant to title II and made available for federally funded research and development centers, not more than $2,000,000 shall be available for the conduct of the study under this section.

PART B—RESERVE FORCES

SEC. 411. END STRENGTHS FOR SELECTED RESERVE. 10 USC 261 note.

(a) FISCAL YEAR 1992.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1992, as follows:

(1) The Army National Guard of the United States, 440,000.
(2) The Army Reserve, 308,000.
(3) The Naval Reserve, 144,000.
(4) The Marine Corps Reserve, 42,400.
(5) The Air National Guard of the United States, 118,100.
(6) The Air Force Reserve, 83,396.
(7) The Coast Guard Reserve, 15,150.

(b) FISCAL YEAR 1993.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1993, as follows:

(1) The Army National Guard of the United States, 425,450.
(2) The Army Reserve, 296,230.
(3) The Naval Reserve, 141,545.
(4) The Marine Corps Reserve, 42,230.
(5) The Air National Guard of the United States, 119,400.
(6) The Air Force Reserve, 82,400.
(7) The Coast Guard Reserve, 15,150.

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

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

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

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

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

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES. 10 USC 261 note.

(a) FISCAL YEAR 1992.—Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1992, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 25,142.
(2) The Army Reserve, 13,146.
(3) The Naval Reserve, 22,521.
(4) The Marine Corps Reserve, 2,285.

(5) The Air National Guard of the United States, 9,081.
(6) The Air Force Reserve, 649.

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

(1) The Army National Guard of the United States, 24,860.
(2) The Army Reserve, 12,862.
(3) The Naval Reserve, 22,055.
(4) The Marine Corps Reserve, 2,282.
(5) The Air National Guard of the United States, 9,081.
(6) The Air Force Reserve, 636.

SEC. 413. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) SENIOR ENLISTED MEMBERS.—The table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9	569	202	279	14
E-8	2,585	429	800	74".

(b) OFFICERS.—The table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	575	110
Lieutenant Colonel or Commander	1,524	520	595	75
Colonel or Navy Captain	372	188	227	25".

10 USC 261 note.

SEC. 414. PILOT PROGRAM FOR ACTIVE COMPONENT SUPPORT OF THE RESERVES.

(a) PILOT PROGRAM REQUIRED.—During fiscal year 1993, the Secretary of the Army shall institute a pilot program to provide active component advisers to combat units, combat support units, and combat service support units in the Selected Reserve of the Ready Reserve that have a high priority for deployment on a time-phased troop deployment list or have another contingent high priority for deployment. The advisers shall be assigned to full-time duty in connection with organizing, administering, recruiting, instructing, or training such units.

(b) OBJECTIVES OF PROGRAM.—The objectives of the program are as follows:

(1) To improve the readiness of units in the reserve components of the Army.

(2) To increase substantially the number of active component personnel directly advising reserve component unit personnel.

(3) To provide a basis for determining the most effective mix of reserve component personnel and active component personnel in organizing, administering, recruiting, instructing, or training reserve component units.

(4) To provide a basis for determining the most effective mix of active component officer and enlisted personnel in advising reserve component units regarding organizing, administering, recruiting, instructing, or training reserve component units.

(c) PERSONNEL TO BE ASSIGNED.—(1) The Secretary shall assign officers, warrant officers, and enlisted members to serve as advisers under the program. Subject to paragraph (2), the Secretary shall determine the appropriate mix and numbers of such personnel to be assigned under the program.

(2) The Secretary shall assign at least 1,300 officers as advisers to combat units and 700 officers as advisers to combat support units and combat service support units.

(3) The number of officers performing duties under the program in fiscal year 1993 shall be counted for purposes of section 401(b)(1).

(d) ACTION ON THE BASIS OF PROGRAM RESULTS.—Based on the experience under the pilot program, the Secretary of the Army may expand or modify the program as he considers appropriate in order to increase the readiness and training of reserve component units for any period after September 30, 1993. Modifications in the program may not reduce the minimum number of officer advisers assigned below 2,000.

(e) ARMY RESERVE COMPONENT END STRENGTHS FOR FISCAL YEARS 1994-1998.—(1) Subsection (b) of section 412 of the National Defense Authorization Act for Fiscal Year 1991 (104 Stat. 1547; 10 U.S.C. 261 note) is amended—

(A) by striking out "FISCAL YEARS 1992-1997.—" and inserting in lieu thereof "FISCAL YEARS 1994-1998.—"; and

(B) by striking out the table in paragraph (2) and inserting in lieu thereof the following:

"Fiscal Year	Army Reserve	Army National Guard
1994	12,006	23,579
1995	11,339	22,269
1996	10,672	20,959
1997	10,005	19,649
1998	9,341	18,340".

(2) Subsection (d) of such section is amended—

(A) in paragraph (1), by striking out "fiscal year 1992" and inserting in lieu thereof "fiscal year 1994"; and

(B) in paragraph (2), by striking out "fiscal years 1992 and 1993" and inserting in lieu thereof "fiscal year 1994".

PART C—MILITARY TRAINING STUDENT LOADS

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) FISCAL YEAR 1992.—For fiscal year 1992, the Armed Forces are authorized average military training loads as follows:

(1) The Army, 80,724.

(2) The Navy, 61,619.

(3) The Marine Corps, 24,533.

(4) The Air Force, 36,361.
(5) The Uniformed Services University of the Health Sciences, 619.

(b) FISCAL YEAR 1993.—For fiscal year 1993, the Armed Forces are authorized average military training loads as follows:
(1) The Army, 76,534.
(2) The Navy, 61,567.
(3) The Marine Corps, 24,992.
(4) The Air Force, 35,994.
(5) The Uniformed Services University of the Health Sciences, 602.

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

PART D—OTHER PERSONNEL STRENGTH MATTERS

SEC. 431. REDUCTION IN NUMBER OF ACTIVE DUTY AIR FORCE COLONELS.

The table in section 523(a)(1) of title 10, United States Code, is amended by striking out the figures under the heading "Colonel" relating to the Air Force and inserting in lieu thereof the following:

"3,392
"3,573
"3,754
"3,935
"4,115
"4,296
"4,477
"4,658
"4,838
"5,019
"5,200
"5,381".

TITLE V—MILITARY PERSONNEL POLICY

PART A—OFFICER PERSONNEL POLICIES

SEC. 501. INITIAL APPOINTMENT OF COMMISSIONED OFFICERS TO BE IN A RESERVE GRADE.

Section 532 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) After September 30, 1996, no person may receive an original appointment as a commissioned officer in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps until that person has completed one year of service on active duty as a commissioned officer (other than a warrant officer) of a reserve component.".

SEC. 502. TRANSITION PERIOD FOR CERTAIN GENERAL AND FLAG OFFICERS AWAITING RETIREMENT.

(a) REDUCTION IN PERIOD.—Section 601(b)(4) of title 10, United States Code, is amended by striking out "90 days" and inserting in lieu thereof "60 days".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month that begins more than 90 days after the date of the enactment of this Act. 10 USC 601 note.

SEC. 503. SELECTIVE EARLY RETIREMENT FLEXIBILITY AUTHORITY.

(a) EXCLUSION OF OFFICERS OTHERWISE APPROVED FOR RETIREMENT.—Section 638(e) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(e)";

(2) by designating the second sentence as paragraph (2)(A);

(3) by inserting "(except as provided in subparagraph (B))" after "under this section, such list"; and

(4) by adding at the end the following:

"(B) A list under subparagraph (A) may not include an officer in that grade and competitive category who has been approved for voluntary retirement under section 3911, 6323, or 8911 of this title, or who is to be involuntarily retired under any provision of law, during the fiscal year in which the selection board is convened or during the following fiscal year.

"(C) An officer not considered by a selection board convened under section 611(b) of this title by reason of subparagraph (B) shall be retired on the date approved for the retirement of that officer as of the convening date of such selection board unless the Secretary concerned approves a modification of such date in order to prevent a personal hardship for the officer or for other humanitarian reasons.".

(b) TEMPORARY EARLY RETIREMENT SELECTION AUTHORITY.—(1) Subparagraph (C) of section 638a(b)(2) of such title is amended to read as follows:

"(C) Officers, other than those described in subparagraphs (A) and (B), holding a regular grade below the grade of colonel, or in the case of the Navy, captain, who are eligible for retirement under section 3911, 6323, or 8911 of this title, or who after two additional years or less of active service would be eligible for retirement under one of those sections and whose names are not on a list of officers recommended for promotion.".

(2) Subsection (c) of section 638a of such title is amended—

(A) by inserting "(1)" after "(c)"; and

(B) by adding at the end the following:

"(2) In the case of an action authorized under subsection (b)(2), the Secretary of Defense may also authorize the Secretary of the military department concerned when convening a selection board under section 611(b) of this title to consider regular officers on the active-duty list for early retirement to include within the officers to be considered by the board reserve officers on the active-duty list on the same basis as regular officers.".

SEC. 504. INTEGRITY OF THE PROMOTION SELECTION BOARD PROCESS.

(a) COMMUNICATIONS WITH BOARDS.—(1) Section 615 of title 10, United States Code, is amended—

(A) by redesignating subsections (a) through (d) as subsections (b) through (e); and

(B) by inserting after the section heading the following new subsection (a):

"(a)(1) The Secretary of Defense shall prescribe regulations governing information furnished to selection boards convened under section 611(a) of this title. Those regulations shall apply uniformly Regulations.

among the military departments. Any regulations prescribed by the Secretary of a military department to supplement those regulations may not take effect without the approval of the Secretary of Defense in writing.

"(2) No information concerning a particular eligible officer may be furnished to a selection board except for the following:

"(A) Information that is in the officer's official military personnel file and that is provided to the selection board in accordance with the regulations prescribed by the Secretary of Defense pursuant to paragraph (1).

"(B) Other information that is determined by the Secretary of the military department concerned, after review by that Secretary in accordance with standards and procedures set out in the regulations prescribed by the Secretary of Defense pursuant to paragraph (1), to be substantiated, relevant information that could reasonably and materially affect the deliberations of the selection board.

"(C) Subject to such limitations as may be prescribed in those regulations, information communicated to the board by the officer in accordance with this section, section 614(b) of this title (including any comment on information referred to in subparagraph (A) regarding that officer), or other applicable law.

"(D) A factual summary of the information described in subparagraphs (A), (B), and (C) that, in accordance with the regulations prescribed pursuant to paragraph (1), is prepared by administrative personnel for the purpose of facilitating the work of the selection board.

"(3) Information provided to a selection board in accordance with paragraph (2) shall be made available to all members of the board and shall be made a part of the record of the board. Communication of such information shall be in a written form or in the form of an audio or video recording. If a communication is in the form of an audio or video recording, a written transcription of the recording shall also be made a part of the record of the selection board.

"(4) Paragraphs (2) and (3) do not apply to the furnishing of appropriate administrative processing information to the selection board by administrative staff designated to assist the board, but only to the extent that oral communications are necessary to facilitate the work of the board.

"(5) Information furnished to a selection board that is described in subparagraph (B), (C), or (D) of paragraph (2) may not be furnished to a later selection board unless—

"(A) the information has been properly placed in the official military personnel file of the officer concerned; or

"(B) the information is provided to the later selection board in accordance with paragraph (2).

"(6)(A) Before information described in paragraph (2)(B) regarding an eligible officer is furnished to a selection board, the Secretary of the military department concerned shall ensure—

"(i) that such information is made available to such officer; and

"(ii) that the officer is afforded a reasonable opportunity to submit comments on that information to the selection board.

"(B) If an officer cannot be given access to the information referred to in subparagraph (A) because of its classification status, the officer shall, to the maximum extent practicable, be furnished with an appropriate summary of the information.".

(2)(A) The heading for section 614 of such title is amended by striking out "; **communications with boards**".

(B) The item relating to such section in the table of sections at the beginning of subchapter I of chapter 36 of such title is amended by striking out "; communications with boards".

(b) DISCLOSURE OF BOARD RECOMMENDATIONS.—Section 616 of such title is amended by adding at the end the following new subsections:

"(e) The recommendations of a selection board may be disclosed only in accordance with regulations prescribed by the Secretary of Defense. Those recommendations may not be disclosed to a person not a member of the board (or a member of the administrative staff designated by the Secretary concerned to assist the board) until the written report of the recommendations of the board, required by section 617 of this title, is signed by each member of the board.

"(f) The Secretary convening a selection board under section 611(a) of this title, and an officer or other official exercising authority over any member of a selection board, may not—

"(1) censure, reprimand, or admonish the selection board or any member of the board with respect to the recommendations of the board or the exercise of any lawful function within the authorized discretion of the board; or

"(2) attempt to coerce or, by any unauthorized means, influence any action of a selection board or any member of a selection board in the formulation of the board's recommendations.".

(c) RECOMMENDATIONS FOR REMOVAL OF SELECTED OFFICERS FROM REPORT.—Section 618 of such title is amended by adding at the end the following new subsection:

"(g) If the Secretary of a military department or the Secretary of Defense makes a recommendation under this section that the name of an officer be removed from a report of a selection board and the recommendation is accompanied by information that was not presented to that selection board, that information shall be made available to that officer. The officer shall then be afforded a reasonable opportunity to submit comments on that information to the officials making the recommendation and the officials reviewing the recommendation. If an eligible officer cannot be given access to such information because of its classification status, the officer shall, to the maximum extent practicable, be provided with an appropriate summary of the information.".

(d) SCREENING OF OFFICERS FOR CONSIDERATION BY SELECTION BOARDS.—Section 619(c) of such title is amended—

(1) in paragraph (2)—

(A) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) may, in accordance with standards and procedures prescribed by the Secretary of Defense in regulations which shall apply uniformly among the military departments, limit the officers to be considered by a selection board from below the promotion zone to those officers who are determined to be exceptionally well qualified for promotion;"; Regulations.

(B) by striking out subparagraph (B); and

(C) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

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

"(3)(A) The Secretary of Defense may authorize the Secretaries of the military departments to preclude from consideration by selec-

tion boards for promotion to the grade of brigadier general or rear admiral (lower half) officers in the grade of colonel or, in the case of the Navy, captain who—

"(i) have been considered and not selected for promotion to the grade of brigadier general or rear admiral (lower half) by at least two selection boards; and

"(ii) are determined, in accordance with standards and procedures prescribed pursuant to subparagraph (B), as not being exceptionally well qualified for promotion.

Regulations.

"(B) If the Secretary of Defense authorizes the Secretaries of the military departments to have the authority described in subparagraph (A), the Secretary shall prescribe by regulation the standards and procedures for the exercise of such authority. Those regulations shall apply uniformly among the military departments and shall include the following provisions:

"(i) A requirement that the Secretary of a military department may exercise such authority in the case of a particular selection board only if the Secretary of Defense approves the exercise of that authority for that board.

"(ii) A requirement that an officer may be precluded from consideration by a selection board under this paragraph only upon the recommendation of a preselection board of officers convened by the Secretary of the military department concerned and composed of at least three officers all of whom are serving in a grade higher than the grade of such officer.

"(iii) A requirement that such a preselection board may not recommend that an officer be precluded from such consideration unless the Secretary concerned has given the officer advance written notice of the convening of such board and of the military records that will be considered by the board and has given the officer a reasonable period before the convening of the board in which to submit comments to the board.

"(iv) A requirement that the Secretary convening such a preselection board shall provide general guidance to the board in accordance with standards and procedures prescribed by the Secretary of Defense in those regulations.

"(v) A requirement that the preselection board may recommend that an officer be precluded from consideration by a selection board only on the basis of the general guidance provided by the Secretary of the military department concerned, information in the officer's official military personnel records that has been described in the notice provided the officer as required pursuant to clause (iii), and any communication to the board received from that officer before the board convenes.".

10 USC 615 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to selection boards convened under section 611(a) of title 10, United States Code, after the end of the 60-day period beginning on the date of the enactment of this Act.

SEC. 505. RETIREMENT OF CHIEF OF NAVAL OPERATIONS AND COMMANDANT OF THE MARINE CORPS IN HIGHEST GRADE.

(a) CHIEF OF NAVAL OPERATIONS.—Section 5034 of title 10, United States Code, is amended by inserting "and by and with the advice and consent of the Senate" after "President".

(b) COMMANDANT OF THE MARINE CORPS.—Section 5043(c) of such title is amended by inserting "and by and with the advice and consent of the Senate" after "President".

SEC. 506. GRADE OF RETIRED OFFICERS RECALLED TO ACTIVE DUTY.

(a) SERVICE IN HIGHER GRADE HELD WHILE ON ACTIVE DUTY.—Subsection (d) of section 688 of title 10, United States Code, is amended—

(1) by striking out "paragraph (2)" in paragraph (1) and inserting in lieu thereof "paragraphs (2) and (3)"; and

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

"(3)(A) A retired member ordered to active duty under this section who has previously served on active duty satisfactorily, as determined by the Secretary of the military department concerned, in a grade higher than that member's retired grade may be ordered to active duty in the highest grade in which the member had so served satisfactorily, except that such a member may not be so ordered to active duty in a grade above major general or rear admiral.

"(B) A retired member ordered to active duty in a grade that is higher than the member's retired grade pursuant to paragraph (1) shall be treated for purposes of subsection (b) as if the member was promoted to that higher grade while on that tour of active duty.

"(C) If, upon being released from that tour of active duty, such a retired member has served on active duty satisfactorily, as determined by the Secretary concerned, for not less than a total of 36 months in a grade that is a higher grade than the member's retired grade, the member is entitled to placement on the retired list in that grade.".

(b) CONFORMING AMENDMENT.—Section 311(c) of Public Law 102-25 (105 Stat. 85) is amended by inserting ", and before the date of the enactment of the National Defense Authorization Act for Fiscal Years 1992 and 1993" before the period. 10 USC 688 note.

PART B—SERVICE ACADEMIES

SEC. 511. LIMITATION ON THE NUMBER OF CADETS AND MIDSHIPMEN AUTHORIZED TO ATTEND THE SERVICE ACADEMIES. 10 USC 4342 note.

(a) REDUCTION IN AUTHORIZED STRENGTHS.—The authorized strength of the Corps of Cadets of the United States Military Academy, the Air Force Cadets of the United States Air Force Academy, and the brigade of midshipmen of the United States Naval Academy may not exceed 4,000 for each service academy for class years beginning after 1994.

(b) CLASS REDUCTIONS NOT TO AFFECT CERTAIN APPOINTMENTS.—Any reduction in the number of appointments to the class of a service academy required as a result of subsection (a) may not be achieved by reducing the number of appointments under section 4342(a), 6954(a), or 9342(a) of title 10, United States Code, as applicable.

(c) GAO REPORT.—(1) The Comptroller General of the United States shall determine for each of the Army, Navy, Air Force, and Marine Corps the percentage for each benchmark year of the commissioned officers receiving an original appointment during that year who were graduates of a service academy. The Comptroller General shall also determine the average of those annual percentages for each of those Armed Forces.

(2) The Comptroller General shall select the benchmark years (including the number of years to be used as benchmark years) for purposes of paragraph (1). The Comptroller General may select different benchmark years for each of the Army, Navy, Air Force,

and Marine Corps. Each year selected as a benchmark year shall be one for which the active duty strength of the Armed Force concerned was approximately the authorized end strength established by law for that Armed Force for members on active duty for fiscal year 1995.

(3) Not later than February 15, 1992, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the results of the determinations of the Comptroller General under paragraph (1).

(d) SERVICE ACADEMY DEFINED.—For purposes of this section, the term "service academy" means the United States Military Academy, the United States Air Force Academy, or the United States Naval Academy.

(e) CONFORMING AMENDMENT.—Section 531 of the National Defense Authorization Act for Fiscal Year 1991 (104 Stat. 1563; 10 U.S.C. 4342 note) is repealed.

SEC. 512. ELIMINATION OF MINIMUM ENLISTED SERVICE REQUIREMENT FOR NOMINATION TO THE NAVAL ACADEMY.

Section 6958(c) of title 10, United States Code, is amended—

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

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

SEC. 513. ADMINISTRATION OF ATHLETICS PROGRAMS AT THE SERVICE ACADEMIES.

(a) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 180. Service academy athletic programs: review board

"(a) INDEPENDENT REVIEW BOARD.—The Secretary of Defense shall appoint a board to review the administration of the athletics programs of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy.

"(b) COMPOSITION OF BOARD.—The Secretary shall appoint the members of the board from among distinguished administrators of institutions of higher education, members of Congress, members of the Boards of Visitors of the academies, and other experts in collegiate athletics programs. The Superintendents of the three academies shall be members of the board. The Secretary shall designate one member of the board, other than a Superintendent of an academy, as Chairman.

"(c) DUTIES.—The board shall, on an annual basis—

"(1) review all aspects of the athletics programs of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy, including—

"(A) the policies relating to the administration of such programs;

"(B) the appropriateness of the balance between the emphasis placed by each academy on athletics and the emphasis placed by such academy on academic pursuits; and

"(C) the extent to which all athletes in all sports are treated equitably under the athletics program of each academy; and

"(2) determine ways in which the administration of the athletics programs at the academies can serve as models for the

administration of athletics programs at civilian institutions of higher education.

"(d) ADMINISTRATIVE PROVISIONS.—(1) Each member of the board who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for grade GS–18 of the General Schedule under section 5332 of title 5, for each day (including travel time) during which such member is engaged in the performance of the duties of the board. Members of the board who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

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

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

"180. Service academy athletic programs: review board.".

SEC. 514. AUTHORITY TO WAIVE MAXIMUM AGE LIMITATION ON ADMISSION TO THE SERVICE ACADEMIES FOR CERTAIN ENLISTED MEMBERS WHO SERVED DURING THE PERSIAN GULF WAR.

10 USC 4346 note.

(a) WAIVER AUTHORITY.—The Secretary of the military department concerned may waive the maximum age limitation in section 4346(a), 6958(a)(1), or 9346(a) of title 10, United States Code, in the case of any enlisted member of the Armed Forces who—

(1) becomes 22 years of age while serving on active duty in the Persian Gulf area of operations in connection with Operation Desert Storm during the Persian Gulf War; or

(2) was a candidate for admission to the service academy under the jurisdiction of such Secretary in 1990, was prevented from being admitted to the academy during that year by reason of the service of such person on active duty in the Persian Gulf area of operations in connection with Operation Desert Storm, and became 22 years of age after July 1, 1990, and before the end of such service in that area of operations.

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

(1) The term "Operation Desert Storm" has the meaning given such term in section 3(1) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102–25; 105 Stat. 77; 10 U.S.C. 101 note).

(2) The term "Persian Gulf War" has the meaning given such term in section 101(33) of title 38, United States Code.

PART C—RESERVE PERSONNEL

SEC. 521. INCREASED NUMBER OF ACTIVE DUTY OFFICERS ASSIGNED TO FULL-TIME SUPPORT AND TRAINING OF ARMY NATIONAL GUARD COMBAT UNITS.

Within the end strength for the number of officers of the Army on active duty as of the end of fiscal year 1992 that is prescribed by section 401(a)(1), the Secretary of the Army shall assign 1,300 of the officers on active duty within that number to full-time duty in

connection with organizing, administering, recruiting, instructing, or training combat units of the Army National Guard.

SEC. 522. GUARANTEED RESERVE FORCES DUTY SCHOLARSHIP PROGRAM.

(a) PROGRAM REVISIONS.—Section 2107a of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking out "a student at a military junior college" and inserting in lieu thereof "enrolled in the Advanced Course of the Army Reserve Officers' Training Corps at a military college, military junior college, or civilian institution"; and

(B) by inserting "Reserve or Army National Guard" after "second lieutenant in the Army";

(2) in subsection (a)(2)—

(A) by inserting "military college or" after "To be considered a";

(B) by striking out "that does not confer baccalaureate degrees and that meets" and inserting in lieu thereof "and meet"; and

(C) by adding at the end the following new sentence: "For purposes of this section, a military junior college does not confer a baccalaureate degree.";

(3) in subsection (b)(6), by striking out "such reserve component" and inserting in lieu thereof "a troop program unit of the Army Reserve or Army National Guard";

(4) in subsection (f), by inserting "or who does not complete a baccalaureate degree within five years after appointment as a cadet under this section," after "when offered,"; and

(5) in subsection (h)—

(A) by striking out "(1)";

(B) by striking out "not less than 10 cadets under this section each year" and inserting in lieu thereof "not more than 208 cadets each year under this section, to include not less than 10 cadets"; and

(C) by striking out paragraph (2).

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

"§ 2107a. Financial assistance program for specially selected members: Army Reserve and Army National Guard".

(2) The item relating to such section in the table of sections at the beginning of chapter 103 of such title is amended to read as follows:

"2107a. Financial assistance program for specially selected members: Army Reserve and Army National Guard.".

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the feasibility and desirability of increasing the number and type of senior Reserve Officer Training Corps scholarships available for recruitment of officers for the Army National Guard and Army Reserve.

SEC. 523. BACCALAUREATE DEGREE REQUIRED FOR APPOINTMENT OR PROMOTION OF RESERVE COMPONENT OFFICERS TO GRADES ABOVE FIRST LIEUTENANT OR LIEUTENANT (JUNIOR GRADE).

10 USC 591 note.

(a) IN GENERAL.—After September 30, 1995, no person may be appointed to a grade above the grade of first lieutenant in the Army Reserve, Air Force Reserve, or Marine Corps Reserve or to a grade above the grade of lieutenant (junior grade) in the Naval Reserve, or be federally recognized in a grade above the grade of first lieutenant as a member of the Army National Guard or Air National Guard, unless that person has been awarded a baccalaureate degree by an accredited educational institution.

(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

(1) The appointment to a higher grade of a person who is appointed in or assigned for service in a health profession for which a baccalaureate degree is not a condition of original appointment or assignment.

(2) The appointment in the Naval Reserve or Marine Corps Reserve of an individual appointed for service as an officer designated as a limited duty officer.

(3) The appointment in the Naval Reserve of an individual appointed for service under the Naval Aviation Cadet (NAVCAD) program.

SEC. 524. PRIORITY IN MAKING ORIGINAL APPOINTMENTS IN GUARD AND RESERVE COMPONENTS FOR ROTC SCHOLARSHIP PROGRAM GRADUATES.

10 USC 591 note.

In making appointments of persons as second lieutenants in the Army Reserve, Air Force Reserve, or Marine Corps Reserve or to the grade of ensign in the Naval Reserve, or in granting federal recognition in the grade of second lieutenant to members of the Army National Guard or Air National Guard, the Secretary of the military department concerned shall give preference to persons who have completed a post-secondary program of education pursued under a ROTC scholarship program at a college or university accredited to award baccalaureate degrees or pursued under a ROTC scholarship program at an accredited two-year or four-year military college.

SEC. 525. WAIVER OF PROHIBITION ON CERTAIN RESERVE SERVICE WITH THE ROTC PROGRAM.

10 USC 690 note.

The Secretary of the military department concerned may waive the prohibition in section 690 of title 10, United States Code, in the case of a member of a reserve component of the Armed Forces referred to in that section who is serving in an assignment to duty with a unit of the Reserve Officer Training Corps program on September 30, 1991, if the Secretary determines that the removal of the member from that assignment will cause a financial hardship for that member.

SEC. 526. REPORT ON THE SUPERVISION, MANAGEMENT, AND ADMINISTRATION OF THE MARINE CORPS RESERVE.

10 USC 5252 note.

(a) REPORT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the supervision, management, and administration of the Marine Corps Reserve.

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

(1) A description of the organizational chain of command of the Marine Corps Reserve from unit level through Headquarters, United States Marine Corps.

(2) The identity of each office, if any, within the Headquarters, United States Marine Corps, that has as its specific responsibility the oversight of personnel, training, management, and administration matters with respect to the Marine Corps Reserve.

(3) If such offices exist, a discussion of the extent to which it is the policy and practice of the Marine Corps to assign members of the Marine Corps Reserve to duty in such offices.

(4) A discussion of how the current structure of the chain of command and organization of administrative responsibility for the Marine Corps Reserve at Headquarters, United States Marine Corps, is designed to facilitate the efficiency, readiness, and ability of the Marine Corps Reserve to execute the purpose set out in section 262 of title 10, United States Code.

(5) A discussion of any actions that the Secretary of Defense considers appropriate for improving the supervision, management, and administration of the Marine Corps Reserve, including any actions taken or planned to be taken by the Secretary as a result of the issues identified in the preparation of the report.

(6) Any recommended legislation that the Secretary considers necessary for the improvement of the organization, supervision, management, or administration of the Marine Corps Reserve.

(c) DEADLINE FOR SUBMISSION OF REPORT.—The report shall be submitted not later than December 31, 1992.

SEC. 527. REPORT ON COMMISSIONING AND TRAINING OF NEW ARMY NATIONAL GUARD OFFICERS.

Not later than six months after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives a report concerning—

(1) the desirability of a program requiring all Army National Guard personnel seeking a commission through officer candidate school to attend the Federal Officer Candidate School at Fort Benning, Georgia, as a condition for Federal recognition; and

(2) the desirability of increasing the allocation of positions at the course of instruction known as the Officer Basic Course for attendees from the Army National Guard whose attendance would be paid by the Army and not by the State National Guard.

SEC. 528. EXPANSION OF DUTIES FOR WHICH RESERVES ARE ENTITLED TO MILITARY LEAVE FROM FEDERAL EMPLOYMENT.

Section 6323(b)(2) of title 5, United States Code, is amended by striking out "law—" and inserting in lieu thereof the following: "law or for the purpose of providing assistance to civil authorities in the protection or saving of life or property or the prevention of injury—".

PART D—ASSIGNMENT OF WOMEN IN THE ARMED FORCES

Subpart 1—Statutory Limitations

SEC. 531. REPEAL OF STATUTORY LIMITATIONS ON ASSIGNMENT OF WOMEN IN THE ARMED FORCES TO COMBAT AIRCRAFT.

(a) AIR FORCE.—(1) Section 8549 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 843 of such title is amended by striking out the item relating to section 8549.

(b) NAVY AND MARINE CORPS.—Section 6015 of title 10, United States Code, is amended in the third sentence—

(1) by striking out "or in aircraft";

(2) by inserting "(other than as aviation officers as part of an air wing or other air element assigned to such a vessel)" after "combat missions"; and

(3) by inserting "other" after "temporary duty on".

Subpart 2—Commission on the Assignment of Women in the Armed Forces

10 USC 113 note.

SEC. 541. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on the Assignment of Women in the Armed Forces (hereinafter in this subpart referred to as the "Commission").

(b) COMPOSITION.—(1) The Commission shall be composed of 15 members appointed by the President. The Commission membership shall be diverse with respect to race, ethnicity, gender, and age. The President shall designate one of the members as Chairman of the Commission.

(2) The President shall appoint the members of the Commission from among persons who have distinguished themselves in the public or private sector and who have had significant experience (as determined by the President) with one or more of the following matters:

(A) Social and cultural matters affecting the military and civilian workplace gained through recognized research and policymaking, as demonstrated by retired military personnel, representatives from educational organizations, and leaders from civilian industry and non-Department of Defense governmental agencies.

(B) The law.

(C) Factors used to define appropriate combat job qualifications, including physical, mental, educational, and other factors.

(D) Service in the Armed Forces in a combat environment.

(E) Military personnel management.

(F) Experiences of women in the military gained through service as—

(i) a female service member (current or former);

(ii) a manager of an organization with a representative presence of women; or

(iii) a member of an organization with responsibility for policy review, advice, or oversight of the status of women in the military.

(G) Women's issues in American society.

(3) In making appointments to the Commission, the President shall consult with the chairmen and ranking minority members of the Committees on Armed Services of the Senate and the House of Representatives.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL ORGANIZATIONAL REQUIREMENTS.—(1) The President shall make all appointments under subsection (b) within 60 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting within 15 days after the first date on which all members of the Commission have been appointed. At that meeting, the Commission shall develop an agenda and a schedule for carrying out its duties.

SEC. 542. DUTIES.

(a) IN GENERAL.—The Commission shall assess the laws and policies restricting the assignment of female service members and shall make findings on such matters.

(b) STUDIES.—In carrying out such assessment, the Commission shall—

(1) conduct a thorough study of duty assignments available for female service members;

(2) examine studies already completed concerning duty assignments for female service members; and

(3) conduct such additional studies as may be required.

(c) MATTERS TO BE CONSIDERED.—Matters to be considered by the Commission shall include the following:

(1) The implications, if any, for the combat readiness of the Armed Forces of permitting female service members to qualify for assignment to positions in some or all categories of combat positions and to be assigned to such positions, including the implications with respect to—

(A) the physical readiness of the armed forces and the process for establishing minimum physical and other qualifications;

(B) the effects, if any, of pregnancy and other factors resulting in time lost for male and female service members; in evaluating lost time, comparisons must be made between like mental categories and military occupational specialties rather than simple gender comparisons; and

(C) the effects, if any, of such assignments on unit morale and cohesion.

(2) The public attitudes in the United States on the use of women in the military.

(3) The legal and policy implications (A) of permitting only voluntary assignments of female service members to combat positions, and (B) of permitting involuntary assignments of female service members to some or all combat positions.

(4) The legal and policy implications—

(A) of requiring females to register for and to be subject to conscription under the Military Selective Service Act on the same basis as males if females were provided the same opportunity as males for assignment to any position in the Armed Forces;

(B) of requiring females to register for and to be subject to conscription under the Military Selective Service Act on the same basis as males if females in the Armed Forces were assigned to combat position only as volunteers; and

(C) of requiring females to register for and to be subject to conscription under the Military Selective Service Act on a different basis than males if females in the Armed Forces were not assigned to combat positions on the same basis as males.

(5) The extent of the need to modify facilities and vessels, aircraft, vehicles, and other equipment of the Armed Forces to accommodate the assignment of female service members to combat positions or to provide training in combat skills to female service members, including any need to modify quarters, weapons, and training facilities and equipment.

(6) The costs of meeting the needs identified pursuant to paragraph (5).

(7) The implications of restrictions on the assignment of women on the recruitment, retention, use, and promotion of qualified personnel in the Armed Forces.

SEC. 543. REPORT.

(a) IN GENERAL.—(1) Not later than November 15, 1992, the Commission shall transmit to the President a final report on the results of the study conducted by the Commission.

(2) The Commission may transmit to the President and to Congress such interim reports as the Commission considers appropriate.

(b) CONTENT OF FINAL REPORT.—(1) The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with such recommendations for further legislation and administrative action as the Commission considers appropriate.

(2) The report shall include recommendations on the following matters:

(A) Whether existing law and policies restricting the assignment of female service members should be retained, modified, or repealed.

(B) What roles female service members should have in combat.

(C) What transition process is appropriate if female service members are to be given the opportunity to be assigned to combat positions in the Armed Forces.

(D) Whether special conditions and different standards should apply to females than apply to males performing similar roles in the Armed Forces.

(c) SUBMISSION OF FINAL REPORT TO CONGRESS.—Not later than December 15, 1992, the President shall transmit to the Congress the report of the Commission, together with the President's comments and recommendations regarding such report. President.

SEC. 544. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this subpart, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense and any other Federal department or agency any information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this subpart. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

SEC. 545. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet at the call of the Chairman.

(b) QUORUM.—(1) Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission present at a properly called meeting.

(c) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this subpart.

SEC. 546. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without pay in addition to that received for their services as officers or employees of the United States.

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

(c) STAFF.—(1) The Chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The Chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that no rate of pay fixed under this paragraph may

exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 547. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Administrator of General Services shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) PROCUREMENT AUTHORITY.—The Commission may procure supplies, services, and property and make contracts, in any fiscal year, in order to carry out its duties, but (except in the case of temporary or intermittent services procured under section 546(e)) only to such extent or in such amounts as are provided in appropriation Acts or are donated pursuant to subsection (c). Contracts and other procurement arrangements may be entered into without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any similar provision of Federal law.

(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act shall not apply to the Commission.

(f) TRAVEL.—To the maximum extent practicable, the members and employees of the Commission shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a responsibility of the Commission, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

SEC. 548. PAYMENT OF COMMISSION EXPENSES.

The compensation, travel expenses, and per diem allowances of members and employees of the Commission shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department of Defense. The other expenses of the Commission shall be paid out of funds available to the Department of Defense for the payment of similar expenses incurred by that Department.

SEC. 549. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which Commission submits its final report under section 543(a)(1).

SEC. 550. TEST ASSIGNMENTS OF FEMALE SERVICE MEMBERS TO COMBAT POSITIONS.

(a) TEST ASSIGNMENTS.—In carrying out its duties, the Commission may request the Secretary of Defense to conduct test assignments of female service members to combat positions. The Secretary shall determine, in consultation with the Commission, the types of tests that are appropriate and shall retain a record of the disposition of each such request.

(b) WAIVER AUTHORITY.—For the purpose of conducting test assignments of female service members to combat positions pursuant to requests under subsection (a), the Secretary of Defense may waive section 6015 of title 10, United States Code, and any other restriction that applies under Department of Defense regulations or policy to the assignment of female service members to combat positions.

PART E—MISCELLANEOUS

SEC. 551. ESTABLISHMENT OF PHYSICIAN ASSISTANT SECTION IN ARMY MEDICAL SPECIALIST CORPS.

(a) ESTABLISHMENT.—(1) Subsection (a) of section 3070 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The Physician Assistant Section.".

(2) Such subsection is further amended—

(A) by striking out "sections—" and inserting in lieu thereof "sections:";

(B) by striking out "the" at the beginning of paragraphs (1), (2), and (3) and inserting in lieu thereof "The";

(C) by striking out the semicolon at the end of paragraph (1) and inserting in lieu thereof a period; and

(D) by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period.

(3) Subsection (c) of such section is amended by striking out "three assistant chiefs" in the first sentence and inserting in lieu thereof "four assistant chiefs".

10 USC 3070 note.

(b) APPOINTMENT OF ASSISTANT CHIEF.—Notwithstanding the requirement in subsection (c) of section 3070 of title 10, United States Code, as amended by subsection (a), with respect to the appointment of officers of the Regular Army as chiefs of sections of the Army Medical Specialist Corps, a warrant officer of the Army who is appointed as a reserve commissioned officer and assigned to the Army Medical Specialist Corps for service in the Physician Assistant Section of that Corps during the five-year period beginning on the date of the enactment of this Act may be appointed as an assistant chief of that Corps and chief of the Physician Assistant Section.

10 USC 3070 note.

(c) RETIREMENT.—A member of the Army who on the date of the enactment of this Act is a warrant officer serving on active duty (other than for training) as a physician assistant and who is subsequently appointed as a commissioned officer in, or is assigned to, the Physician Assistant Section of the Army Medical Specialist Corps

may elect at the time of the officer's retirement after 20 years or more of active service that could be credited to the officer under section 511 of the Career Compensation Act of 1949, as amended—

(1) to revert to the highest warrant officer grade in which the officer served on active duty (other than for training) satisfactorily (as determined by the Secretary of the Army) for a period of more than 30 days; and

(2) to be retired under chapter 65 of title 10, United States Code.

(d) CONSTRUCTIVE CREDIT FOR DETERMINATION OF GRADE AND RANK.—(1) For the purpose of determining the grade and rank within grade of a person who is appointed as a commissioned officer in the Army Medical Specialist Corps for service in the Physician Assistant Section, or who is assigned to the Army Medical Specialist Corps for service as a physician assistant, and who on the date of the enactment of this Act is a warrant officer and a physician assistant on active duty or in an active reserve status, the Secretary of the Army shall credit that person at the time of such appointment with any service on active duty, or in an active reserve status, as a physician assistant performed as a member of the Armed Forces before that appointment. 10 USC 3070 note.

(2) The Secretary of Defense shall prescribe regulations to carry out this subsection. Regulations.

SEC. 552. REVIEW OF PORT CHICAGO COURT-MARTIAL CASES.

The Secretary of the Navy shall carry out without delay a thorough review of the cases of all 258 individuals convicted in the courts-martial arising from the explosion at the Port Chicago (California) Naval Magazine on July 17, 1944. The purpose of the review shall be to determine the validity of the original findings and sentences and the extent, if any, to which racial prejudice or other improper factors now known may have tainted the original investigations and trials. If the Secretary determines that the conviction of an individual in any such case was in error or an injustice, then, notwithstanding any other provision of law, he may correct that individual's military records (including the record of the court-martial in such case) as necessary to rectify the error or injustice.

SEC. 553. APPOINTMENT OF ADJUTANTS GENERAL OF THE NATIONAL GUARD OF THE VIRGIN ISLANDS AND GUAM.

Section 314(b) of title 32, United States Code, is amended—

(1) by striking out "each Territory and" in the first sentence, and

(2) by striking out the second sentence.

SEC. 554. PAYMENT FOR LEAVE ACCRUED AND LOST BY KOREAN CONFLICT PRISONERS OF WAR.

(a) PAYMENT.—The Secretary of the military department concerned shall pay, from amounts available for military pay and allowances, an amount determined under subsection (b) to each individual who as a member of the Armed Forces during the Korean conflict was held as a prisoner of war. The authority of the Secretary to make such payments is effective for any fiscal year only to the extent that amounts are provided in advance in appropriation Acts.

(b) PAYMENT AMOUNT.—The amount of a payment under this section shall be the greater of—

(1) $300; or

(2) subject to subsection (c), the amount of leave actually accrued and lost by the individual concerned during the period the individual was in a prisoner of war status.

(c) REQUIRED RECORDS.—A payment under this section may be paid in an amount determined under subsection (b)(2) only if the individual to whom the payment is to be made has adequate records documenting to the satisfaction of the Secretary concerned (1) the period the individual was in a prisoner of war status, (2) the grade in the Armed Forces held by the individual during that period, and (3) such other information as the Secretary requires to compute such actual amount.

(d) DEADLINE FOR PAYMENTS.—The Secretary of the military department concerned shall make any payment required by subsection (a) not later than the end of the six-month period beginning on the date of the enactment of this Act.

SEC. 555. SENSE OF CONGRESS REGARDING PRIORITY FOR DEMOBILIZATION OF RESERVE FORCES CALLED OR ORDERED TO ACTIVE DUTY IN CONNECTION WITH A CONTINGENCY OPERATION.

Persian Gulf conflict.

(a) FINDINGS.—Congress finds that the Department of Defense—

(1) was not sufficiently sensitive to the sacrifices made by reservists called or ordered to active duty in connection with the Persian Gulf conflict and by the families, employers, and communities of those reservists; and

(2) did not give adequate priority to the redeployment and demobilization of reserve forces called or ordered to active duty in connection with the conflict.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense—

(1) should examine the redeployment policy used during the Persian Gulf conflict with a view toward developing a policy for future contingencies that would expedite the return of reserve units activated or deployed during the contingency at the earliest opportunity consistent with mission requirements; and

(2) in the case of any future contingency operation, should to the maximum extent possible following termination of the conditions that gave rise to the contingency operation expeditiously shift the missions assigned to those reserve units activated for the purpose of the contingency operation to active duty units, to Federal civilians, or to contractors.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

PART A—PAY AND ALLOWANCES

37 USC 1009 note.

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1992.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1992 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1992, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 4.2 percent.

SEC. 602. LIMITATION ON THE AMOUNT OF BASIC ALLOWANCE FOR QUARTERS FOR MEMBERS RECEIVING SUCH ALLOWANCE BY REASON OF THEIR PAYMENT OF CHILD SUPPORT.

(a) LIMITATION.—Section 403 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(m)(1) Except as provided in paragraph (2), in the case of a member of a uniformed service who is assigned to quarters of the United States or a housing facility under the jurisdiction of a uniformed service and who is authorized a basic allowance for quarters solely by reason of the member's payment of child support, the amount of the basic allowance for quarters to which the member is entitled shall be equal to the difference between the basic allowance for quarters applicable to the member's grade, rank, or rating at the with-dependent rate and the applicable basic allowance for quarters at the without-dependent rate.

"(2) A member of a uniformed service shall not be entitled to a basic allowance for quarters solely by reason of the payment of child support if the monthly rate of that child support is less than the amount of the basic allowance for quarters computed for the member under paragraph (1).

"(3) The application of this subsection to a member of a uniformed service shall not affect the entitlement of that member to a basic allowance for quarters at a partial rate under section 1009(c) of this title.".

(b) EXCEPTION FOR CERTAIN MEMBERS.—Subsection (m) of section 403 of title 37, United States Code (as added by subsection (a)), shall not apply with respect to a member of a uniformed service assigned to quarters of the United States or a housing facility under the jurisdiction of a uniformed service who, on the day before the date of the enactment of this Act, was entitled to receive a basic allowance for quarters solely by reason of the member's payment of child support. The exception provided by this subsection shall expire with respect to a member described in the preceding sentence on the date on which the member becomes entitled to receive a basic allowance for quarters at the with-dependents rate for a reason other than, or in addition to, the member's payment of child support.

37 USC 403 note.

SEC. 603. DETERMINATION OF VARIABLE HOUSING ALLOWANCE FOR RESERVES AND RETIREES CALLED OR ORDERED TO ACTIVE DUTY.

Section 403a(a) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) In the case of a member described in subparagraph (B) who is assigned to duty away from the member's principal place of residence (as determined under regulations prescribed by the Secretary of Defense), the member shall be considered to be assigned to duty at that residence for the purpose of determining the entitlement of the member to a variable housing allowance under this section.

"(B) A member referred to in subparagraph (A) is a member of a uniformed service who—

"(i) is a member of a reserve component called or ordered to active duty (other than for training) or is a retired member ordered to active duty under section 688(a) of title 10; and

"(ii) is not authorized transportation of household goods under section 406 of this title from the member's principal place of residence to the place of that duty assignment.".

SEC. 604. ADMINISTRATION OF BASIC ALLOWANCE FOR QUARTERS AND VARIABLE HOUSING ALLOWANCE.

(a) BASIC ALLOWANCE FOR QUARTERS.—Section 403 of title 37, United States Code (as amended by section 602), is further amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "(a)"; and

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

"(2) A member of a uniformed service with dependents is not entitled to a basic allowance for quarters as a member with dependents unless the member makes an annual certification to the Secretary concerned indicating the status of each dependent of the member. The certification shall be made in accordance with regulations prescribed by the Secretary of Defense."; and

Regulations.

(2) in subsection (j)(1), by striking out "President may" and inserting in lieu thereof "Secretary of Defense shall".

(b) VARIABLE HOUSING ALLOWANCE.—Section 403a of such title (as amended by section 603), is further amended—

(1) in subsection (b)—

(A) by striking out "or" at the end of paragraph (2);

(B) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or"; and

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

"(4) unless the member makes an annual certification (in accordance with such regulations as the Secretary of Defense may prescribe) to the Secretary concerned identifying the housing costs of the member."; and

(2) in subsection (e)—

(A) by striking out "President" in paragraph (1) and inserting in lieu thereof "Secretary of Defense";

(B) by striking out "a survey area" in paragraphs (2) and (3) each place it appears and inserting in lieu thereof "an area";

(C) by striking out "the survey area" in paragraph (2)(A) and inserting in lieu thereof "that area"; and

(D) by striking out "such area reported on the variable housing allowance survey" in paragraph (2)(B) and inserting in lieu thereof "that area determined on the basis of the annual certifications of housing costs of members of the uniformed services receiving a variable housing allowance for that area".

37 USC 403 note.

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

SEC. 605. REVISION IN RATE OF PAY OF AVIATION CADETS.

Subsection (c) of section 201 of title 37, United States Code, is amended to read as follows:

"(c) Unless entitled to the basic pay of a higher pay grade, an aviation cadet of the Navy, Air Force, Marine Corps, or Coast Guard is entitled to monthly basic pay at the lowest rate prescribed for pay grade E-4.".

SEC. 606. PAY OF SENIOR NONCOMMISSIONED OFFICERS WHILE ON TERMINAL LEAVE.

(a) BASIC PAY DURING TERMINAL LEAVE.—Chapter 3 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 210. Pay of the senior noncommissioned officer of an armed force during terminal leave

"(a) A noncommissioned officer of an armed force who, immediately following the completion of service as the senior enlisted member of that armed force, is placed on terminal leave pending retirement shall be entitled, for not more than 60 days while in such status, to the rate of basic pay authorized for the senior enlisted member of that armed force.

"(b) In this section, the term 'senior enlisted member' means the following:

"(1) The Sergeant Major of the Army.

"(2) The Master Chief Petty Officer of the Navy.

"(3) The Chief Master Sergeant of the Air Force.

"(4) The Sergeant Major of the Marine Corps.

"(5) The Master Chief Petty Officer of the Coast Guard.".

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

"210. Pay of the senior noncommissioned officer of an armed force during terminal leave.".

SEC. 607. ONE-YEAR EXTENSION OF AUTHORITY TO REIMBURSE MEMBERS ON SEA DUTY FOR ACCOMMODATIONS IN PLACE OF QUARTERS.

(a) REINSTATEMENT AND EXTENSION OF EXPIRED AUTHORITY.—Subsection (b) of section 7572 of title 10, United States Code, is amended to read as in effect on September 30, 1991, and, as so amended, is further amended—

(1) in paragraph (3)—

(A) by striking out "$1,421,000 for fiscal year 1986 and"; and

(B) by striking out "1991" and inserting in lieu thereof "1992"; and

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

"(4) The authority provided under this subsection shall expire on September 30, 1992.".

(b) EFFECT OF SUBSEQUENT EXPIRATION OF AUTHORITY.—Such section is further amended by adding at the end the following new subsection:

"(d)(1) After the expiration of the authority provided in subsection (b), an officer of the naval service on sea duty who is deprived of quarters on board ship because of repairs or because of other conditions that make the officer's quarters uninhabitable may be reimbursed for expenses incurred in obtaining quarters if it is impracticable to furnish the officer with accommodations under subsection (a).

"(2) The total amount that an officer may be reimbursed under this subsection may not exceed an amount equal to the basic allowance for quarters of an officer of that officer's grade.

"(3) This subsection shall not apply to an officer who is entitled to basic allowance for quarters.

"(4) The Secretary may prescribe regulations to carry out this subsection.".

(c) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to members of the uniformed services who perform sea duty on or after October 1, 1991. 10 USC 7572 note.

PART B—BONUSES AND SPECIAL AND INCENTIVE PAYS

SEC. 611. REPEAL OF WARTIME AND NATIONAL EMERGENCY PROHIBITIONS ON THE PAYMENT OF CERTAIN PAY AND ALLOWANCES.

(a) IMMINENT DANGER PAY.—Section 310(a) of title 37, United States Code, is amended by striking out "Except in time of war declared by Congress, and under" and inserting in lieu thereof "Under".

(b) FAMILY SEPARATION ALLOWANCE.—Section 427(b)(1) of such title is amended by striking out "Except in time of war or of national emergency hereafter declared by Congress, and in" and inserting in lieu thereof "In".

SEC. 612. EXTENSIONS OF AUTHORITIES RELATING TO PAYMENT OF CERTAIN BONUSES AND OTHER SPECIAL PAY.

(a) AVIATOR RETENTION BONUS.—(1) Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1991" and inserting in lieu thereof "September 30, 1992".

37 USC 301b note.

(2)(A) In the case of an officer described in subparagraph (B) who executes an agreement under section 301b of such title during the 90-day period beginning on the date of the enactment of this Act, the Secretary concerned may treat such agreement as having been executed and accepted for purposes of such section on the first date on which the officer would have qualified for such an agreement had the amendment made by paragraph (1) taken effect on October 1, 1991.

(B) An officer referred to in subparagraph (A) is an officer who, during the period beginning on October 1, 1991, and ending on the date of the enactment of this Act, would have qualified for an agreement under such section had the amendment made by paragraph (1) taken effect on October 1, 1991.

(C) For purposes of this paragraph, the term "Secretary concerned" has the meaning given that term in section 101(5) of title 37, United States Code.

(b) SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO HIGH PRIORITY UNITS.—(1) Section 308d(c) of such title is amended by striking out "September 30, 1991" and inserting in lieu thereof "September 30, 1992".

Effective date. 37 USC 308d note.

(2) The amendment made by paragraph (1) shall take effect as of September 30, 1991, and shall apply with respect to inactive duty for training performed after that date for which special pay is authorized under section 308d of such title.

(c) ACCESSION BONUSES FOR NURSE OFFICER CANDIDATES.—(1) Section 2130a(a)(1) of title 10, United States Code, is amended by striking out "September 30, 1991" and inserting in lieu thereof "September 30, 1992".

10 USC 2130a note.

(2)(A) In the case of a person described in subparagraph (B) who executes an agreement under section 2130a of such title during the 90-day period beginning on the date of the enactment of this Act, the Secretary concerned may treat such agreement as having been executed and accepted for purposes of such section on the first date on which the person would have qualified for such an agreement had the amendment made by paragraph (1) taken effect on October 1, 1991.

(B) A person referred to in subparagraph (A) is a person who, during the period beginning on October 1, 1991, and ending on the date of the enactment of this Act, would have qualified for an

agreement under such section had the amendment made by paragraph (1) taken effect on October 1, 1991.

(C) For purposes of this paragraph, the term "Secretary concerned" has the meaning given that term in section 101(8) of such title.

SEC. 613. INCREASE IN IMMINENT DANGER PAY.

Section 310(a) of title 37, United States Code (as amended by section 611(a)), is further amended by striking out "lowest rate for hazardous duty incentive pay specified in section 301(c)(1) of this title" and inserting in lieu thereof "rate of $150".

SEC. 614. CLARIFICATION OF PARACHUTE JUMPING FOR PURPOSES OF HAZARDOUS DUTY PAY.

Section 301(c)(1) of title 37, United States Code, is amended by striking out "at a high altitude with a low opening" in the second sentence and inserting in lieu thereof "in military free fall operations involving parachute deployment by the jumper without the use of a static line".

SEC. 615. INELIGIBILITY OF FLAG OFFICERS FOR MULTIYEAR RETENTION BONUS FOR MEDICAL OFFICERS.

37 USC 301d note

(a) REITERATING INELIGIBILITY.—The restriction contained in subsection (b)(2) of section 301d of title 37, United States Code, on the eligibility of flag and general officers serving as full-time physicians to receive a multiyear retention bonus under that section shall not be construed as being limited, modified, or superseded by any provision of law, whether enacted before, on, or after the date of the enactment of this Act, unless that provision of law—

(1) specifically refers to that section and this subsection; and

(2) identifies the flag and general officers affected by that provision.

(b) SAVINGS PROVISION.—(1) A medical officer of the Armed Forces who is a flag or general officer and has received any payment of a bonus under section 301d of title 37, United States Code, before the date of the enactment of this Act may not be required to reimburse the United States for such payment by reason of the enactment of subsection (a).

(2) A written agreement referred to in section 301d of title 37, United States Code, that was entered into on or after April 10, 1991, and before the date of the enactment of this Act by a medical officer of the Armed Forces referred to in paragraph (1) in exchange for a payment (or a promise of payment) of a bonus under that section shall be terminated as of the later of—

(A) the end of the month following the month in which this Act is enacted; or

(B) the end of the period covered by the bonus payment or payments received by that officer as described in that paragraph.

PART C—TRAVEL AND TRANSPORTATION ALLOWANCES

SEC. 621. DEFINITION OF DEPENDENT FOR PURPOSES OF ALLOWANCES.

The text of section 401 of title 37, United States Code, is amended to read as follows:

"(a) DEPENDENT DEFINED.—In this chapter, the term 'dependent', with respect to a member of a uniformed service, means the following persons:

"(1) The spouse of the member.

"(2) An unmarried child of the member who—

"(A) is under 21 years of age;

"(B) is incapable of self-support because of mental or physical incapacity and is in fact dependent on the member for more than one-half of the child's support; or

"(C) is under 23 years of age, is enrolled in a full-time course of study in an institution of higher education approved by the Secretary concerned for purposes of this subparagraph, and is in fact dependent on the member for more than one-half of the child's support.

"(3) A parent of the member if—

"(A) the parent is in fact dependent on the member for more than one-half of the parent's support;

"(B) the parent has been so dependent for a period prescribed by the Secretary concerned or became so dependent due to a change of circumstances arising after the member entered on active duty; and

"(C) the dependency of the parent on the member is determined on the basis of an affidavit submitted by the parent and any other evidence required under regulations prescribed by the Secretary concerned.

"(b) OTHER DEFINITIONS.—For purposes of subsection (a):

"(1) The term 'child' includes—

"(A) a stepchild of the member (except that such term does not include a stepchild after the divorce of the member from the stepchild's parent by blood);

"(B) an adopted child of the member, including a child placed in the home of the member by a placement agency for the purpose of adoption; and

"(C) an illegitimate child of the member if the member's parentage of the child is established in accordance with criteria prescribed in regulations by the Secretary concerned.

"(2) The term 'parent' means—

"(A) a natural parent of the member;

"(B) a stepparent of the member;

"(C) a parent of the member by adoption;

"(D) a parent, stepparent, or adopted parent of the spouse of the member; and

"(E) any other person, including a former stepparent, who has stood in loco parentis to the member at any time for a continuous period of at least five years before the member became 21 years of age.".

SEC. 622. TRAVEL AND TRANSPORTATION ALLOWANCE FOR DEPENDENTS OF MEMBERS ASSIGNED TO A VESSEL UNDER CONSTRUCTION.

Section 406c(b)(1) of title 37, United States Code, is amended by striking out "the location that was the home port of the ship before commencement of construction" and inserting in lieu thereof "the designated home port of the ship, or the area where the dependents of the member are residing,".

SEC. 623. TRAVEL AND TRANSPORTATION ALLOWANCES FOR CERTAIN EMERGENCY DUTY WITHIN LIMITS OF DUTY STATION.

Section 408 of title 37, United States Code, is amended—

(1) by inserting "(a)" before "A member of a uniformed service"; and

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

"(b)(1) Under regulations prescribed by the Secretary concerned, a member of a uniformed service who performs emergency duty described in paragraph (2) is entitled to travel and transportation allowances under section 404 of this title for that duty. Regulations.

"(2) The emergency duty referred to in paragraph (1) is duty that—

"(A) is performed by a member under emergency circumstances that threaten injury to property of the Federal Government or human life;

"(B) is performed at a location within the limits of the member's station (other than at the residence or normal duty location of the member);

"(C) is performed pursuant to the direction of competent authority; and

"(D) requires the member's use of overnight accommodations.".

SEC. 624. AUTHORITY OF MEMBERS TO DEFER AUTHORIZED TRAVEL IN CONNECTION WITH CONSECUTIVE OVERSEAS TOURS.

Section 411b(a)(2) of title 37, United States Code, is amended to read as follows:

"(2) Under the regulations referred to in paragraph (1), a member may defer the travel for which the member is paid travel and transportation allowances under such paragraph until not more than one year after the date on which the member begins the consecutive tour of duty at the same duty station or reports to another duty station under the order involved, as the case may be.".

SEC. 625. INCREASE IN FAMILY SEPARATION ALLOWANCE.

(a) INCREASE IN ALLOWANCE.—Subsection (b)(1) of section 427 of title 37, United States Code (as amended by section 611(b)), is further amended by striking out "$60" and inserting in lieu thereof "$75".

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

(1) in subsection (a), by inserting "ALLOWANCE EQUAL TO BASIC ALLOWANCE FOR QUARTERS.—" after "(a)"; and

(2) in subsection (b), by inserting "ADDITIONAL SEPARATION ALLOWANCE.—" after "(b)".

SEC. 626. TRANSPORTATION OF THE REMAINS OF CERTAIN DECEASED DEPENDENTS OF RETIRED MEMBERS OF THE ARMED FORCES.

(a) TRANSPORTATION OF REMAINS.—Section 1490 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting ", or a dependent of such a member," after "equivalent pay"; and

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

"(c) In this section:

"(1) The term 'United States' includes the Commonwealth of Puerto Rico and the territories and possessions of the United States.

"(2) The term 'dependent' has the meaning given such term in section 1072(2) of this title.".

(b) CONFORMING AMENDMENTS.—(1) The heading of section 1490 of title 10, United States Code, is amended to read as follows:

"§ 1490. Transportation of remains: certain retired members and dependents who die in military medical facilities".

(2) The table of sections at the beginning of chapter 75 of such title is amended by striking out the item relating to section 1490 and inserting in lieu thereof the following:

"1490. Transportation of remains: certain retired members and dependents who die in military medical facilities.".

PART D—MATTERS RELATED TO CONTINGENCY OPERATIONS

SEC. 631. DEFINITION OF CONTINGENCY OPERATION.

(a) TITLE 10.—Section 101 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(47) The term 'contingency operation' means a military operation that—

"(A) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

"(B) results in the call or order to, or retention on, active duty of members of the uniformed services under section 672(a), 673, 673b, 673c, 688, 3500, or 8500 of this title, chapter 15 of this title, or any other provision of law during a war or during a national emergency declared by the President or Congress.".

(b) TITLE 37.—Section 101 of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(26) The term 'contingency operation' has the meaning given that term in section 101(47) of title 10.".

SEC. 632. BASIC ALLOWANCE FOR QUARTERS FOR CERTAIN RESERVES WITHOUT DEPENDENTS.

(a) PAYMENT REQUIRED.—Section 403(d) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

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

"(2) A member of a reserve component without dependents who is called or ordered to active duty in support of a contingency operation (other than a member who is authorized transportation of household goods under section 406 of this title as part of that call or order) may not be denied a basic allowance for quarters if, because of that call or order, the member is unable to continue to occupy a residence—

"(A) which is maintained as the primary residence of the member at the time of the call or order; and

"(B) which is owned by the member or for which the member is responsible for rental payments.".

37 USC 403 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to calls or orders of members of the reserve components of the Armed Forces to active duty on or after that date.

SEC. 633. VARIABLE HOUSING ALLOWANCE.

Section 403a(b)(3) of title 37, United States Code (as amended by section 604(b)(1)(B)), is further amended by striking out "140 days" and inserting in lieu thereof "140 days, unless the call or order to active duty is in support of a contingency operation".

SEC. 634. MEDICAL, DENTAL, AND NONPHYSICIAN SPECIAL PAYS FOR RESERVE, RECALLED, OR RETAINED HEALTH CARE OFFICERS.

(a) ELIGIBLE FOR SPECIAL PAY.—Chapter 5 of title 37, United States Code, is amended by inserting after section 302e the following new section:

"§ 302f. Special pay: reserve, recalled, or retained health care officers

"(a) ELIGIBLE FOR SPECIAL PAY.—A health care officer described in subsection (b) shall be eligible for special pay under section 302, 302a, 302b, 302c, 302e, or 303 of this title (whichever applies) notwithstanding any requirement in those sections that—

"(1) the call or order of the officer to active duty be for a period of not less than one year; or

"(2) the officer execute a written agreement to remain on active duty for a period of not less than one year.

"(b) HEALTH CARE OFFICERS DESCRIBED.—A health care officer referred to in subsection (a) is an officer of the armed forces who is otherwise eligible for special pay under section 302, 302a, 302b, 302c, 302e, or 303 of this title and who—

"(1) is a reserve officer on active duty (other than for training) under a call or order to active duty for a period of more than 30 days but less than one year;

"(2) is involuntarily retained on active duty under section 673c of title 10, or is recalled to active duty under section 688 of title 10 for a period of more than 30 days; or

"(3) voluntarily agrees to remain on active duty for a period of less than one year at a time when—

"(A) officers are involuntarily retained on active duty under section 673c of title 10; or

"(B) the Secretary of Defense determines (pursuant to regulations prescribed by the Secretary) that special circumstances justify the payment of special pay under this section.

"(c) MONTHLY PAYMENTS.—Payment of special pay pursuant to this section may be made on a monthly basis. The officer shall refund any amount received under this section in excess of the amount that corresponds to the actual period of active duty served by the officer.

"(d) SPECIAL RULE FOR RESERVE MEDICAL OFFICER.—While a reserve medical officer receives a special pay under section 302 of this title by reason of subsection (a), the officer shall not be entitled to special pay under subsection (h) of that section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302e the following new item:

"302f. Special pay: reserve, recalled, or retained health care officers.".

SEC. 635. WAIVER OF BOARD CERTIFICATION REQUIREMENTS.

(a) CERTIFICATION INTERRUPTED BY CONTINGENCY OPERATION.—Chapter 5 of title 37, United States Code, is amended by inserting after section 303a the following new section:

"§ 303b. Waiver of board certification requirements

"(a) CERTIFICATION INTERRUPTED BY CONTINGENCY OPERATION.—A member of the armed forces described in subsection (b) who completes the board certification or recertification requirements specified in section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of this title before the end of the period established for the member in subsection (c) shall be paid special pay under the applicable section for active duty performed during the period beginning on the date on which the member was assigned to duty in support of a contingency operation and ending on the date of that certification or recertification if the Secretary of Defense determines that the member was unable to schedule or complete that certification or recertification earlier because of that duty.

"(b) ELIGIBLE MEMBERS DESCRIBED.—A member of the armed forces referred to in subsection (a) is a member who—

"(1) is a medical or dental officer or a nonphysician health care provider;

"(2) has completed any required residency training; and

"(3) was, except for the board certification requirement, otherwise eligible for special pay under section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of this title during a duty assignment in support of a contingency operation.

"(c) PERIOD FOR CERTIFICATION.—The period referred to in subsection (a) for completion of board certification or recertification requirements with respect to a member of the armed forces is the 180-day period (extended for such additional time as the Secretary of Defense determines to be appropriate) beginning on the date on which the member is released from the duty to which the member was assigned in support of a contingency operation.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 303a the following new item:

"303b. Waiver of board certification requirements.".

SEC. 636. WAIVER OF FOREIGN LANGUAGE PROFICIENCY CERTIFICATION REQUIREMENT.

(a) CERTIFICATION INTERRUPTED BY CONTINGENCY OPERATION.—Chapter 5 of title 37, United States Code, is amended by inserting after section 316 the following new section:

"§ 316a. Waiver of certification requirement

"(a) CERTIFICATION INTERRUPTED BY CONTINGENCY OPERATION.—(1) A member of the armed forces described in subsection (b) shall be paid special pay under section 316 of this title for the active duty performed by that member during the period described in paragraph (2) if—

"(A) the member was assigned to duty in connection with a contingency operation;

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"(B) the Secretary concerned (under regulations prescribed by the Secretary of Defense) determines that the member was unable to schedule or complete the certification required for

eligibility for the special pay under that section because of that duty;

"(C) except for not meeting the certification requirement in that section, the member was otherwise eligible for that special pay for that active duty; and

"(D) the member completes the certification requirement specified in that section before the end of the period established for the member in subsection (c).

"(2) The period for which a member may be paid special pay for active duty pursuant to paragraph (1) is the period beginning on the date on which the member was assigned to the duty referred to in subparagraph (A) of that paragraph and ending on the date of the member's certification referred to in subparagraph (D) of that paragraph.

"(b) ELIGIBLE MEMBER DESCRIBED.—A member of the armed forces referred to in subsection (a) is a member who meets the requirement referred to in section 316(a)(3) of this title.

"(c) PERIOD FOR CERTIFICATION.—The period referred to in subparagraph (D) of subsection (a)(1) with respect to a member of the armed forces is the 180-day period beginning on the date on which the member was released from the duty referred to in that subsection. The Secretary concerned may extend that period for a member in accordance with regulations prescribed by the Secretary of Defense.". Regulations.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 316 the following new item:

"316a. Waiver of certification requirement.".

SEC. 637. TREATMENT OF ACCRUED LEAVE.

(a) MEMBERS WHO DIE WHILE ON ACTIVE DUTY.—Subsection (d) of section 501 of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(d)";

(2) by striking out "However," in the third sentence and inserting in lieu thereof "Except as provided in paragraph (2),"; and

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

"(2) In the case of a member of the uniformed services who dies as a result of an injury or illness incurred while serving on active duty in support of a contingency operation, the limitations in the second sentence of subsection (b)(3), subsection (f), and the second sentence of subsection (g) shall not apply with respect to a payment made under this subsection for leave accrued during the contingency operation.".

(b) OTHER MEMBERS.—Subsection (b) of that section is amended by adding at the end the following new paragraph:

"(5) The limitation in the second sentence of paragraph (3) and in subsection (f) shall not apply with respect to leave accrued—

"(A) by a member of a reserve component while serving on active duty in support of a contingency operation;

"(B) by a member of the armed forces in the Retired Reserve while serving on active duty in support of a contingency operation; or

"(C) by a retired member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps or a member of the Fleet Reserve or Fleet Marine Corps Reserve while the member

is serving on active duty in support of a contingency operation.".

SEC. 638. AUTHORIZATION TO EXCEED CEILING ON ACCUMULATION OF LEAVE.

Section 701(f) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(f)";

(2) by striking out "Leave" in the last sentence and inserting in lieu thereof "Except as provided in paragraph (2), leave"; and

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

"(2) Under the uniform regulations referred to in paragraph (1), a member of an armed force who serves on active duty in a duty assignment in support of a contingency operation during a fiscal year and who, except for this paragraph—

"(A) would lose any accumulated leave in excess of 60 days at the end of that fiscal year, shall be permitted to retain such leave (not to exceed 90 days) until the end of the succeeding fiscal year; or

"(B) would lose any accumulated leave in excess of 60 days at the end of the succeeding fiscal year (other than by reason of subparagraph (A)), shall be permitted to retain such leave (not to exceed 90 days) until the end of the next succeeding fiscal year.".

SEC. 639. SAVINGS PROGRAM FOR OVERSEAS MEMBERS AND MEMBERS IN A MISSING STATUS.

(a) MISSING MEMBERS.—Subsection (b) of section 1035 of title 10, United States Code, is amended—

(1) by striking out "or during the Persian Gulf conflict." in the second sentence and inserting in lieu thereof ", the Persian Gulf conflict, or a contingency operation."; and

(2) by striking out the last sentence.

(b) OTHER MEMBERS.—Such section is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f) The Secretary of Defense may authorize a member of the armed forces who is on a temporary duty assignment outside of the United States or its possessions in support of a contingency operation to make deposits of unallotted current pay and allowances during that duty as provided in subsection (a). The Secretary shall prescribe regulations establishing standards and procedures for the administration of this subsection.".

(c) DEFINITIONS.—Subsection (g) of such section (as redesignated by subsection (b)(1)) is amended to read as follows:

"(g) In this section:

"(1) The term 'missing status' has the meaning given that term in section 551(2) of title 37.

"(2) The term 'Vietnam conflict' means the period beginning on February 28, 1961, and ending on May 7, 1975.

"(3) The term 'Persian Gulf conflict' means the period beginning on January 16, 1991, and ending on the date thereafter prescribed by Presidential proclamation or by law.".

SEC. 640. TRANSITIONAL HEALTH CARE.

(a) HEALTH CARE PROVIDED.—Chapter 55 of title 10, United States Code, is amended—

(1) by redesignating section 1074b as section 1074c; and
(2) by inserting after section 1074a the following new section:

"§ 1074b. Transitional medical and dental care: members on active duty in support of contingency operations

"(a) HEALTH CARE PROVIDED.—A member of the armed forces described in subsection (b), and the dependents of the member, shall be entitled to receive health care described in subsection (c) upon the release of the member from active duty in support of a contingency operation until the earlier of—

"(1) 30 days after the date of the release of the member from active duty; or

"(2) the date on which the member and the dependents of the member are covered by a health plan sponsored by an employer.

"(b) ELIGIBLE MEMBER DESCRIBED.—A member of the armed forces referred to in subsection (a) is a member who—

"(1) is a member of a reserve component and is called or ordered to active duty in support of a contingency operation;

"(2) is involuntarily retained on active duty under section 673c of this title in support of a contingency operation; or

"(3) voluntarily agrees to remain on active duty for a period of less than one year in support of a contingency operation.

"(c) HEALTH CARE DESCRIBED.—The health care referred to in subsection (a) is—

"(1) medical and dental care available under section 1076 of this title in the same manner as such care is available for a dependent described in subsection (a)(2) of that section; and

"(2) health benefits contracted for under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 1074b and inserting in lieu thereof the following new items:

"1074b. Transitional medical and dental care: members on active duty in support of contingency operations.
"1074c. Medical care: authority to provide a wig.".

PART E—MISCELLANEOUS

SEC. 651. PERMANENT EXTENSION OF PROGRAM TO REIMBURSE MEMBERS OF THE ARMED FORCES FOR ADOPTION EXPENSES.

(a) CODIFICATION OF PROGRAM FOR DEPARTMENT OF DEFENSE.—(1) Chapter 53 of title 10, United States Code, is amended by inserting after section 1051 following new section:

"§ 1052. Reimbursement for adoption expenses

"(a) AUTHORIZATION TO REIMBURSE.—The Secretary of Defense shall carry out a program under which a member of the armed forces may be reimbursed, as provided in this section, for qualifying adoption expenses incurred by the member in the adoption of a child under 18 years of age.

"(b) ADOPTIONS COVERED.—An adoption for which expenses may be reimbursed under this section includes an adoption by a single person, an infant adoption, an intercountry adoption, and an adoption of a child with special needs (as defined in section 473(c) of the Social Security Act (42 U.S.C. 673(c)).

"(c) BENEFITS PAID AFTER ADOPTION IS FINAL.—Benefits paid under this section in the case of an adoption may be paid only after the adoption is final.

"(d) TREATMENT OF OTHER BENEFITS.—A benefit may not be paid under this section for any expense paid to or for a member of the armed forces under any other adoption benefits program administered by the Federal Government or under any such program administered by a State or local government.

"(e) LIMITATIONS.—(1) Not more than $2,000 may be paid under this section to a member of the armed forces, or to two such members who are spouses of each other, for expenses incurred in the adoption of a child.

"(2) Not more than $5,000 may be paid under this section to a member of the armed forces, or to two such members who are spouses of each other, for adoptions by such member (or members) in any calendar year.

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

"(g) DEFINITIONS.—In this section:

"(1) The term 'qualifying adoption expenses' means reasonable and necessary expenses that are directly related to the legal adoption of a child under 18 years of age, but only if such adoption is arranged by a State or local government agency which has responsibility under State or local law for child placement through adoption or by a nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption. Such term does not include any expense incurred—

"(A) by an adopting parent for travel; or

"(B) in connection with an adoption arranged in violation of Federal, State, or local law.

"(2) The term 'reasonable and necessary expenses' includes—

"(A) public and private agency fees, including adoption fees charged by an agency in a foreign country;

"(B) placement fees, including fees charged adoptive parents for counseling;

"(C) legal fees (including court costs) in connection with services that are unavailable to a member of the armed forces under section 1044 or 1044a of this title; and

"(D) medical expenses, including hospital expenses of the biological mother of the child to be adopted and of a newborn infant to be adopted.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1051 the following new item:

"1052. Reimbursement for adoption expenses.".

(b) CODIFICATION OF PROGRAM FOR COAST GUARD PURPOSES.—(1) Chapter 13 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 514. Reimbursement for adoption expenses

"(a) AUTHORIZATION TO REIMBURSE.—The Secretary shall carry out a program under which a member of the Coast Guard may be reimbursed, as provided in this section, for qualifying adoption expenses incurred by the member in the adoption of a child under 18 years of age.

"(b) ADOPTIONS COVERED.—An adoption for which expenses may be reimbursed under this section includes an adoption by a single person, an infant adoption, an intercountry adoption, and an adoption of a child with special needs (as defined in section 473(c) of the Social Security Act (42 U.S.C. 673(c)).

"(c) BENEFITS PAID AFTER ADOPTION IS FINAL.—Benefits paid under this section in the case of an adoption may be paid only after the adoption is final.

"(d) TREATMENT OF OTHER BENEFITS.—A benefit may not be paid under this section for any expense paid to or for a member of the Coast Guard under any other adoption benefits program administered by the Federal Government or under any such program administered by a State or local government.

"(e) LIMITATIONS.—(1) Not more than $2,000 may be paid under this section to a member of the Coast Guard, or to two such members who are spouses of each other, for expenses incurred in the adoption of a child.

"(2) Not more than $5,000 may be paid under this section to a member of the Coast Guard, or to two such members who are spouses of each other, for adoptions by such member (or members) in any calendar year.

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

"(g) DEFINITIONS.—In this section:

"(1) The term 'qualifying adoption expenses' means reasonable and necessary expenses that are directly related to the legal adoption of a child under 18 years of age, but only if such adoption is arranged by a State or local government agency which has responsibility under State or local law for child placement through adoption or by a nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption. Such term does not include any expense incurred—

"(A) by an adopting parent for travel; or

"(B) in connection with an adoption arranged in violation of Federal, State, or local law.

"(2) The term 'reasonable and necessary expenses' includes—

"(A) public and private agency fees, including adoption fees charged by an agency in a foreign country;

"(B) placement fees, including fees charged adoptive parents for counseling;

"(C) legal fees (including court costs) in connection with services that are unavailable to a member of the Coast Guard under section 1044 or 1044a of title 10; and

"(D) medical expenses, including hospital expenses of the biological mother of the child to be adopted and of a newborn infant to be adopted.".

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

"514. Reimbursement for adoption expenses.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act and shall apply to adoptions completed on or after that date. 10 USC 1052 note.

SEC. 652. INCREASE IN AMOUNT OF DEATH GRATUITY.

(a) INCREASE.—Section 1478(a) of title 10, United States Code, is amended—

(1) by striking out "1475-1477" and inserting in lieu thereof "1475 through 1477"; and

(2) by striking out "equal to six months' pay" and all that follows through the period in the first sentence and inserting in lieu thereof "$6,000.".

10 USC 1478 note.

(b) EFFECTIVE DATE AND TRANSITIONAL PROVISION.—(1) The amendments made by subsection (a) shall take effect as of August 2, 1990.

(2) In the case of the payment of a death gratuity under sections 1475 through 1477 of title 10, United States Code, with respect to a person who died during the period beginning on August 2, 1990, and ending on the date of the enactment of this Act, the amount of the death gratuity under section 1478(a) of such title (as amended by subsection (a)) shall be reduced by the amount of any such gratuity paid with respect to such person under this section (as in effect on August 1, 1990).

SEC. 653. SURVIVOR BENEFIT PLAN.

(a) ADDITIONAL PREMIUM FOR SBP OPEN SEASON ENROLLMENT.—(1) Section 1405 of the Military Survivor Benefits Improvement Act of 1989 (title XIV of Public Law 101-189; 103 Stat. 1586; 10 U.S.C. 1448 note) is amended by adding at the end the following new subsection:

Regulations.

"(j) ADDITIONAL PREMIUM.—The Secretary of Defense may require that the SBP premium for a person making an election under subsection (a)(1) or (b) include, in addition to the amount required under section 1452(a) of title 10, United States Code, an amount determined under regulations prescribed by the Secretary of Defense for the purposes of this subsection. Any such amount shall be stated as a percentage of the base amount of the person making the election and shall reflect the number of years that have elapsed since the person retired, but may not exceed 4.5 percent of that person's base amount.".

10 USC 1448 note.

(2) Section 1406 of such Act is amended by adding at the end the following:

"(4) The term 'SBP premium' means the reduction in retired pay required as a condition of providing an annuity under the Survivor Benefit Plan.

"(5) The term 'base amount' has the meaning given that term in section 1447(2) of title 10, United States Code.".

(b) AMOUNT OF ANNUITY UNDER SUPPLEMENTAL SURVIVOR BENEFIT PLAN.—(1) Section 1457(b) of title 10, United States Code, is amended by striking out "20 percent of the base amount under the Survivor Benefit Plan of the person providing the annuity" and inserting in lieu thereof "5, 10, 15, or 20 percent of the base amount under the Survivor Benefit Plan of the person providing the annuity, as specified by that person when electing to provide the annuity".

(2) Section 1460(b)(2) of such title is amended by inserting before the period the following: "and, in the case of a person providing a supplemental spouse annuity computed under section 1457(b) of this title, a constant percentage of such person's base amount for each 5 percent increment specified in accordance with that section".

Effective date. 10 USC 1457 note.

(3) The amendments made by this subsection shall take effect on April 1, 1992.

(c) CLARIFICATION THAT MAXIMUM BASIC COVERAGE REQUIRED TO ELECT SUPPLEMENTAL COVERAGE.—(1) Section 1458(a)(1) of title 10,

United States Code, is amended by inserting "at the maximum level" after "Survivor Benefit Plan".

(2) Section 1405 of the Military Survivor Benefits Improvement Act of 1989 (title XIV of Public Law 101-189; 103 Stat. 1586; 10 U.S.C. 1448 note) is amended—

(A) in subsection (a)(2), by inserting "at the maximum level" after "Survivor Benefit Plan" the first place it appears; and

(B) in subsection (c)(2), by inserting "at the maximum level, or during the open enrollment period the person increases the level of such participation to the maximum level under subsection (b) of this section," after "Survivor Benefit Plan".

SEC. 654. PAYMENT OF SURVIVOR ANNUITY TO A REPRESENTATIVE OF A LEGALLY INCOMPETENT PERSON.

(a) SURVIVOR BENEFIT PLAN ANNUITY.—Section 1455 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "The President"; and

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

"(b) The regulations prescribed pursuant to subsection (a) shall provide procedures for the payment of an annuity under this subchapter in the case of—

"(1) a person for whom a guardian or other fiduciary has been appointed; and

"(2) a minor, mentally incompetent, or otherwise legally disabled person for whom a guardian or other fiduciary has not been appointed.

"(c) The regulations under subsection (b) may include provisions for the following:

"(1) In the case of an annuitant referred to in subsection (b)(1), payment of the annuity to the appointed guardian or other fiduciary.

"(2) In the case of an annuitant referred to in subsection (b)(2), payment of the annuity to any person who, in the judgment of the Secretary concerned, is responsible for the care of the annuitant.

"(3) Subject to paragraphs (4) and (5), a requirement for the payee of an annuity to spend or invest the amounts paid on behalf of the annuitant solely for benefit of the annuitant.

"(4) Authority for the Secretary concerned to permit the payee to withhold from the annuity payment such amount, not in excess of 4 percent of the annuity, as the Secretary concerned considers a reasonable fee for the fiduciary services of the payee when a court appointment order provides for payment of such a fee to the payee for such services or the Secretary concerned determines that payment of a fee to such payee is necessary in order to obtain the fiduciary services of the payee.

"(5) Authority for the Secretary concerned to require the payee to provide a surety bond in an amount sufficient to protect the interests of the annuitant and to pay for such bond out of the annuity.

"(6) A requirement for the payee of an annuity to maintain and, upon request, to provide to the Secretary concerned an accounting of expenditures and investments of amounts paid to the payee.

"(7) In the case of an annuitant referred to in subsection (b)(2)—

"(A) procedures for determining incompetency and for selecting a payee to represent the annuitant for the purposes of this section, including provisions for notifying the annuitant of the actions being taken to make such a determination and to select a representative payee, an opportunity for the annuitant to review the evidence being considered, and an opportunity for the annuitant to submit additional evidence before the determination is made; and

"(B) standards for determining incompetency, including standards for determining the sufficiency of medical evidence and other evidence.

"(8) Provisions for any other matters that the President considers appropriate in connection with the payment of an annuity in the case of a person referred to in subsection (b).

"(d) An annuity paid to a person on behalf of an annuitant in accordance with the regulations prescribed pursuant to subsection (b) discharges the obligation of the United States for payment to the annuitant of the amount of the annuity so paid.".

(b) FAMILY PROTECTION PLAN ANNUITY.—(1) Subchapter I of chapter 73 of title 10, United States Code, is amended by inserting after section 1444 the following new section:

"§ 1444a. Regulations regarding payment of annuity to a representative payee

"(a) The regulations prescribed pursuant to section 1444(a) of this title shall provide procedures for the payment of an annuity under this subchapter in the case of—

"(1) a person for whom a guardian or other fiduciary has been appointed; and

"(2) a minor, mentally incompetent, or otherwise legally disabled person for whom a guardian or other fiduciary has not been appointed.

"(b) Those regulations may include the provisions set out in section 1455(c) of this title.

"(c) An annuity paid to a person on behalf of an annuitant in accordance with the regulations prescribed pursuant to subsection (a) discharges the obligation of the United States for payment to the annuitant of the amount of the annuity so paid.".

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1444 the following:

"1444a. Regulations regarding payment of annuity to a representative payee.".

SEC. 655. WAIVER OF REDUCTION OF RETIRED PAY UNDER SPECIFIED CONDITIONS.

(a) AMENDMENTS RELATING TO DUAL PAY.—(1) Section 5532 of title 5, United States Code, is amended by adding at the end the following:

"(h)(1) If warranted by circumstances described in subsection (g)(1)(A) or (B) (as applicable), the Director of the Administrative Office of the United States Courts shall, with respect to an employee in the judicial branch, have the same waiver authority as would be available to the Director of the Office of Personnel Management, or a duly authorized agency head, under subsection (g) with respect to an employee of an Executive agency.

"(2) Authority under this subsection may not be exercised with respect to a justice or judge of the United States, as defined in section 451 of title 28.

"(i)(1) If warranted by circumstances described in subsection (g)(1)(A) or (B) (as applicable), an official or committee designated in paragraph (2) shall, with respect to the employees specified in the applicable subparagraph of such paragraph, have the same waiver authority as would be available to the Director of the Office of Personnel Management, or a duly authorized agency head, under subsection (g) with respect to an employee of an Executive agency.

"(2) Authority under this subsection may be exercised—

"(A) with respect to an employee of an agency in the legislative branch, by the head of such agency;

"(B) with respect to an employee of the House of Representatives, by the Speaker of the House of Representatives; and

"(C) with respect to an employee of the Senate, by the Committee on Rules and Administration of the Senate.

"(3) Any exercise of authority under this subsection shall be in conformance with such written policies and procedures as the agency head, the Speaker of the House of Representatives, or the Committee on Rules and Administration of the Senate (as applicable) shall prescribe, consistent with the provisions of this subsection.

"(j) For the purpose of subsections (g) through (i), 'Executive agency' shall not include the General Accounting Office.".

(2) Section 5531 of title 5, United States Code, is amended—

(A) in paragraph (2) by striking "and" after the semicolon;

(B) in paragraph (3) by striking the period at the end and inserting a semicolon; and

(C) by adding after paragraph (3) the following:

"(4) 'agency in the legislative branch' means the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Office of the Architect of the Capitol, the United States Botanic Garden, and the Congressional Budget Office;

"(5) 'employee of the House of Representatives' means a congressional employee whose pay is disbursed by the Clerk of the House of Representatives;

"(6) 'employee of the Senate' means a congressional employee whose pay is disbursed by the Secretary of the Senate; and

"(7) 'congressional employee' has the meaning given that term by section 2107 of this title, excluding an employee of an agency in the legislative branch.".

(b) AMENDMENTS RELATING TO THE CIVIL SERVICE RETIREMENT SYSTEM.—(1) Section 8344 of title 5, United States Code, is amended by adding at the end the following:

"(j)(1) If warranted by circumstances described in subsection (i)(1)(A) or (B) (as applicable), the Director of the Administrative Office of the United States Courts shall, with respect to an employee in the judicial branch, have the same waiver authority as would be available to the Director of the Office of Personnel Management, or a duly authorized agency head, under subsection (i) with respect to an employee of an Executive agency.

"(2) Authority under this subsection may not be exercised with respect to a justice or judge of the United States, as defined in section 451 of title 28.

"(k)(1) If warranted by circumstances described in subsection (i)(1)(A) or (B) (as applicable), an official or committee designated in paragraph (2) shall, with respect to the employees specified in the applicable subparagraph of such paragraph, have the same waiver authority as would be available to the Director of the Office of Personnel Management, or a duly authorized agency head, under subsection (i) with respect to an employee of an Executive agency.

"(2) Authority under this subsection may be exercised—

"(A) with respect to an employee of an agency in the legislative branch, by the head of such agency;

"(B) with respect to an employee of the House of Representatives, by the Speaker of the House of Representatives; and

"(C) with respect to an employee of the Senate, by the Committee on Rules and Administration of the Senate.

"(3) Any exercise of authority under this subsection shall be in conformance with such written policies and procedures as the agency head, the Speaker of the House of Representatives, or the Committee on Rules and Administration of the Senate (as applicable) shall prescribe, consistent with the provisions of this subsection.

"(4) For the purpose of this subsection, 'agency in the legislative branch', 'employee of the House of Representatives', 'employee of the Senate', and 'congressional employee' each has the meaning given to it in section 5531 of this title.

"(l)(1) For the purpose of subsections (i) through (k), 'Executive agency' shall not include the General Accounting Office.

"(2) An employee as to whom a waiver under subsection (i), (j), or (k) is in effect shall not be considered an employee for purposes of this chapter or chapter 84 of this title.".

(2) Section 8344(i)(3) of title 5, United States Code, is repealed.

(c) AMENDMENTS RELATING TO THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—(1) Section 8468 of title 5, United States Code, is amended by adding at the end the following:

"(g)(1) If warranted by circumstances described in subsection (f)(1)(A) or (B) (as applicable), the Director of the Administrative Office of the United States Courts shall, with respect to an employee in the judicial branch, have the same waiver authority as would be available to the Director of the Office of Personnel Management, or a duly authorized agency head, under subsection (f) with respect to an employee of an Executive agency.

"(2) Authority under this subsection may not be exercised with respect to a justice or judge of the United States, as defined in section 451 of title 28.

"(h)(1) If warranted by circumstances described in subsection (f)(1)(A) or (B) (as applicable), an official or committee designated in paragraph (2) shall, with respect to the employees specified in the applicable subparagraph of such paragraph, have the same waiver authority as would be available to the Director of the Office of Personnel Management, or a duly authorized agency head, under subsection (f) with respect to an employee of an Executive agency.

"(2) Authority under this subsection may be exercised—

"(A) with respect to an employee of an agency in the legislative branch, by the head of such agency;

"(B) with respect to an employee of the House of Representatives, by the Speaker of the House of Representatives; and

"(C) with respect to an employee of the Senate, by the Committee on Rules and Administration of the Senate.

"(3) Any exercise of authority under this subsection shall be in conformance with such written policies and procedures as the agency head, the Speaker of the House of Representatives, or the Committee on Rules and Administration of the Senate (as applicable) shall prescribe, consistent with the provisions of this subsection.

"(4) For the purpose of this subsection, 'agency in the legislative branch', 'employee of the House of Representatives', 'employee of the Senate', and 'congressional employee' each has the meaning given to it in section 5531 of this title.

"(i)(1) For the purpose of subsections (f) through (h), 'Executive agency' shall not include the General Accounting Office.

"(2) An employee as to whom a waiver under subsection (f), (g), or (h) is in effect shall not be considered an employee for purposes of this chapter or chapter 83 of this title.".

(2) Section 8468(f)(3) of title 5, United States Code, is repealed.

(d) REPORTING REQUIREMENT.—(1) For the purpose of this subsection, the term "agency in the legislative branch" has the meaning given such term by section 5531(4) of title 5, United States Code, as amended by subsection (a). 5 USC 5532 note

(2) Each agency in the legislative branch shall submit to the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate, for each calendar year, a written report on how any authority made available as a result of the enactment of this section was used by such agency during the period covered by such report.

(3) A report under this subsection—

(A) shall include the number of instances in which each type of authority was exercised, the circumstances justifying the exercise of authority, and, unless previously submitted, a description of the policies and procedures governing each type of authority exercised; and

(B) shall be submitted not later than 30 days after the end of the calendar year to which it relates.

SEC. 656. EXPANDED ELIGIBILITY OF CERTAIN HEALTH CARE OFFICERS FOR CERTAIN SPECIAL PAYS FOR SERVICE IN CONNECTION WITH OPERATION DESERT STORM.

Section 304(e) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102-25; 105 Stat. 81; 37 U.S.C. 302 note) is amended by striking out "November 5, 1990" and inserting in lieu thereof "August 1, 1990".

SEC. 657. INCREASE IN THE AMOUNT OF A CLAIM FOR RECOUPMENT OF OVERPAYMENTS OF PAY, ALLOWANCES, AND EXPENSES THAT MAY BE WAIVED.

(a) AMENDMENT TO TITLE 5.—Section 5584(a)(2)(A) of title 5, United States Code, is amended by striking out "$500" and inserting in lieu thereof "$1,500".

(b) AMENDMENT TO TITLE 10.—Section 2774(a)(2)(A) of title 10, United States Code, is amended by striking out "$500" and inserting in lieu thereof "$1,500".

(c) AMENDMENT TO TITLE 32.—Section 716(a)(2)(A) of title 32, United States Code, is amended by striking out "$500" and inserting in lieu thereof "$1,500".

PART F—READJUSTMENT BENEFITS FOR CERTAIN VOLUNTARILY SEPARATED MEMBERS

SEC. 661. SPECIAL SEPARATION BENEFITS.

(a) REQUIREMENT FOR PROGRAMS.—(1) Chapter 59 of title 10, United States Code, is amended by inserting after section 1174 the following new section:

"§ 1174a. Special separation benefits programs

"(a) REQUIREMENT FOR PROGRAMS.—The Secretary of each military department shall carry out a special separation benefits program under this section. An eligible member of the armed forces may request separation under the program. The request shall be subject to the approval of the Secretary.

"(b) BENEFITS.—Upon the approval of the request of an eligible member, the member shall—

"(1) be released from active duty or discharged, as the case may be; and

"(2) be entitled to—

"(A) separation pay equal to 15 percent of the product of (i) the member's years of active service, and (ii) 12 times the monthly basic pay to which the member is entitled at the time of his discharge or release from active duty; and

"(B) the same benefits and services as are provided under chapter 58 of this title for members of the armed forces who are involuntarily separated within the meaning of section 1141 of this title.

"(c) ELIGIBILITY.—Subject to subsections (d) and (e), a member of an armed force is eligible for voluntary separation under a program established for that armed force pursuant to this section if the member—

"(1) has not been approved for payment of a voluntary separation incentive under section 1175 of this title;

"(2) has served on active duty for more than 6 years before the date of the enactment of this section;

"(3) has served on active duty for not more than 20 years;

"(4) has served at least 5 years of continuous active duty immediately preceding the date of the member's separation from active duty;

"(5) if a Reserve, is on an active duty list; and

"(6) meets such other requirements as the Secretary may prescribe, which may include requirements relating to—

"(A) years of service;

"(B) skill or rating;

"(C) grade or rank; and

"(D) remaining period of obligated service.

"(d) PROGRAM APPLICABILITY.—The Secretary of a military department may provide for the program under this section to apply to any of the following members:

"(1) A regular officer or warrant officer of an armed force.

"(2) A regular enlisted member of an armed force.

"(3) A member of an armed force other than a regular member.

"(e) APPLICABILITY SUBJECT TO NEEDS OF THE SERVICE.—(1) Subject to paragraphs (2) and (3), the Secretary concerned may limit the applicability of a program under this section to any category of

personnel defined by the Secretary in order to meet a need of the armed force under the Secretary's jurisdiction to reduce the number of members in certain grades, the number of members who have completed a certain number of years of active service, or the number of members who possess certain military skills or are serving in designated competitive categories.

"(2) Any category prescribed by the Secretary concerned for regular officers, regular enlisted members, or other members pursuant to paragraph (1) shall be consistent with the categories applicable to regular officers, regular enlisted members, or other members, respectively, under the voluntary separation incentive program under section 1175 of this title or any other program established by law or by that Secretary for the involuntary separation of such members in the administration of a reduction in force.

"(3) A member of the armed forces offered a voluntary separation incentive under section 1175 of this title shall also be offered the opportunity to request separation under a program established pursuant to this section. If the Secretary of the military department concerned approves a request for separation under either such section, the member shall be separated under the authority of the section selected by such member.

"(f) APPLICATION REQUIREMENTS.—(1) In order to be separated under a program established pursuant to this section—

"(A) a regular enlisted member eligible for separation under that program shall—

"(i) submit a request for separation under the program before the expiration of the member's term of enlistment; or

"(ii) upon discharge at the end of such term, enter into a written agreement (pursuant to regulations prescribed by the Secretary concerned) not to request reenlistment in a regular component; and

"(B) a member referred to in subsection (d)(3) eligible for separation under that program shall submit a request for separation to the Secretary concerned before the expiration of the member's established term of active service.

"(2) For purposes of this section, the entry of a member into an agreement referred to in paragraph (1)(A)(ii) under a program established pursuant to this section shall be considered a request for separation under the program.

"(g) OTHER CONDITIONS, REQUIREMENTS, AND ADMINISTRATIVE PROVISIONS.—Subsections (e) through (h), other than subsection (e)(2)(A), of section 1174 of this title shall apply in the administration of programs established under this section.

"(h) TERMINATION OF PROGRAM.—(1) Except as provided in paragraph (2), the Secretary of a military department may not conduct a program pursuant to this section after September 30, 1995.

"(2) No member of the armed forces may be separated under a program established pursuant to this section after the date of the termination of that program.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1174 the following new item:

"1174a. Special separation benefits programs.".

(b) COMMENCEMENT OF PROGRAMS WITHIN 60 DAYS.—The Secretary of each military department shall commence the program 10 USC 1174a note.

required by section 1174a of title 10, United States Code (as added by subsection (a)), not later than 60 days after the date of the enactment of this Act.

SEC. 662. VOLUNTARY SEPARATION INCENTIVE.

(a) PROGRAM AUTHORIZED—(1) Chapter 59 of title 10, United States Code, as amended by section 661, is further amended by adding at the end thereof the following new section:

"§1175. Voluntary separation incentive

"(a) Consistent with this section and the availability of appropriations for this purpose, the Secretary of Defense may provide a financial incentive to members of the armed forces described in subsection (b) for voluntary appointment, enlistment, or transfer to a Reserve component, requested and approved under subsection (c), for the period of time the member serves in a reserve component.

"(b) The Secretary of Defense may provide the incentive to a member of the armed forces if the member—

"(1) has served on active duty for more than 6 but less than 20 years;

"(2) has served at least 5 years of continuous active duty immediately preceding the date of separation;

"(3) if a Reserve, is on the active duty list; and

"(4) meets such other requirements as the Secretary may prescribe from time to time, which may include requirements relating to—

"(A) years of service;

"(B) skill or rating;

"(C) grade or rank; and

"(D) remaining period of obligated service.

"(c) A member of the armed forces offered a voluntary separation incentive under this section shall be offered the opportunity to request separation under a program established pursuant to section 1174a of this title. If the Secretary of the military department concerned approves a request for separation under either such section, the member shall be separated under the authority of the section selected by such member.

"(d)(1) A member of the armed forces described in subsection (b) may request voluntary appointment, enlistment, or transfer to a reserve component accompanied by this incentive, provided the member has completed 6 years of active service prior to the time this provision is enacted.

"(2) The Secretary, in his discretion, may approve or disapprove a request according to the needs of the armed forces.

"(3) After September 30, 1995, the Secretary may not approve a request.

"(e)(1) The annual payment of the incentive shall equal 2.5 percent of the monthly basic pay the member receives on the date appointed, enlisted, or transferred to the reserve component, multiplied by twelve and multiplied again by the member's years of service. The annual payment will be made for a period equal to the number of years that is equal to twice the number of years of service of the member.

"(2) A member entitled to voluntary separation incentive payments who is also entitled to basic pay for active or reserve service, or compensation for inactive duty training, shall forfeit an amount

of voluntary separation incentive payable for the same period that is equal to the total amount of basic pay, or compensation, received.

"(3) A member who has received the voluntary separation incentive and who qualifies for retired or retainer pay under this title shall have deducted from each payment of such retired or retainer pay so much of such pay as is based on the service for which he received the voluntary separation incentive until the total amount deducted equals the total amount of voluntary separation incentive received.

"(4) A member who is receiving voluntary separation incentive payments shall not be deprived of this incentive by reason of entitlement to disability compensation under the laws administered by the Department of Veterans Affairs, but there shall be deducted from voluntary separation incentive payments an amount equal to the amount of any such disability compensation concurrently received. Notwithstanding the preceding sentence, no deduction may be made from voluntary separation incentive payments for any disability compensation received because of an earlier period of active duty if the voluntary separation incentive is received because of discharge or release from a later period of active duty.

"(5) The years of service of a member for purposes of this section shall be computed in accordance with section 1405 of this title.

"(6) Years of service that form the basis of the payment under paragraph (5) may not be counted in computing eligibility for, or the amount of, annuities under title 5 or any other law providing annuities to Federal civilian employees.

"(f) The member's right to incentive payments shall not be transferable, except that the member may designate beneficiaries to receive the payments in the event of the member's death.

"(g) Subject to subsection (h), payments under this provision shall be paid from appropriations available to the Department of Defense.

"(h)(1) There is established on the books of the Treasury a fund to be known as the 'Voluntary Separation Incentive Fund' (hereinafter in this subsection referred to as the 'Fund'). The Fund 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 the liabilities of the Department of Defense under this section.

"(2) There shall be deposited in the Fund the following, which shall constitute the assets of the Fund:

"(A) Amounts paid into the Fund under paragraphs (5), (6), and (7).

"(B) Any amount appropriated to the Fund.

"(C) Any return on investment of the assets of the Fund.

"(3) All voluntary separation incentive payments made after December 31, 1992, under this section shall be paid out of the Fund. To the extent provided in appropriation Acts, the assets of the Fund shall be available to pay voluntary separation incentives under this section.

"(4) The Department of Defense Retirement Board of Actuaries (hereinafter in this subsection referred to as the 'Board') shall perform the same functions regarding the Fund, as provided in this subsection, as such Board performs regarding the Department of Defense Military Retirement Fund.

"(5) Not later than January 1, 1993, the Board shall determine the amount that is the present value, as of that date, of the future benefits payable under this section in the case of persons who are

separated pursuant to this section before that date. The amount so determined is the original unfunded liability of the Fund. The Board shall determine an appropriate amortization period and schedule for liquidation of the original unfunded liability. The Secretary shall make deposits to the Fund in accordance with that amortization schedule.

"(6) For persons separated under this section on or after January 1, 1993, the Secretary shall deposit in the Fund during the period beginning on that date and ending on September 30, 1995—

"(A) such sums as are necessary to pay the current liabilities under this section during such period; and

"(B) the amount equal to the present value, as of September 30, 1995, of the future benefits payable under this section, as determined by the Board.

"(7)(A) For each fiscal year after fiscal year 1996, the Board shall—

"(i) carry out an actuarial valuation of the Fund and determine any unfunded liability of the Fund which deposits under paragraphs (5) and (6) do not liquidate, taking into consideration any cumulative actuarial gain or loss to the Fund;

"(ii) determine the period over which that unfunded liability should be liquidated; and

"(iii) determine for the following fiscal year, the total amount, and the monthly amount, of the Department of Defense contributions that must be made to the Fund during that fiscal year in order to fund the unfunded liabilities of the Fund over the applicable amortization periods.

"(B) The Board shall carry out its responsibilities for each fiscal year in sufficient time for the amounts referred to in subparagraph (A)(iii) to be included in budget requests for that fiscal year.

"(C) The Secretary of Defense shall pay into the Fund at the end of each month as the Department of Defense contribution to the Fund the amount necessary to liquidate unfunded liabilities of the Fund in accordance with the amortization schedules determined by the Board.

"(8) 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 each military department.

"(9) The investment provisions of section 1467 of this title shall apply to the Voluntary Separation Incentive Fund.

"(i) The Secretary of Defense may issue such regulations as may be necessary to carry out this section.".

(2) The table of sections at the beginning of such chapter, as amended by section 661, is further amended by adding at the end the following:

"1175. Voluntary separation incentive.".

10 USC 1175 note.

(b) Tax Treatment—Notwithstanding the Internal Revenue Code of 1986 and any other provision of law, any voluntary separation incentive paid to a member of the Armed Forces under section 1175 of title 10, United States Code (as added by subsection (a)), shall be includable in gross income for federal tax purposes only for the taxable year in which such incentive is paid to the participant or beneficiary of the member.

SEC. 663. REPORT ON PROGRAMS.

10 USC 1174a note.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the Secretary's assessment of the effectiveness of the programs established under sections 1174a and 1175 of title 10, United States Code, as added by sections 661 and 662.

SEC. 664. LIMITED AUTHORITY TO WAIVE END STRENGTHS.

10 USC 115 note.

(a) AUTHORITY.—The Secretary of Defense may increase the end strength authorized for an armed force for fiscal year 1992 under section 401(a) by a number not greater than 2 percent of that end strength if the Secretary determines that it is in the interest of the United States to do so in order to avoid the necessity of involuntarily separating personnel of that armed force for the purpose of achieving that end strength. The authority in the preceding sentence is in addition to the authority under section 115(c)(1) of title 10, United States Code.

(b) FUNDING INCREASED PERSONNEL COSTS.—(1) To the extent provided in appropriation Acts, the Secretary may transfer amounts available to the Department of Defense as necessary to meet increased personnel costs resulting from the exercise of the authority provided in subsection (a).

(2) The transfer authority provided in paragraph (1) is in addition to any other transfer authority provided in this or any other Act.

TITLE VII—HEALTH CARE PROVISIONS

PART A—HEALTH CARE SERVICES

SEC. 701. ESTABLISHMENT OF SUPPLEMENTAL DENTAL BENEFITS PLANS FOR DEPENDENTS.

(a) AUTHORITY TO ESTABLISH.—Subsection (a)(1) of section 1076a of title 10, United States Code, is amended—

(1) by striking out "dental benefit plans" in the first sentence and inserting in lieu thereof "basic and supplemental dental benefits plans"; and

(2) by adding at the end the following new sentence: "A member may not enroll in a supplemental dental benefits plan unless the member is also a member of a basic dental benefits plan.".

(b) BENEFITS UNDER BASIC AND SUPPLEMENTAL DENTAL PLANS.—Subsection (d) of such section is amended to read as follows:

"(d) BENEFITS AVAILABLE UNDER PLANS.—(1) A basic dental benefits plan established under subsection (a) may provide only the following benefits:

"(A) Diagnostic, oral examination, and preventative services and palliative emergency care.

"(B) Basic restorative services of amalgam and composite restorations and stainless steel crowns for primary teeth, and dental appliance repairs.

"(2) In addition to the benefits available under a basic dental benefits plan, a supplemental dental benefits plan established under subsection (a) may provide such dental care benefits as the Secretary of Defense, after consultation with the other administering Secretaries, considers to be appropriate.".

(c) PREMIUM FOR SUPPLEMENTAL PLANS.—Subsection (b) of such section is amended—

(1) by inserting "PREMIUMS.—" after "(b)";

(2) in paragraph (1), by striking out "dental benefit plan" and inserting in lieu thereof "dental benefits plan";

(3) in paragraph (2), by striking out "a plan under this section" and inserting in lieu thereof "a basic dental benefits plan"; and

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

"(3) A member enrolled in a supplemental dental benefits plan shall pay a supplemental monthly premium of not more than $15 for the member and the family of the member. The supplemental monthly premium shall be in addition to the premium payable under paragraph (2) for the member's basic dental benefits plan.".

(d) COPAYMENTS.—Subsection (e) of such section is amended to read as follows:

"(e) COPAYMENTS.—(1) A member whose spouse or child receives care under a basic dental benefits plan shall—

"(A) pay no charge for care described in subsection (d)(1)(A); and

"(B) pay 20 percent of the charges for care described in subsection (d)(1)(B).

"(2) A supplemental dental benefits plan may require a member enrolled in that plan to pay not more than 50 percent of the charges for orthodontic services, crowns, gold fillings, bridges, or complete or partial dentures that are received by the spouse or a child of the member, are covered by that plan, and are not covered by the member's basic dental benefits plan.".

(e) CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "AUTHORITY TO ESTABLISH PLANS.—" after "(a)";

(2) in subsection (c), by inserting "DEDUCTION OF PREMIUM FROM BASIC PAY.—" after "(c)";

(3) in subsection (f), by inserting "TRANSFER OF MEMBER.—" after "(f)";

(4) in subsection (g), by inserting "AUTHORITY SUBJECT TO APPROPRIATIONS.—"; and

(5) in subsection (h), by inserting "LIMITATIONS ON EXPENDITURES.—" after "(h)".

SEC. 702. HOSPICE CARE.

(a) HOSPICE CARE FOR DEPENDENTS IN FACILITIES OF THE UNIFORMED SERVICES.—Section 1077 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) Notwithstanding subsection (b)(1), hospice care may be provided under section 1076 of this title in facilities of the uniformed services to a terminally ill patient who chooses (pursuant to regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries) to receive hospice care rather than continuing hospitalization or other health care services for treatment of the patient's terminal illness.

"(2) In this section, the term 'hospice care' means the items and services described in section 1861(dd) of the Social Security Act (42 U.S.C. 1395x(dd)).".

(b) HOSPICE CARE FOR DEPENDENTS UNDER CONTRACTS FOR MEDICAL CARE.—(1) Subsection (a) of section 1079 of title 10, United States Code, is amended—

(A) in paragraph (13), by striking out "clause (4)" and inserting in lieu thereof "paragraph (4)";

(B) by striking out "and" at the end of paragraph (14);

(C) by striking out the period at the end of paragraph (15)(D) and inserting in lieu thereof "; and"; and

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

"(16) hospice care may be provided only in the manner and under the conditions provided in section 1861(dd) of the Social Security Act (42 U.S.C. 1395x(dd))."

(2) Subsection (j)(2)(B) of such section is amended by inserting "hospice program (as defined in section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2))," after "home health agency,".

SEC. 703. BLOOD-LEAD LEVEL SCREENINGS OF DEPENDENT INFANTS OF MEMBERS OF THE UNIFORMED SERVICES.

Section 1077(a)(8) of title 10, United States Code, is amended by inserting before the period the following: ", including well-baby care that includes one screening of an infant for the level of lead in the blood of the infant".

SEC. 704. EXPANSION OF CHAMPUS COVERAGE TO INCLUDE CERTAIN MEDICARE PARTICIPANTS.

(a) ELIGIBILITY OF DISABLED PERSONS.—Section 1086 of title 10, United States Code, is amended by striking out subsection (d) and inserting in lieu thereof the following new subsection:

"(d)(1) A person who is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) is not eligible for health benefits under this section.

"(2) The prohibition contained in paragraph (1) shall not apply in the case of a person referred to in subsection (c) who—

"(A) is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2));

"(B) is under 65 years of age; and

"(C) is enrolled in the supplementary medical insurance program under part B of such title (42 U.S.C. 1395j et seq.).".

"(3) If a person described in paragraph (2) receives medical or dental care for which payment may be made under both title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and a plan contracted for under subsection (a), the amount payable for that care under the plan may not exceed the difference between—

"(A) the sum of any deductibles, coinsurance, and balance billing charges that would be imposed on the person if payment for that care were made solely under that title; and

"(B) the sum of any deductibles, coinsurance, and balance billing charges that would be imposed on the person if payment for that care were made solely under the plan.".

(b) CONFORMING AMENDMENTS.—(1) Such section is further amended—

(A) in subsection (c)—

(i) by striking out "The following" and inserting in lieu thereof "Except as provided in subsection (d), the following"; and

(ii) by striking out the sentence following paragraph (3); and

(B) in subsection (g), by striking out "Notwithstanding subsection (d) or any other provision of this chapter," and inserting in

lieu thereof "Section 1079(j) of this title shall apply to a plan contracted for under this section, except that".

(2) Section 1713(d) of title 38, United States Code, is amended by striking out "the second sentence of section 1086(c)" and inserting in lieu thereof "section 1086(d)(1)".

10 USC 1086 note.

(c) APPLICATION OF AMENDMENTS.—Subsection (d) of section 1086 of title 10, United States Code, as amended by this section, shall apply with respect to health care benefits or services received by a person described in such subsection on or after the date of enactment of this Act.

PART B—HEALTH CARE MANAGEMENT

SEC. 711. MODIFICATION OF AREA RESTRICTION ON PROVISION OF NONEMERGENCY INPATIENT HOSPITAL CARE UNDER CHAMPUS.

Section 1079(a)(7) of title 10, United States Code, is amended by striking out "except that" and all that follows through the semicolon and inserting in lieu thereof the following: "except that—

"(A) those services may be provided in any case in which another insurance plan or program provides primary coverage for those services; and

"(B) the Secretary of Defense may waive the 40-mile radius restriction with regard to the provision of a particular service before October 1, 1993, if the Secretary determines that the use of a different geographical area restriction will result in a more cost-effective provision of the service;".

SEC. 712. MANAGED HEALTH CARE NETWORKS.

(a) AUTHORIZATION OF SUCH NETWORKS.—Section 1079 of title 10, United States Code, is amended by adding at the end the following new subsection:

Contracts.

"(n) The Secretary of Defense may enter into contracts (or amend existing contracts) with fiscal intermediaries under which the intermediaries agree to organize and operate, directly or through subcontractors, managed health care networks for the provision of health care under this chapter. The managed health care networks shall include cost containment methods, such as utilization review and contracting for care on a discounted basis.".

(b) DELIVERY OF HEALTH CARE SERVICES IN THE TIDEWATER REGION OF VIRGINIA.—(1) Using the authority provided in section 1092 of title 10, United States Code, and section 1079(n) of that title (as added by subsection (a)), the Secretary of Defense shall undertake a program to provide for the delivery of health care services to members of the Armed Forces serving on active duty and covered beneficiaries under chapter 55 of that title in the Tidewater region of Virginia. Such program shall—

(A) incorporate the primary features of managed health care with cost containment initiatives, including utilization review, preadmission screening, establishment of provider networks, and contracting for care with civilian providers on a discounted basis; and

(B) shall be based on the catchment area management demonstration projects required by section 731(a) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1117).

(2) The Secretary of Defense shall ensure that—

(A) the delivery of services under the program required by this subsection begins not later than September 30, 1992; and

(B) all funds appropriated for the delivery of health care services in the Tidewater region of Virginia, including those funds appropriated for services provided in that region under sections 1079 and 1086 of title 10, United States Code, shall be allocated to the local manager of the program.

SEC. 713. CLARIFICATION OF RESTRICTION ON CHAMPUS AS A SECONDARY PAYER.

Section 1079(j)(1) of title 10, United States Code, is amended by inserting ", or covered by," after "person enrolled in".

SEC. 714. CLARIFICATION OF RIGHT OF THE UNITED STATES TO COLLECT FROM THIRD-PARTY PAYERS.

Section 1095(i)(2) of title 10, United States Code, is amended by striking out "or no fault insurance".

SEC. 715. STATEMENTS REGARDING THE NONAVAILABILITY OF HEALTH CARE.

(a) CONSIDERATION OF AVAILABILITY OF CONTRACT CARE.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1105. Issuance of nonavailability of health care statements

"In determining whether to issue a nonavailability of health care statement for any person entitled to health care in facilities of the uniformed services under this chapter, the commanding officer of such a facility may consider the availability of health care services for such person pursuant to any contract or agreement entered into under this chapter for the provision of health care services within the area served by that facility.".

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

"1105. Issuance of nonavailability of health care statements.".

SEC. 716. SUBMITTAL OF CLAIMS FOR PAYMENT FOR SERVICES UNDER CHAMPUS.

(a) SUBMITTAL OF CLAIMS UNDER CHAMPUS.—(1) Chapter 55 of title 10, United States Code, is amended by adding after section 1105, as added by section 715, the following new section:

"§ 1106. Submittal of claims under CHAMPUS

"(a) SUBMITTAL TO CLAIMS PROCESSING OFFICE.—Each provider of services under the Civilian Health and Medical Program of the Uniformed Services shall submit claims for payment for such services directly to the claims processing office designated pursuant to regulations prescribed under subsection (b). A claim for payment for services shall be submitted in a standard form (as prescribed in the regulations) not later than one year after the services are provided.

"(b) REGULATIONS.—The regulations required by subsection (a) shall be prescribed by the Secretary of Defense after consultation with the other administering Secretaries.

"(c) WAIVER.—The Secretary of Defense may waive the requirements of subsection (a) if the Secretary determines that the waiver

is necessary in order to ensure adequate access for covered beneficiaries to health care services under this chapter.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1105, as added by section 715, the following new item:

"1106. Submittal of claims under CHAMPUS.".

10 USC 1106 note.

(b) REGULATIONS.—The regulations required by section 1106 of title 10, United States Code (as added by subsection (a)), shall be prescribed to take effect not later than 180 days after the date of the enactment of this Act.

SEC. 717. REPEAL OF REQUIREMENT THAT ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIPS BE TARGETED TOWARD CRITICALLY NEEDED WARTIME SKILLS.

Section 2124 of title 10, United States Code, is amended by striking out "except that—" and all that follows through the period and inserting in lieu thereof "except that the total number of persons so designated may not, at any time, exceed 6,000.".

SEC. 718. LIMITATION ON REDUCTIONS IN NUMBER OF MEDICAL PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) REVISION OF EXISTING LIMITATION.—Section 711 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1582) is amended— 10 USC 115 note.

(1) in subsection (a), by striking out "medical personnel below" and all that follows through "September 30, 1989," and inserting in lieu thereof "medical personnel of the Department of Defense below the baseline number";

(2) in subsection (a)(2), by inserting "medical" after "military"; and

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

"(3) The term 'baseline number' means the number equal to the sum of 12,510 and the number of medical personnel of the Department of Defense serving on September 30, 1989, excluding commissioned officers of the Navy.".

10 USC 115 note.

(b) MINIMUM NUMBER OF NAVY HEALTH PROFESSIONS OFFICERS.—Of the total number of officers authorized to be serving on active duty in the Navy on the last day of a fiscal year, 12,510 shall be available only for assignment to duties in health profession specialties.

SEC. 719. EXTENSION OF DEADLINE FOR THE USE OF DIAGNOSIS-RELATED GROUPS FOR OUTPATIENT TREATMENT.

Section 724 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (103 Stat. 1478; 10 U.S.C. 1101 note) is amended by striking out "October 1, 1991" and inserting in lieu thereof "October 1, 1993".

SEC. 720. AUTHORIZATION FOR THE USE OF THE COMPOSITE HEALTH CARE SYSTEM AT A MILITARY MEDICAL FACILITY WHEN COST EFFECTIVE.

Section 704(h) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3900), as added by section 717(c)(2) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1586), is amended by

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

"(1) The Secretary may authorize the use of the Composite Health Care System to provide information systems support in a military medical treatment facility that was not involved in the operational test and evaluation phase referred to in subsection (b) on November 5, 1990, if the Secretary certifies to the Committees on Armed Services of the Senate and House of Representatives that the use of the Composite Health Care System in that facility is the most cost-effective method for providing automated operations at the facility.".

SEC. 721. ADMINISTRATION OF THE MANAGED-CARE MODEL OF UNIFORMED SERVICES TREATMENT FACILITIES. 42 USC 248c note.

(a) DESIGNATION OF SATELLITE FACILITIES AS UNIFORMED SERVICES TREATMENT FACILITIES.—(1) Subject to paragraph (3), the Secretary of Defense may designate a satellite facility described in paragraph (2) as a facility of the uniformed services for the purposes of chapter 55 of title 10, United States Code.

(2) A satellite facility referred to in paragraph (1) means a facility that—

(A) is owned, operated, or staffed by a facility described in section 911(c) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(c)); and

(B) pursuant to an agreement entered into with the Secretary of Defense, is authorized for a designated service area to provide medical and dental care for persons eligible to receive such care in facilities of the uniformed services under chapter 55 of title 10, United States Code.

(3) The authority of the Secretary of Defense under paragraph (1) shall take effect on the date on which the Secretary certifies to Congress that the managed-care delivery and reimbursement model required under section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1587) has been fully implemented.

(b) TERMINATION OF DESIGNATION.—The designation of a satellite facility under subsection (a) may be terminated in accordance with the procedure provided under section 1252(e) of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d(e)).

(c) REIMBURSEMENT FOR CARE.—A facility described in section 911(c) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(c)), may be reimbursed for medical and dental care provided by that facility or a satellite facility of that facility designated under subsection (a) to persons eligible to receive such care in facilities of the uniformed services under chapter 55 of title 10, United States Code. The reimbursement shall be made pursuant to an agreement with the Secretary of Defense as part of the managed-care delivery and reimbursement model required under section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1587).

(d) PREEMPTION OF STATE AND LOCAL LAWS.—A law or regulation of a State or local government relating to health insurance or health maintenance organizations shall not apply to a Uniformed Services Treatment Facility that enters into an agreement with the Secretary of Defense under section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1587) to the extent that—

(1) the law or regulation is inconsistent with a specific provision of the agreement or a regulation prescribed by the Secretary relating to the managed-care delivery and reimbursement model; or

(2) the Secretary determines that preemption of the law or regulation is necessary to implement or operate the managed-care delivery and reimbursement model referred to in that section or to achieve some other Federal interest.

10 USC 1073 note.

SEC. 722. AUTHORIZATION FOR THE EXTENSION OF CHAMPUS REFORM INITIATIVE.

(a) AUTHORITY.—Upon the termination (for any reason) of the contract of the Department of Defense in effect on the date of the enactment of this Act under the CHAMPUS reform initiative established under section 702 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 1073 note), the Secretary of Defense may enter into a replacement or successor contract with the same or a different contractor and for such amount as may be determined in accordance with applicable procurement laws and regulations and without regard to any limitation (enacted before, on, or after the date of the enactment of this Act) on the availability of funds for that purpose.

(b) TREATMENT OF LIMITATION ON FUNDS FOR PROGRAM.—No provision of law stated as a limitation on the availability of funds may be treated as constituting the extension of, or as requiring the extension of, any contract under the CHAMPUS reform initiative that would otherwise expire in accordance with its terms.

PART C—MISCELLANEOUS

SEC. 731. HEALTH CARE DEMONSTRATION PROJECT FOR THE AREA OF NEWPORT, RHODE ISLAND.

(a) DEMONSTRATION PROJECT REQUIRED.—In order to control the cost of medical care, the Secretary of Defense shall undertake a demonstration project to provide for the delivery of inpatient medical services in the Newport, Rhode Island, area to members of the Armed Forces on active duty and covered beneficiaries under chapter 55 of title 10, United States Code, based on an external partnership agreement or agreements with civilian health care facilities and providers. To the maximum extent possible, the Secretary shall negotiate such agreements on a discounted basis at rates less than those prescribed for diagnosis related-groups.

(b) WAIVER OF CHAMPUS COPAYMENT.—(1) In order to encourage participation by covered beneficiaries in the demonstration project required by this section, the Secretary of Defense may permit a health care facility or provider participating in the project to reduce or waive the cost-sharing requirements of sections 1079 and 1086 of title 10, United States Code, if the Secretary determines that it is cost-effective to permit such reduction or waiver.

(2) If a health care facility or provider participating in this demonstration project reduces or waives cost-sharing requirements for health care services, the Secretary of Defense may require the facility or provider to certify that the amount charged to the Federal Government for such health care was not increased above the amount that the facility or provider would have charged the Federal Government for such health care had the payment not been reduced or waived. The Secretary of Defense may further require a health

care facility or provider to provide information to the Secretary to show the compliance of the facility or provider with this paragraph.

(c) NEGOTIATIONS REGARDING WAIVER OF MEDICARE COPAYMENTS.—The Secretary of Defense shall initiate negotiations with the Secretary of Health and Human Services for the purpose of reaching an agreement under which the Secretary of Health and Human Services would permit a waiver of the deductible and copayment under medicare program for covered beneficiaries in the demonstration project required by this section on the same basis as the waiver permitted by the Secretary of Defense.

SEC. 732. DEPENDENCY STATUS OF A MINOR IN THE CUSTODY OF A NONPARENT MEMBER OR FORMER MEMBER OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds the following:

(1) Members and former members of the Armed Forces, for good and humanitarian reasons or because of a deep sense of familial responsibility, are taking legal custody of minors (including minors related to a member or former member by blood or adoption) who are neglected, abandoned, abused, or orphaned children.

(2) Under current law, unless a minor referred to in paragraph (1) is also adopted by a member or former member of the Armed Forces, the minor is not considered a dependent of the member or former member for purposes of eligibility for care in the military medical health care system under chapter 55 of title 10, United States Code, or allowances under chapter 7 of title 37, United States Code. A compelling reason for the reluctance of many members and former members to adopt minors referred to in paragraph (1) is the fact that they are already related by blood or adoption.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) creative solutions should be found to enable a member or former member of the Armed Forces who is eligible for military health care to obtain care in the military medical health care system for a minor who is in the legal custody of the member or former member, especially when the minor is related by blood or adoption to the member or former member; and

(2) the Secretaries of the military departments, in exercising their authority to grant designee status to a minor to receive health care at military treatment facilities, should give special attention and consideration to those cases involving a minor who is related by blood or adoption to a member or former member of the Armed Forces and is in the legal custody of the member or former member.

(c) REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit a report to Congress analyzing the desirability, feasibility, and cost implications of implementing a permanent change to the definition of dependent for purposes of eligibility for care in the military medical health care system under chapter 55 of title 10, United States Code, and allowances under chapter 7 of title 37, United States Code, to include minors who are in the legal custody of, and related by blood or adoption to, a member or former member of the Armed Forces and are not currently included in such definition.

(2) The report required by this section shall also include data covering the preceding five-year period to indicate the manner in

which the Secretaries of the military departments have handled requests for designee status for minors who are in the legal custody of a member or former member of the Armed Forces, including minors related by blood or adoption to a member or former member, and are otherwise ineligible for health care in the military medical health care system. Such data shall include—

(A) the total number of requests for designee status involving these minors during that period;

(B) the total number of these minors given designee status during that period; and

(C) the average distance and range of distances that the minors given designee status must travel for medical and dental care in the military medical health care system.

(3) The report required by this section shall also include an assessment by the Secretary of Defense of the necessity, desirability, and cost implications of designating as dependents for purposes of eligibility for care in the military medical health care system under chapter 55 of title 10, United States Code, and allowances under chapter 7 of title 37, United States Code, unmarried persons who—

(A) are in the legal custody of members or former members of the Armed Forces;

(B) are not considered the dependents of a member or former member for purposes of eligibility to obtain care in the military medical health care system or allowances under chapter 7 of title 37, United States Code;

(C) are dependent on the member for half of their support; and

(D) are under 21 years of age, incapable of self support because of disability, or under 23 years of age and enrolled in a full-time course of study in an institution of higher education.

(4) The assessment required by paragraph (3) shall include an estimate of the number of persons referred to in that paragraph who potentially could be granted dependent status as a result of the change considered in that assessment and the costs of making that change.

10 USC 1071 note.

SEC. 733. COMPREHENSIVE STUDY OF THE MILITARY MEDICAL CARE SYSTEM.

(a) REQUIREMENT FOR STUDY AND REPORT.—The Secretary of Defense shall conduct a comprehensive study of the military medical care system. Not later than December 15, 1992, the Secretary shall submit to the congressional defense committees a detailed accounting on the progress of the study, including preliminary results of the study. Not later than December 15, 1993, the Secretary shall submit to the congressional defense committees a final report on the study.

(b) ELEMENTS OF STUDY.—The Secretary of Defense shall include as part of the study required by subsection (a) the following:

(1) A systematic review of the military medical care system required to support the Armed Forces during a war or other conflict and any adjustments to that system required to provide cost-effective health care in peacetime to covered beneficiaries.

(2) A comprehensive review of the existing methods of providing health and dental care through civilian health and dental care programs that are available as alternatives to the methods for providing such care through the existing military medical care system, including the cost and quality results of experimental use of such alternative methods by the Secretary and

the level of satisfaction of the persons who have received health or dental care under such alternative methods.

(c) SURVEY.—The study required by subsection (a) shall also include a survey of members of the Armed Forces and covered beneficiaries in order to—

(1) determine their access to and use of inpatient and outpatient health care services in the military medical care system—

(A) by source of care and source of payment, including private sector health insurance; and

(B) in relation to civilian sector standards established for particular clinical services; and

(2) determine their attitudes and the extent of their knowledge regarding—

(A) the quality and availability of health and dental care under the military medical care system;

(B) their freedom of choice with respect to health care providers and level of health care benefits;

(C) the premiums, fees, copayments, and other charges imposed under the military medical care system; and

(D) any changes in the rules, regulations or charges that characterize the military medical care system.

(d) CONTENT OF REPORT.—The report required by subsection (a) shall include with respect to the systematic review of the military medical care system required under subsection (b)(1) the following:

(1) For each of the fiscal years 1993 through 1997 and over a longer range periods of 10 years and 15 years, the numbers, types, and geographic distribution of active duty and civilian personnel and fixed military treatment facilities needed to support the Armed Forces during a war or other conflict if such a war or conflict occurred during such fiscal years and each such period, respectively.

(2) An analysis of adjustments to the military medical care system that may be needed to provide cost-effective care in peacetime to covered beneficiaries, including in the analysis of cost-effectiveness the following:

(A) The various methods available for providing health and dental care to covered beneficiaries (including providing such care through Medicare risk contractors) that exist as alternatives to the existing methods of providing such care to covered beneficiaries under the military medical care system.

(B) The full range of marginal costs associated with providing different clinical services directly in military treatment facilities and a comparison of the costs of providing such care in facilities of the uniformed services with the costs of providing such care pursuant to regional indemnity contract plans and health maintenance organization contract plans.

(C) Any plans of the Secretary of Defense to increase or reduce premiums, fees, copayments, or other charges, and the likely responsiveness of beneficiaries to such changes, including the "trade-off" factors displayed when covered beneficiaries choose between direct military care and care provided in the civilian sector.

(D) Any differences in providing care between covered beneficiaries who live within 40 miles of military treatment

facilities and covered beneficiaries who live outside such catchment areas.

(3) An evaluation of the use by covered beneficiaries of inpatient and outpatient health care services, stated in terms of use per member and variations in that per member use by armed force, clinical service, and geographic areas, and a comparison of that use with utilization in civilian indemnity plans, Blue Cross and Blue Shield plans, health maintenance organizations, and with utilization guidelines prepared by the medical community, in order to—

(A) identify any systematic problems in either the overuse or underuse of health care services by beneficiaries of the military medical care system or any excesses or deficiencies in the availability of health and dental care services in facilities of the uniformed services;

(B) analyze the relationship between the demand for health care and the availability of military medical resources; and

(C) plan new methods for influencing or managing peacetime use of health care services, including redesigned budgetary and financial incentives and programs of utilization review.

(4) The costs of the present system during fiscal year 1992 and the projected costs of a reconfigured system during each of the fiscal years and periods referred to in paragraph (1).

(5) An evaluation of the quality and availability of preventive health and dental care.

(6) An evaluation of the adequacy of existing regulations to ensure that the existing and future availability of appropriate health care for disabled active and reserve members of the Armed Forces is adequate.

(7) An assessment of the quality and availability of mental health services for members of the Armed Forces and their dependents, including a comparison of services available in various demonstration sites.

(8) An assessment of the qualifications of the personnel involved in the Department of Defense review of the utilization of mental health benefits provided under the Civilian Health and Medical Program of the Uniformed Services.

(9) An evaluation of the efficacy of the actions taken by the Secretary to ensure that individuals carrying out medical or financial evaluations under the system make such disclosures of personal financial matters as are necessary to ensure that financial considerations do not improperly affect such evaluations.

(10) An evaluation of the adequacy of the existing appeals process and of existing procedures to ensure the protection of patient rights.

(11) The optimal military and Department of Defense civilian staffing plan for the next five years to achieve the most cost-effective delivery of health care services to the beneficiary population and a strategy to achieve that goal in light of reductions in military spending and the size of the Armed Forces.

(12) Any other information related to the review required by subsection (b)(1) that the Secretary determines to be appropriate.

(e) ADDITIONAL ITEMS OF REPORTS.—The report required by subsection (a) shall also include the following:

(1) The results of the survey conducted pursuant to subsection (c).

(2) The results of the review conducted pursuant to subsection (b)(2).

(3) A description of any plans of the Secretary of Defense to use any alternative methods to the existing military medical care system to ensure that suitable health and dental care is available to covered beneficiaries.

(4) A proposal for purchasing health care for covered beneficiaries through private-sector managed care programs, together with a discussion of the cost-effectiveness and practicality of doing so within the military medical care system.

(5) Any other information that the Secretary determines to be appropriate.

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

(1) The term "military medical care system" means the program of medical and dental care provided for under chapter 55 of title 10, United States Code.

(2) The term "covered beneficiaries" means the beneficiaries under chapter 55 of title 10, United States Code, other than the beneficiaries under section 1074(a) of such title.

SEC. 734. REGISTRY OF MEMBERS OF THE ARMED FORCES EXPOSED TO FUMES OF BURNING OIL IN CONNECTION WITH OPERATION DESERT STORM.

10 USC 1074 note.

(a) ESTABLISHMENT OF REGISTRY.—The Secretary of Defense shall establish and maintain a special record relating to members of the Armed Forces who, as determined by the Secretary, were exposed to the fumes of burning oil in the Operation Desert Storm theater of operations during the Persian Gulf conflict. The Secretary shall establish the Registry with the advice of an independent scientific organization.

(b) CONTENTS OF REGISTRY.—The Registry shall include—

(1) a list containing the name of each member referred to in subsection (a); and

(2) a description of the circumstances of each exposure of that member to the fumes of burning oil as described in subsection (a), including the length of time of the exposure.

(c) REPORTING REQUIREMENT RELATING TO EXPOSURE STUDIES.—The Secretary shall submit to Congress each year, at or about the time that the President's budget is submitted that year under section 1105 of title 31, United States Code, a report regarding—

(1) the results of all on-going studies on the members referred to in subsection (a) to determine the health consequences (including any short- or long-term consequences) of the exposure of such members to the fumes of burning oil; and

(2) the need for additional studies relating to the exposure of such members to such fumes.

(d) MEDICAL EXAMINATION.—Upon the request of any member listed in the Registry, the Secretary of the military department concerned shall, if medically appropriate, furnish a pulmonary function examination and chest x-ray to such person.

(e) EFFECTIVE DATE.—The Secretary shall establish the Registry not later than 180 days after the date of the enactment of this Act.

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

(1) The term "Operation Desert Storm" has the meaning given such term in section 3(1) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102-25; 105 Stat. 77; 10 U.S.C. 101 note).

(2) The term "Persian Gulf conflict" has the meaning given such term in section 3(3) of such Act.

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

PART A—ACQUISITION PROCESS

SEC. 801. REPEAL OF MANPOWER ESTIMATES REPORTING REQUIREMENT.

(a) REPEAL.—Section 2434 of title 10, United States Code, is amended by striking out "unless—" in subsection (a) and all that follows in that subsection and inserting in lieu thereof the following: "unless an independent estimate of the cost of the program, together with a manpower estimate, has been considered by the Secretary.".

(b) CONFORMING AMENDMENTS.—(1) Section 2434 of such title is further amended—

(A) by striking out subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(2) Section 2432 of such title is amended in subsection (a)(4) by striking out "2434(c)(2)" and inserting in lieu thereof "2434(b)(2)".

SEC. 802. PAYMENT OF COSTS OF CONTRACTORS FOR INDEPENDENT RESEARCH AND DEVELOPMENT AND FOR BIDS AND PROPOSALS.

(a) IN GENERAL.—(1) Section 2372 of title 10, United States Code, is amended to read as follows:

"§ 2372. Independent research and development and bid and proposal costs: payments to contractors

"(a) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the payment, by the Department of Defense, of expenses incurred by contractors for independent research and development and bid and proposal costs.

"(b) COSTS ALLOWABLE AS INDIRECT EXPENSES.—The regulations prescribed pursuant to subsection (a) shall provide that independent research and development and bid and proposal costs shall be allowable as indirect expenses on covered contracts to the extent that those costs are allocable, reasonable, and not otherwise unallowable by law or under the Federal Acquisition Regulation.

"(c) ADDITIONAL CONTROLS.—Subject to subsection (f), the regulations prescribed pursuant to subsection (a) may include the following provisions:

"(1) A limitation on the allowability of independent research and development and bid and proposal costs to work which the Secretary of Defense determines is of potential interest to the Department of Defense.

"(2) For each of fiscal years 1993 through 1995, a limitation in the case of major contractors that the total amount of the independent research and development and bid and proposal costs that are allowable as expenses of the contractor's covered segments may not exceed the contractor's adjusted maximum reimbursement amount.

"(3) Implementation of regular methods for transmission—

"(A) from the Department of Defense to contractors, in a reasonable manner, of timely and comprehensive information regarding planned or expected Department of Defense future needs; and

"(B) from contractors to the Department of Defense, in a reasonable manner, of information regarding progress by the contractor on the contractor's independent research and development programs.

"(d) ADJUSTED MAXIMUM REIMBURSEMENT AMOUNT.—For purposes of subsection (c)(2), the adjusted maximum reimbursement amount for a major contractor for a fiscal year is the sum of—

"(1) the total amount of the allowable independent research and development and bid and proposal costs incurred by the contractor during the preceding fiscal year;

"(2) 5 percent of the amount referred to in paragraph (1); and

"(3) if the projected total amount of the independent research and development and bid and proposal costs incurred by the contractor for such fiscal year is greater than the total amount of the independent research and development and bid and proposal costs incurred by the contractor for the preceding fiscal year, the amount that is determined by multiplying the amount referred to in paragraph (1) by the lesser of—

"(A) the percentage by which the projected total amount of such incurred costs for such fiscal year exceeds the total amount of the incurred costs of the contractor for the preceding fiscal year; or

"(B) the estimated percentage rate of inflation from the end of the preceding fiscal year to the end of the fiscal year for which the amount of the limitation is being computed.

"(e) WAIVER OF ADJUSTED MAXIMUM REIMBURSEMENT AMOUNT.—The Secretary of Defense may waive the applicability of any limitation prescribed under subsection (c)(2) to any contractor for a fiscal year to the extent that the Secretary determines that allowing the contractor to exceed the contractor's adjusted maximum reimbursement amount for such year—

"(1) is necessary to reimburse such contractor at least to the extent that would have been allowed under regulations as in effect on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Years 1992 and 1993; or

"(2) is otherwise in the best interest of the Government.

"(f) LIMITATIONS ON REGULATIONS.—Regulations prescribed pursuant to subsection (c) may not include provisions that would infringe on the independence of a contractor to choose which technologies to pursue in its independent research and development program.

"(g) ENCOURAGEMENT OF CERTAIN CONTRACTOR ACTIVITIES.—The regulations under subsection (a) shall encourage contractors to engage in research and development activities of potential interest to the Department of Defense, including activities intended to accomplish any of the following:

"(1) Enabling superior performance of future United States weapon systems and components.

"(2) Reducing acquisition costs and life-cycle costs of military systems.

"(3) Strengthening the defense industrial base and the technology base of the United States.

"(4) Enhancing the industrial competitiveness of the United States.

"(5) Promoting the development of technologies identified as critical under section 2522 of this title.

"(6) Increasing the development and promotion of efficient and effective applications of dual-use technologies.

"(7) Providing efficient and effective technologies for achieving such environmental benefits as improved environmental data gathering, environmental cleanup and restoration, pollution reduction in manufacturing, environmental conservation, and environmentally safe management of facilities.

"(h) MAJOR CONTRACTORS.—A contractor shall be considered to be a major contractor for the purposes of subsection (c) for any fiscal year if for the preceding fiscal year the contractor's covered segments allocated to Department of Defense contracts a total of more than $10,000,000 in independent research and development and bid and proposal costs.

"(i) DEFINITIONS.—In this section:

"(1) COVERED CONTRACT.—The term 'covered contract' has the meaning given that term in section 2324(m) of this title.

"(2) COVERED SEGMENT.—The term 'covered segment', with respect to a contractor, means a product division of the contractor that allocated more than $1,000,000 in independent research and development and bid and proposal costs to Department of Defense contracts during the preceding fiscal year. In the case of a contractor that has no product divisions, such term means the contractor as a whole.".

(2) The item relating to section 2372 in the table of sections at the beginning of chapter 139 of such title is amended to read as follows:

"2372. Independent research and development and bid and proposal costs: payments to contractors.".

10 USC 2372 note.

(b) IMPLEMENTING REGULATIONS.—The Secretary of Defense shall prescribe proposed regulations to implement the amendment made by subsection (a)(1) not later than April 1, 1992, and shall prescribe final regulations for that purpose not later than June 1, 1992.

10 USC 2372 note.

(c) OTA STUDY.—The Director of the Office of Technology Assessment shall conduct a study to determine the effect of the regulations prescribed under section 2372 of title 10, United States Code (as amended by subsection (a)), on the achievement of the policy stated in subsection (g) of that section. Not later than December 1, 1995, the Director shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the study.

(d) INTEGRATED FINANCING POLICY.—Section 2330 of title 10, United States Code, is amended by inserting at the end of subsection (a)(2) the following:

"(D) Policies relating to reimbursement of independent research and development and bid and proposal costs.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1992, and shall apply to independent research and development and bid and proposal costs incurred by a contractor during fiscal years of that contractor that begin on or after that date.

SEC. 803. RESEARCH AND DEVELOPMENT CONTRACTS.

(a) REPORTING REQUIREMENT.—(1) Section 2352 of title 10, United States Code, is amended to read as follows:

"§ 2352. Contracts: notice to Congress required for contracts performed over period exceeding 10 years

"(a) REQUIREMENT.—The Secretary of a military department shall submit to Congress a notice described in subsection (b) with respect to a contract of that military department for services for research or development in any case in which—

"(1) the contract is awarded or modified, and the contract is expected, at the time of the award or as a result of the modification (as the case may be), to be performed over a period exceeding 10 years from the date of initial award of the contract; or

"(2) the performance of the contract continues for a period exceeding 10 years, and no notice of the type described in subsection (b) has otherwise been provided to Congress.

"(b) NOTICE.—The notice required under subsection (a) is a notice—

(1) identifying the contract;

(2) stating the date on which initial award of the contract occurred; and

(3) stating the period of time over which performance of the contract is expected to occur.

"(c) TIME OF SUBMISSION OF NOTICE.—The notice required under subsection (a) shall be submitted not later than 30 days after—

"(1) the date of award or modification of the contract, in the case of a contract described in subsection (a)(1); and

"(2) the date on which performance of the contract exceeds 10 years, in the case of a contract described in subsection (a)(2).".

(2) The item relating to section 2352 in the table of sections at the beginning of chapter 139 of such title is amended to read as follows:

"2352. Contracts: notice to Congress required for contracts performed over period exceeding 10 years.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of October 31, 1991. 10 USC 2352 note.

SEC. 804. CLARIFICATION OF REVISED THRESHOLDS FOR CONTRACTOR CERTIFICATION OF COST OR PRICING DATA.

(a) CLARIFICATION.—Paragraph (1) of section 2306a(a) of title 10, United States Code, is amended to read as follows:

"(1) The head of an agency shall require offerors, contractors, and subcontractors to make cost or pricing data available as follows:

"(A) An offeror for a prime contract under this chapter to be entered into using procedures other than sealed-bid procedures shall be required to submit cost or pricing data before the award of a contract if—

"(i) in the case of a prime contract entered into after December 5, 1990, and before January 1, 1996, the price of the contract to the United States is expected to exceed $500,000; and

"(ii) in the case of a prime contract entered into on or before December 5, 1990, or after December 31, 1995, the price of the contract to the United States is expected to exceed $100,000.

"(B) The contractor for a prime contract under this chapter shall be required to submit cost or pricing data before the pricing of a change or modification to the contract if—

"(i) in the case of a change or modification made to a prime contract referred to in subparagraph (A)(i), the price adjustment is expected to exceed $500,000;

"(ii) in the case of a change or modification made after December 5, 1991, to a prime contract that was entered into on or before December 5, 1990, and that has been modified pursuant to paragraph (6), the price adjustment is expected to exceed $500,000; and

"(iii) in the case of a change or modification not covered by clause (i) or (ii), the price adjustment is expected to exceed $100,000.

"(C) An offeror for a subcontract (at any tier) of a contract under this chapter shall be required to submit cost or pricing data before the award of the subcontract if the prime contractor and each higher-tier subcontractor have been required to make available cost or pricing data under this section and—

"(i) in the case of a subcontract under a prime contract referred to in subparagraph (A)(i), the price of the subcontract is expected to exceed $500,000;

"(ii) in the case of a subcontract entered into after December 5, 1991, under a prime contract that was entered into on or before December 5, 1990, and that has been modified pursuant to paragraph (6), the price of the subcontract is expected to exceed $500,000; and

"(iii) in the case of a subcontract not covered by clause (i) or (ii), the price of the subcontract is expected to exceed $100,000.

"(D) The subcontractor for a subcontract covered by subparagraph (C) shall be required to submit cost or pricing data before the pricing of a change or modification to the subcontract if—

"(i) in the case of a change or modification to a subcontract referred to in subparagraph (C)(i) or (C)(ii), the price adjustment is expected to exceed $500,000; and

"(ii) in the case of a change or modification to a subcontract referred to in subparagraph (C)(iii), the price adjustment is expected to exceed $100,000.".

(b) MODIFICATIONS TO CONTRACTS.—Section 2306a(a) is further amended by adding at the end the following new paragraph:

"(6)(A) Upon the request of a contractor that was required to submit cost or pricing data under paragraph (1) in connection with a prime contract entered into on or before December 5, 1990, the head of the agency that entered into such contract shall modify the contract to reflect subparagraphs (B)(ii) and (C)(ii) of paragraph (1). All such modifications shall be made without requiring consideration.

"(B) The head of an agency is not required to modify a contract under subparagraph (A) if that head of an agency determines that the submission of cost or pricing data with respect to that contract should be required under subsection (c).".

(c) CONFORMING AMENDMENT AND REPEAL.—(1) Paragraph (5) of section 2306a(a) is amended by striking out "paragraph (1)(C)(ii)" and inserting in lieu thereof "paragraph (1)(C)".

(2) Paragraph (2) of section 803(a) of Public Law 101-510 (as amended by section 704(a)(4) of Public Law 102-25) is hereby repealed.

10 USC 2306a note.

SEC. 805. PROCUREMENT FLEXIBILITY FOR SMALL PURCHASES DURING CONTINGENCY OPERATIONS.

Section 2302(7) of title 10, United States Code, is amended by inserting before the period the following: ", except that, in the case of any contract to be awarded and performed, or purchase to be made, outside the United States in support of a contingency operation, the term means $100,000".

SEC. 806. PAYMENT PROTECTIONS FOR SUBCONTRACTORS AND SUPPLIERS. 10 USC 2301 note.

(a) REGULATIONS.—The Secretary of Defense shall prescribe in regulations the following requirements:

(1) INFORMATION PROVIDED BY DEPARTMENT OF DEFENSE RELATING TO PAYMENT.—(A) Subject to section 552(b)(1) of title 5, United States Code, upon the request of a subcontractor or supplier of a contractor performing a Department of Defense contract, the Department of Defense shall promptly make available to such subcontractor or supplier the following information:

(i) Whether requests for progress payments or other payments have been submitted by the contractor to the Department of Defense in connection with that contract.

(ii) Whether final payment to the contractor has been made by the Department of Defense in connection with that contract.

(B) This paragraph shall apply with respect to any Department of Defense contract that is in effect on the date which is 270 days after the date of enactment of this Act or that is awarded after such date.

(2) INFORMATION PROVIDED BY DEPARTMENT OF DEFENSE RELATING TO PAYMENT BONDS.—(A) Upon the request of a subcontractor or supplier described in subparagraph (B), the Department of Defense shall promptly make available to such subcontractor or supplier any of the following:

(i) The name and address of the surety or sureties on the payment bond.

(ii) The penal amount of the payment bond.

(iii) A copy of the payment bond.

(B) Subparagraph (A) applies to—

(i) a subcontractor or supplier having a subcontract, purchase order, or other agreement to furnish labor or material for the performance of a Department of Defense contract with respect to which a payment bond has been furnished to the United States pursuant to the Miller Act; and

(ii) a prospective subcontractor or supplier offering to furnish labor or material for the performance of such a Department of Defense contract.

(C) With respect to the information referred to in subparagraphs (A)(i) and (A)(ii), the regulations shall include authority for such information to be provided verbally to the subcontractor or supplier.

(D) With respect to the information referred to in subparagraph (A)(iii), the regulations may impose reasonable fees to cover the cost of copying and providing requested bonds.

(E) This paragraph shall apply with respect to any Department of Defense contract covered by the Miller Act that is in

effect on the date which is 270 days after the date of enactment of this Act or that is awarded after such date.

(3) INFORMATION PROVIDED BY CONTRACTORS RELATING TO PAYMENT BONDS.—(A) Upon the request of a prospective subcontractor or supplier offering to furnish labor or material for the performance of a Department of Defense contract with respect to which a payment bond has been furnished to the United States pursuant to the Miller Act, the contractor shall promptly make available to such prospective subcontractor or supplier a copy of the payment bond.

(B) This paragraph shall apply with respect to any Department of Defense contract covered by the Miller Act for which a solicitation is issued after the expiration of the 60-day period beginning on the effective date of the regulations promulgated under this subsection.

(4) PROCEDURES RELATING TO COMPLIANCE WITH PAYMENT TERMS.—(A) Under procedures established in the regulations, upon the assertion by a subcontractor or supplier of a contractor performing a Department of Defense contract that the subcontractor or supplier has not been paid by the prime contractor in accordance with the payment terms of the subcontract, purchase order, or other agreement with the prime contractor, the contracting officer may determine the following:

(i) With respect to a construction contract, whether the contractor has made progress payments to the subcontractor or supplier in compliance with chapter 39 of title 31, United States Code.

(ii) With respect to a contract other than a construction contract, whether the contractor has made progress or other payments to the subcontractor or supplier in compliance with the terms of the subcontract, purchase order, or other agreement with the prime contractor.

(iii) With respect to either a construction contract or a contract other than a construction contract, whether the contractor has made final payment to the subcontractor or supplier in compliance with the terms of the subcontract, purchase order, or other agreement with the prime contractor.

(iv) With respect to either a construction contract or a contract other than a construction contract, whether any certification of payment of the subcontractor or supplier accompanying the contractor's payment request to the Government is accurate.

(B) If the contracting officer determines that the prime contractor is not in compliance with any matter referred to in clause (i), (ii), or (iii) of subparagraph (A), the contracting officer may, under procedures established in the regulations—

(i) encourage the prime contractor to make timely payment to the subcontractor or supplier; or

(ii) reduce or suspend progress payments with respect to amounts due to the prime contractor.

(C) If the contracting officer determines that a certification referred to in clause (iv) of subparagraph (A) is inaccurate in any material respect, the contracting officer shall, under procedures established in the regulations, initiate appropriate administrative or other remedial action.

(D) This paragraph shall apply with respect to any Department of Defense contract that is in effect on the date of promulgation of the regulations under this subsection or that is awarded after such date.

(b) REGULATIONS DEADLINES.—(1) The Secretary of Defense shall publish proposed regulations under subsection (a) not later than 180 days after the date of the enactment of this Act.

(2) The Secretary of Defense shall publish final regulations under subsection (a) not later than 270 days after the date of the enactment of this Act.

(c) GOVERNMENT-WIDE APPLICABILITY AUTHORIZED.—If the Federal Acquisition Regulatory Council (established by section 25(a) of the Office of Federal Procurement Policy Act) determines that it would be more appropriate for the requirements described in subsection (a) to apply Government-wide, the regulations required by subsection (a) may be prescribed as modifications to the Federal Acquisition Regulation (issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)).

(d) ASSISTANCE TO SMALL BUSINESS CONCERNS.—Paragraph (5) of section 15(k) of the Small Business Act (15 U.S.C. 644(k)(5)) is amended to read as follows:

"(5) assist small business concerns to obtain payments, required late payment interest penalties, or information regarding payments due to such concerns from an executive agency or a contractor, in conformity with chapter 39 of title 31, United States Code, or any other protection for contractors or subcontractors (including suppliers) that is included in the Federal Acquisition Regulation or any individual agency supplement to such Government-wide regulation;".

(e) GAO REPORT.—(1) The Comptroller General of the United States shall conduct an assessment of the matters described in paragraph (2) and submit a report pursuant to paragraph (3).

(2) In addition to such other related matters as the Comptroller General considers appropriate, the matters to be assessed pursuant to paragraph (1) are the following:

(A) Timely payment of progress or other periodic payments to subcontractors and suppliers by prime contractors on Federal contracts by—

(i) identifying all existing statutory and regulatory provisions, categorized by types of contracts covered by such provisions;

(ii) evaluating the feasibility and desirability of requiring that a prime contractor (other than a construction prime contractor subject to the provisions of sections 3903(b) and 3905 of title 31, United States Code) be required to—

(I) include in its subcontracts a payment term requiring payment within 7 days (or some other fixed term) after receiving payment from the Government; and

(II) submit with its payment request to the Government a certification that it has timely paid its subcontractors in accordance with their subcontracts from funds previously received as progress payments and will timely make required payments to such subcontractors from the proceeds of the progress payment covered by the certification;

(iii) evaluating the feasibility and desirability of requiring that all prime contractors (other than a construction prime

contractor subject to the provisions of sections 3903(b) and 3905 of title 31, United States Code) furnish with its payment request to the Government proof of payment of the amounts included in such payment request for payments made to subcontractors and suppliers;

(iv) evaluating the feasibility and desirability of requiring a prime contractor to establish an escrow account at a federally insured financial institution and requiring direct disbursements to subcontractors and suppliers of amounts certified by the prime contractor in its payment request to the Government as being payable to such subcontractors and suppliers in accordance with their subcontracts; and

(v) evaluating the feasibility and desirability of requiring direct disbursement of amounts certified by a prime contractor as being payable to its subcontractors and suppliers in accordance with their subcontracts (using techniques such as joint payee checks, escrow accounts, or direct payment by the Government), if the contracting officer has determined that the prime contractor is failing to make timely payments to its subcontractors and suppliers.

(B) Payment protection of subcontractors and suppliers through the use of payment bonds or alternatives methods by—

(i) evaluating the effectiveness of the modifications to part 28.2 of the Federal Acquisition Regulation Part 28.2 (48 C.F.R. 28.200) relating to the use of individual sureties, which became effective February 26, 1990;

(ii) evaluating the effectiveness of requiring payment bonds pursuant to the Miller Act as a means of affording protection to construction subcontractors and suppliers relating to receiving—

(I) timely payment of progress payments due in accordance with their subcontracts; and

(II) ultimate payment of such amounts due;

(iii) evaluating the feasibility and desirability of increasing the payment bond amounts required under the Miller Act from the current maximum amounts to an amount equal to 100 percent of the amount of the contract;

(iv) evaluating the feasibility and desirability of requiring payment bonds for supply and services contracts (other than construction), and, if feasible and desirable, the amounts of such bonds; and

(v) evaluating the feasibility and desirability of using letters of credit issued by federally insured financial institutions (or other alternatives) as substitutes for payment bonds in providing payment protection to subcontractors and suppliers on construction contracts (and other contracts).

(C) Any evaluation of feasibility and desirability carried out pursuant to subparagraph (A) or (B) shall include the appropriateness of—

(i) any differential treatment of, or impact on, small business concerns as opposed to concerns other than small business concerns;

(ii) any differential treatment of subcontracts relating to commercial products entered into by the contractor in furtherance of its non-Government business, especially those

subcontracts entered into prior to the award of a contract by the Government; and

(iii) extending the protections regarding payment to all tiers of subcontractors or restricting them to first-tier subcontractors and direct suppliers.

(3) The report required by paragraph (1) shall include a description of the results of the assessment carried out pursuant to paragraph (2) and may include recommendations pertaining to any of the following:

(A) Statutory and regulatory changes providing payment protections for subcontractors and suppliers (other than a construction prime contractor subject to the provisions of sections 3903(b) and 3905 of title 31, United States Code) that the Comptroller General believes to be desirable and feasible.

(B) Proposals to assess the desirability and utility of a specific payment protection on a test basis.

(C) Such other recommendations as the Comptroller General considers appropriate in light of the matters assessed pursuant to paragraph (2).

(4) The report required by paragraph (1) shall be submitted not later than by February 1, 1993, to the Committees on Armed Services and on Small Business of the Senate and House of Representatives.

(f) INSPECTOR GENERAL REPORT.—(1) The Inspector General of the Department of Defense shall submit to the Secretary of Defense a report on payment protections for subcontractors and suppliers under contracts entered into with the Department of Defense. The report shall include an assessment of the extent to which available judicial and administrative remedies, as well as suspension and debarment procedures, have been used (or recommended for use) by officials of the Department to deter false statements relating to (A) payment bonds provided by individuals pursuant to the Miller Act, and (B) certifications pertaining to payment requests by construction contractors pursuant to section 3903(b) of title 31, United States Code. The assessment shall cover actions taken during the period beginning on October 1, 1989, and ending on September 30, 1992.

(2) The report required by paragraph (1) shall be submitted to the Secretary of Defense not later than March 1, 1993. The report may include recommendations by the Inspector General on ways to improve the effectiveness of existing methods of preventing false statements.

(g) MILLER ACT DEFINED.—For purposes of this section, the term "Miller Act" means the Act of August 24, 1935 (40 U.S.C. 270a-270d).

SEC. 807. GOVERNMENT-INDUSTRY COMMITTEE ON RIGHTS IN TECHNICAL DATA.

10 USC 2320 note.

(a) REGULATIONS.—(1) Not later than September 15, 1992, the Secretary of Defense shall prescribe final regulations required by subsection (a) of section 2320 of title 10, United States Code, that supersede the interim regulations prescribed before the date of the enactment of this Act for the purposes of that section.

(2) In prescribing such regulations, the Secretary shall give thorough consideration to the recommendations of the government-industry committee appointed pursuant to subsection (b).

(3) Not less than 30 days before prescribing such regulations, the Secretary shall—

Reports.

(A) transmit to the Committees on Armed Services of the Senate and House of Representatives a report containing such regulations, the recommendations of the committee, and any matters required by subsection (b)(4); and

Federal Register, publication.

(B) publish such regulations for comment in the Federal Register.

Contracts.

(4) The regulations shall apply to contracts entered into on or after November 1, 1992, or, if provided in the regulations, an earlier date. The regulations may be applied to any other contract upon the agreement of the parties to the contract.

(b) GOVERNMENT-INDUSTRY COMMITTEE.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall appoint a government-industry committee for the purpose of developing regulations to recommend to the Secretary of Defense for purposes of carrying out subsection (a).

(2) The membership of the committee shall include, at a minimum, representatives of the following:

(A) The Under Secretary of Defense for Acquisition.

(B) The acquisition executives of the military departments.

(C) Prime contractors under major defense acquisition programs.

(D) Subcontractors and suppliers under major defense acquisition programs.

(E) Contractors under contracts other than contracts under major defense acquisition programs.

(F) Subcontractors and suppliers under contracts other than contracts under major defense acquisition programs.

(G) Small businesses.

(H) Contractors and subcontractors primarily involved in the sale of commercial products to the Department of Defense.

(I) Contractors and subcontractors primarily involved in the sale of spare or repair parts to the Department of Defense.

(J) Institutions of higher education.

Reports.

(3) Not later than June 1, 1992, the committee shall submit to the Secretary a report containing the following matters:

(A) Proposals for the regulations to be prescribed by the Secretary pursuant to subsection (a).

(B) Proposed legislation that the committee considers necessary to achieve the purposes of section 2320 of title 10, United States Code.

(C) Any other recommendations that the committee considers appropriate.

(4) If the Secretary omits from the regulations prescribed pursuant to subsection (a) any regulation proposed by the advisory committee, any regulation proposed by a minority of the committee in any minority report accompanying the committee's report, or any part of such a proposed regulation, the Secretary shall set forth his reasons for each such omission in the report submitted to Congress pursuant to subsection (a)(3)(A).

(c) RESTRICTION.—(1) Before the date described in paragraph (2), the Secretary may not revise or supersede the interim regulations implementing section 2320 of title 10, United States Code, prescribed before the date of the enactment of this Act, except to the extent required by law or necessitated by urgent and unforeseen circumstances affecting the national defense.

(2) The date referred to in paragraph (1) is the date 30 days following the date on which the report required by subsection (a)(3)

is transmitted to the Committees on Armed Services of the Senate and House of Representatives.

(d) DEFINITION.—In this section, the term "major defense acquisition program" has the meaning given such term by section 2430 of title 10, United States Code.

SEC. 808. CONTROL OF GOVERNMENT PERSONNEL WORK PRODUCT.

10 USC 2320 note. Regulations.

(a) REQUIREMENT.—The Secretary of Defense shall prescribe regulations to ensure that—

(1) a Department of Defense employee or member of the armed forces with an appropriate security clearance who is engaged in oversight of an acquisition program of the Department of Defense (including a program involving highly sensitive information) maintains control of the employee's or member's work product; and

(2) procedures for protecting unauthorized disclosure of classified information by contractors do not require such an employee or member to relinquish control of his or her work product to any such contractor.

(b) REGULATIONS.—The Secretary of Defense shall prescribe the regulations required by subsection (a) not later than 120 days after the date of the enactment of this Act.

(c) SUNSET.—This section shall cease to be effective on September 30, 1992.

SEC. 809. STATUS OF THE DIRECTOR OF DEFENSE PROCUREMENT.

41 USC 421 note.

For the purposes of the amendment made by section 807 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1593) to section 25(b)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(b)(2)), the Director of Defense Procurement of the Department of Defense shall be considered to be an official at an organizational level of an Assistant Secretary of Defense within the Office of the Under Secretary of Defense for Acquisition.

PART B—ACQUISITION ASSISTANCE PROGRAMS

SEC. 811. PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM.

(a) AVAILABILITY OF AUTHORIZED APPROPRIATIONS.—Of the amounts authorized to be appropriated pursuant to section 301 for Defense Agencies for fiscal years 1992 and 1993 for operation and maintenance, $9,000,000 shall be available for each such fiscal year for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amounts provided for in subsection (a), $600,000 shall be available for each of fiscal years 1992 and 1993 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow for effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 812. DEFENSE RESEARCH BY HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal years 1992 and 1993 pursuant to title II of this Act, $15,000,000 shall be available for each such fiscal year for infrastructure assistance to historically Black colleges and universities and minority institutions under section 1207(c)(3) of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note).

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall publish for public comment procedures and regulations for providing assistance referred to in paragraph (1). The Secretary shall promulgate final regulations for providing such assistance not later than 270 days after the date of the enactment of this Act.

SEC. 813. REAUTHORIZATION OF BOND WAIVER TEST PROGRAM.

Contracts. Small business. 15 USC 636 note.

(a) AUTHORITY.—(1) In the award of construction contracts by the Department of Defense to participants in the Minority Small Business and Capital Ownership Development Program of the Small Business Administration, the Secretary of Defense may exercise the authority to grant surety bond exemptions to such participants provided by section 7(j)(13)(D) of the Small Business Act (15 U.S.C. 636(j)(13)(D)). In any case in which the Secretary exercises such authority, the Secretary may award a construction contract directly to a participant in such program, without approval by or consultation with the Small Business Administration.

(2) In exercising the authority provided by paragraph (1), the Secretary of Defense shall make every reasonable effort to award not fewer than 30 contracts for construction projects (including repair and alteration of existing facilities) during each fiscal year.

(b) DELEGATION OF AUTHORITY.—The Secretary of Defense shall delegate to one or more Secretaries of a military department the authority provided by subsection (a)(1).

(c) NO RIGHT OF ACTION AGAINST THE UNITED STATES.—A dispute between a contractor granted a surety bond exemption pursuant to section 7(j)(13)(D) of the Small Business Act and a subcontractor at any tier or a supplier of such contractor relating to the amount or entitlement of a payment due such subcontractor or supplier does not constitute a dispute to which the United States is a party. The United States may not be interpleaded in any judicial or administrative proceeding involving such a dispute.

(d) REGULATIONS.—The Secretary of Defense shall prescribe final regulations and procedures for exercising the authority provided in this section not later than 270 days after the date of the enactment of this Act.

(e) PROGRAM DURATION.—The authority provided by this section shall apply to contracts awarded before October 1, 1994.

(f) CONFORMING REPEAL.—Section 833 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1509; 15 U.S.C. 636 note) is hereby repealed.

SEC. 814. PILOT MENTOR-PROTEGE PROGRAM.

(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal years 1992 and 1993 pursuant to title I of this Act, $30,000,000 shall be available for each such fiscal year for the pilot Mentor-Protege Program established pursuant to section 831 of the National

Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1607).

(b) PILOT MENTOR-PROTEGE PROGRAM IMPROVEMENTS.—(1) Section 831(g) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 140 Stat. 1609) is amended by striking out paragraph (2) and inserting in lieu thereof the following: 10 USC 2301 note.

"(2)(A) The Secretary of Defense shall provide to a mentor firm reimbursement for the costs of the assistance furnished to a protege firm pursuant to paragraphs (1) and (7) of subsection (f). The Secretary shall ensure that the reimbursement is provided for—

"(i) as a line item in a Department of Defense contract under which the mentor firm is furnishing products or services to the Department, subject to a maximum amount of reimbursement specified in such contract;

"(ii) as a reimbursement of indirect costs incurred under the program which have been assigned to indirect cost pools, to the extent that such assigned costs are otherwise reasonable, allocable, and allowable;

"(iii) in a separate contract, cooperative agreement, or other agreement entered into between the Secretary and the mentor firm for the purpose of providing reimbursement of costs incurred under the program, subject to a maximum amount of reimbursement specified in such contract or agreement; or

"(iv) through a combination of the methods of reimbursement described in clauses (i), (ii), and (iii), but only if the mentor firm has an accounting system and controls adequate to assure proper identification and assignment of program costs to appropriate direct and indirect cost accounts.

"(B) The Secretary and a mentor firm may provide for the allocation of such costs to any Department of Defense contract awarded to the mentor firm.".

(2) Section 831(g) of such Act is further amended in paragraph (3)(A)—

(A) by striking out "paragraph (2) may" and inserting "either subparagraph (A) or (C) of paragraph (2) or are reimbursed pursuant to subparagraph (B) of such paragraph shall";

(B) by inserting after "a Department of Defense contract" the following: ", under a contract with another executive agency,"; and

(C) by striking out "Executive" and inserting in lieu thereof "executive".

(3) Section 831 of such Act is amended by adding at the end the following new subsection:

"(n) AVAILABILITY OF FUNDING.—Funds authorized and appropriated to carry out the program shall remain available until September 30, 1999.".

(4) Section 831(k) of such Act is amended by adding at the end the following: "The Secretary shall ensure that the Department of Defense policy regarding the pilot Mentor-Protege Program, dated July 30, 1991 (and any successor policy), is published and maintained in the Code of Federal Regulations.". Code of Federal Regulations, publication.

(c) CONFORMING AMENDMENT.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following new paragraph:

"(12) For purposes of determining the attainment of a subcontract utilization goal under any subcontracting plan entered into with any executive agency pursuant to this subsection, a mentor firm

providing development assistance to a protege firm under the pilot Mentor-Protege Program established pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note) shall be granted credit for such assistance in accordance with subsection (g) of such section.".

PART C—DEFENSE INDUSTRIAL AND TECHNOLOGY BASE INITIATIVES

SEC. 821. DEVELOPMENT OF CRITICAL TECHNOLOGIES.

(a) ENACTMENT OF NEW TITLE 10 CHAPTER FOR CRITICAL TECHNOLOGY PROVISIONS.—Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 149 the following new chapter 150:

"CHAPTER 150—DEVELOPMENT OF DUAL-USE CRITICAL TECHNOLOGIES

"Sec.

"§ 2521. Definitions

"In this chapter:

"(1) The terms 'Federal laboratory' and 'laboratory' have the meaning given the term 'laboratory' in section 12(d)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)).

"(2) The term 'critical technology' means a technology that is—

"(A) a national critical technology; or

"(B) a defense critical technology.

"(3) The term 'national critical technology' means a technology that—

"(A) appears on the list of national critical technologies contained in a biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)); and

"(B) has not been expressly deleted from such list by such a report subsequently submitted to Congress by the President.

"(4) The term 'defense critical technology' means a technology that—

"(A) appears on the list of critical technologies contained in an annual defense critical technologies plan submitted to Congress by the Secretary of Defense pursuant to section 2522 of this title; and

"(B) has not been expressly deleted from such list by such a plan subsequently submitted to Congress by the Secretary.

"(5) The term 'dual-use critical technology' means a critical technology that has military applications and nonmilitary commercial applications.

"(6) The term 'eligible firm' means a company or other business entity that, as determined by the Secretary of Commerce—

"(A) conducts a significant level of its research, development, engineering, and manufacturing activities in the United States; and

"(B) is a company or other business entity the majority ownership or control of which is by United States citizens or is a company or other business of a parent company that is incorporated in a country the government of which—

"(i) encourages the participation of firms so owned or controlled in research and development consortia to which the government of that country provides funding directly or provides funding indirectly through international organizations; and

"(ii) affords adequate and effective protection for the intellectual property rights of companies incorporated in the United States.

Such term includes a consortium of such companies or other business entities, as determined by the Secretary of Commerce.

"(7) The term 'Pacific Rim country' means a foreign country located on or near the periphery of the Pacific Ocean.

"§ 2523. Defense dual-use critical technology partnerships

"(a) ESTABLISHMENT OF PARTNERSHIPS.—The Secretary of Defense, acting through the Director of Defense Research and Engineering, shall conduct a program providing for the establishment of cooperative arrangements (hereinafter in this section referred to as 'partnerships') between the Department of Defense and entities referred to in subsection (b) in order to encourage and provide for research, development, and application of dual-use critical technologies. The Secretary may make grants, enter into contracts, or enter into cooperative agreements and other transactions pursuant to section 2371 of this title in order to establish the partnerships.

Grants.
Contracts.

"(b) NON-DEPARTMENT OF DEFENSE PARTICIPANTS.—In the case of each partnership, the entities with which the Secretary enters into the partnership shall include two or more eligible firms or a nonprofit research corporation established by two or more eligible firms and, may also include, as determined appropriate by the Secretary of Defense, a Federal laboratory or laboratories, institutions of higher education, agencies of State governments, and other entities that participate in the partnership by supporting the activities conducted by such firms or corporations under this section.

"(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—The Secretary of Defense shall ensure that, to the maximum extent he determines to be practicable, the amount of the funds provided by the Federal Government under a partnership does not exceed the total amount provided by non-Federal Government participants in that partnership.

"(d) ASSISTANCE AUTHORIZED.—The Secretary of Defense may provide a partnership with technical and other assistance to facilitate the achievement of the purposes of this section.

"(e) SELECTION PROCESS.—Competitive procedures shall be used in the establishment of partnerships, except that procedures other

than competitive procedures may be used in any case in which an exception set out in section 2304(c) of this title applies.

"(f) SELECTION CRITERIA.—The criteria for the selection of proposed partnerships for establishment under this section shall include the following:

"(1) The extent to which the program proposed to be conducted by the partnership advances and enhances the national security interests of the United States.

"(2) The technical excellence of the program proposed to be conducted by the partnership.

"(3) The qualifications of the personnel proposed to participate in the partnership's research activities.

"(4) A likelihood that there will not be timely private sector investment in activities to achieve the goals and objectives of the proposed partnership other than through the partnership.

"(5) The potential effectiveness of the partnership in the further development and application of technology proposed to be developed by the partnership for the defense industrial base.

"(6) The extent of the financial commitment of eligible firms to the proposed partnership.

"(7) Such other criteria that the Secretary prescribes.

"§ 2524. Critical technology application centers assistance program

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense, in consultation and coordination with the Secretary of Commerce, shall conduct a program to provide assistance for the activities of eligible regional critical technology application centers in the United States.

"(b) ELIGIBLE CENTERS.—A regional critical technology application center is eligible for assistance under the program if—

"(1) the purpose of the center is to facilitate the use of one or more defense critical technologies for defense and commercial purposes by an industry in the region served by that center in order to maintain within the United States industrial capabilities that are vital to the national security of the United States; and

"(2) the center meets the other requirements of this section.

"(c) PROGRAM PARTICIPANTS.—(1) The participants in a critical technology application center—

"(A) shall include—

"(i) eligible firms that conduct business in the region of the United States served or to be served by the center; and

"(ii) a sponsoring agency in such region; and

"(B) may include other organizations considered appropriate by the Secretary of Defense.

"(2)(A) A sponsoring agency of a center may be any agency described in subparagraph (B) that, as determined by the Secretary, provides adequate assurances that it will—

"(i) meet the financial requirement in subsection (e); and

"(ii) provide assistance in the management of the center.

"(B) An agency referred to in subparagraph (A) is any of the following:

"(i) An agency of a State or local government.

"(ii) A nonprofit organization established, or performing functions, pursuant to an agreement entered into by two or more States or local governments.

"(iii) A membership organization in which a State or local government is a member.

"(d) ASSISTANCE AUTHORIZED.—(1) Under the program, the Secretary may provide—

"(A) financial assistance for the activities of a critical technology application center (including, in the case of a proposed center, the establishment of such center) in any amount not in excess of 30 percent of the cost of conducting such activities (including the cost of establishing a proposed center) during the period covered by the financial assistance; and

"(B) technical assistance for the activities (and, in the case of a proposed center, the establishment) of a center awarded financial assistance authorized by subparagraph (A).

"(2) The Secretary may not provide financial assistance under the program for construction of facilities.

"(3) The Secretary may furnish assistance to a critical technology application center under the program for not more than six years.

"(e) FINANCIAL CONTRIBUTIONS OF CENTER PARTICIPANTS.—(1) The sponsoring agency of a critical technology application center and the eligible firms participating in the center shall pay at least 70 percent of the total cost incurred each year for the activities of the center. Funds contributed for the activities of the center by institutions of higher education or private, nonprofit organizations participating in the center shall be considered as funds contributed by the sponsoring agency.

"(2) If the right to use or license the results of any research and development activity of a center is limited by participants in the center to one or more, but less than one-half, of the eligible firms participating in the center, the non-Federal Government participants in the center shall pay the total cost incurred for such activity.

"(f) MANAGEMENT PLAN.—A critical technology application center shall operate under a management plan that includes provisions for the eligible firms participating in the center to have the primary responsibility for directing the activities of the center and to exercise that responsibility through, among any other means, majority voting membership of such firms on the board of directors of the center.

"(g) ADMINISTRATION OF PROGRAM.—The Secretary shall prescribe regulations that, to the extent practicable, apply the same requirements and authorities in the administration of this section as apply under subsections (d) and (e) of section 2523 of this title in the case of the dual-use critical technologies partnerships program provided for in that section. Regulations.

"(h) SELECTION CRITERIA.—The criteria for selection of a center to receive financial assistance under this section shall include the following:

"(1) The potential for the activities of the center to result in—

"(A) increased availability of technology for the enhancement of national security; and

"(B) the emergence in such region of new firms that are capable of applying dual-use critical technologies.

"(2) The potential for the center to be able to apply critical technology research and development supported or conducted by Federal laboratories and institutions of higher education in the advancement of national security interests of the United States.

"(3) The potential for the center to sustain itself through support from industry and other non-Federal Government sources after termination of the Federal assistance provided pursuant to this section.

"(4) The level of involvement of appropriate State and local agencies, institutions of higher education, and private, nonprofit entities in the center.

"(5) Such other criteria as the Secretary prescribes.

"§ 2525. Office for Foreign Defense Critical Technology Monitoring and Assessment

Establishment.

"(a) IN GENERAL.—The Secretary of Defense shall establish within the Office of the Director of Defense Research and Engineering an office known as the 'Office for Foreign Defense Technology Monitoring and Assessment' (hereinafter in this section referred to as the 'Office').

"(b) RELATIONSHIP TO DEPARTMENT OF COMMERCE.—The head of the Office shall consult closely with appropriate officials of the Department of Commerce in order—

"(1) to minimize the duplication of any effort of the Department of Commerce by the Department of Defense regarding the monitoring of foreign activities related to defense critical technologies that have potential commercial uses; and

"(2) to ensure that the Office is effectively utilized to disseminate information to users of such information within the Federal Government.

"(c) RESPONSIBILITIES.—The Office shall have the following responsibilities:

"(1) To maintain within the Department of Defense a central library for the compilation and appropriate dissemination of unclassified and classified information and assessments regarding significant foreign activities in research, development, and applications of defense critical technologies.

"(2) To establish and maintain—

"(A) a widely accessible unclassified data base of information and assessments regarding foreign science and technology activities that involve defense critical technologies, including, especially, activities in Europe and in Pacific Rim countries; and

"(B) a classified data base of information and assessments regarding such activities.

"(3) To perform liaison activities among the military departments, Defense Agencies, and other appropriate elements of the Department of Defense, with appropriate agencies and offices of the Department of Commerce and the Department of State, and with other departments and agencies of the Federal Government in order to ensure that significant activities in research, development, and applications of defense critical technologies are identified, monitored, and assessed by an appropriate department or agency of the Federal Government.

"(4) To ensure the maximum practicable public availability of information and assessments contained in the unclassified data bases established pursuant to paragraph (2)—

"(A) by limiting, to the maximum practicable extent, restrictive classification of such information and assessments; and

"(B) by disseminating to the National Technical Information Service of the Department of Commerce information and assessments regarding defense critical technologies having potential commercial uses.

"(5) To disseminate through the National Technical Information Service of the Department of Commerce unclassified information and assessments regarding defense critical technologies having potential commercial uses so that such information and assessments may be further disseminated within the Federal Government and to the private sector.

"§ 2526. Overseas foreign critical technology monitoring and assessment financial assistance program

"(a) ESTABLISHMENT AND PURPOSE OF PROGRAM.—The Secretary of Defense may establish a foreign critical technology monitoring and assessment program. Under the program, the Secretary may enter into cooperative arrangements with one or more eligible not-for-profit organizations in order to provide financial assistance for the establishment of foreign critical technology monitoring and assessment offices in Europe, Pacific Rim countries, and such other countries as the Secretary considers appropriate.

"(b) ELIGIBLE ORGANIZATIONS.—Any not-for-profit industrial or professional organization that has economic and scientific interests in research, development, and applications of dual-use critical technologies is eligible to enter into a cooperative arrangement referred to in subsection (a).".

(b) TRANSFER OF SECTION.—(1) Section 2508 of title 10, United States Code, is redesignated as section 2522 and, as so redesignated, is transferred to chapter 150 of such title (as added by subsection (a)), and inserted after section 2521.

(2) The table of sections at the beginning of chapter 148 of such title is amended by striking out the item relating to section 2508.

(c) REPEAL.—(1) Section 2368 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to section 2368.

(d) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 201, there shall be available for the following purposes the amounts specified for such purposes, as follows:

(1) For each of fiscal years 1992 and 1993, for the Defense Advanced Research Projects Agency to carry out section 2523 of title 10, United States Code (as added by subsection (a)), relating to dual-use critical technology partnerships, $100,000,000.

(2) For fiscal year 1992, for the critical technology application centers program established pursuant to section 2524 of title 10, United States Code (as added by subsection (a)), $50,000,000.

(e) TECHNICAL AMENDMENTS NECESSITATED BY ENACTMENT OF THE NEW CHAPTER 150.—Part IV of subtitle A of title 10, United States Code, is amended—

(1) by striking out the heading of chapter 151 and inserting in lieu thereof the following:

"SUBCHAPTER II—ISSUE OF SERVICEABLE MATERIAL OTHER THAN TO THE ARMED FORCES";

(2) by striking out the heading of chapter 150 in effect on the day before the date of the enactment of this Act (relating to

issue to Armed Forces) and the table of sections at the beginning of such chapter and inserting in lieu thereof the following:

"CHAPTER 152—ISSUE OF SUPPLIES, SERVICES, AND FACILITIES

"SUBCHAPTER I—ISSUE TO THE ARMED FORCES

and

(3) by redesignating the section 2521 in effect on the day before the date of the enactment of this Act (relating to supplies, services, and facilities for reserve components) as section 2540.

(f) CLERICAL AMENDMENT.—The tables of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part IV of such subtitle are each amended by striking out the items relating to chapters 150 and 151 and inserting in lieu thereof the following:

SEC. 822. CRITICAL TECHNOLOGY STRATEGIES.

42 USC 6687.

(a) REQUIREMENT FOR CRITICAL TECHNOLOGY STRATEGIES.—(1) The President shall develop and revise as needed a multiyear strategy for federally supported research and development for each critical technology designated by the President. In designating critical technologies for the purpose of this section, the President shall begin with the national critical technologies listed in a biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)). A critical technology strategy may cover more than one critical technology.

President.

(2) The President shall assign responsibilities and develop procedures for conducting executive branch activities to carry out this section.

(3) During the development of a critical technology strategy, the President shall provide for the following:

(A) The development of goals and objectives for the appropriate Federal role in the development of the critical technology or technologies that the President expects to be covered by the strategy.

(B) Close consultation with appropriate representatives of United States industries, members of industry associations, representatives of labor organizations in the United States, members of professional and technical societies in the United States and other persons who are qualified to provide advice and assistance in the development of such critical technology or technologies.

(C) The development of an organizational structure within the Federal Government that is appropriate for coordinating, managing, and reviewing the Federal Government's role in the

implementation of the strategy, including allocating roles among Federal departments and agencies.

(D) The development of policies and procedures for synergistic government, industrial, and university participation in the implementation of the strategy.

(E) The development of Federal budget estimates for research and development regarding the critical technology or technologies covered by the strategy for the first five fiscal years covered by that strategy.

(b) REPORT.—Not later than February 15 of each year, beginning in 1993, the President shall submit to Congress an annual report describing the implementation of subsection (a). The annual report shall include the following: 42 USC 6687.

(1) For each critical technology designated by the President for the purpose of subsection (a), a description of the progress made in implementing subsection (a) during the fiscal year preceding the fiscal year in which the report is submitted.

(2) A description of each proposed program, if any, for further implementing subsection (a) with respect to a critical technology through the date for the submission of the next annual report.

(3) A copy of each strategy, if any, completed or revised pursuant to subsection (a) during the fiscal year covered by the report.

(c) REVISIONS IN CRITICAL TECHNOLOGIES INSTITUTE.—(1) Section 822 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1598) is amended to read as follows: 42 USC 6686.

"SEC. 822. CRITICAL TECHNOLOGIES INSTITUTE

"(a) ESTABLISHMENT.—There shall be established a federally funded research and development center to be known as the 'Critical Technologies Institute' (hereinafter in this section referred to as the 'Institute').

"(b) INCORPORATION.—As determined by the chairman of the committee referred to in subsection (c), the Institute shall be—

"(1) administered as a separate entity by an organization currently managing another federally funded research and development center; or

"(2) incorporated as a nonprofit membership corporation.

"(c) OPERATING COMMITTEE.—(1) The Institute shall have an Operating Committee composed of 11 members as follows:

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

"(B) The Secretary of Defense, or the Secretary's designee.

"(C) The Secretary of Energy, or the Secretary's designee.

"(D) The Secretary of Health and Human Services, or the Secretary's designee.

"(E) The Secretary of Commerce, or the Secretary's designee.

"(F) The Administrator of the National Aeronautics and Space Administration, or the Administrator's designee.

"(G) The Director of the National Science Foundation, or the Director's designee.

"(H) Four other members appointed by the President from among officials of the Executive branch (other than those referred to in subparagraphs (A) through (G)).

President.

"(2) The President shall designate a chairman of the committee from among the members of the committee who are senior officials of the Executive Office of the President.

"(3)(A) The term of service of members of the committee appointed under paragraph (1)(H) shall be four years, except that of the four members first appointed, one shall be appointed for a term of one year, one shall be appointed for a term of two years, one shall be appointed for a term of three years, and one shall be appointed for a term of four years. The terms of appointment of members appointed under this subparagraph shall be designated by the President at the time of the appointments.

"(B) A vacancy in a membership of the committee referred to in subparagraph (A) shall be filled in the same manner as the original appointment. A member appointed under this subparagraph shall serve the remainder of the unexpired term of the predecessor of the member.

"(C) Members of the committee referred to in subparagraph (A) may be reappointed.

"(4) The committee shall meet not less than four times a year.

"(d) DUTIES.—The duties of the Institute shall include the following:

"(1) The assembly of timely and authoritative information regarding significant developments and trends in technology research and development in the United States and abroad, with particular emphasis on information relating to the technologies identified in the most recent biennial report submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)).

"(2) Analysis and interpretation of the information referred to in paragraph (1) to determine whether such developments and trends are likely to affect United States technology policies.

"(3) Initiation of studies and analyses (including systems analyses and technology assessments) of alternatives available for ensuring long-term leadership by the United States in the development and application of the technologies referred to in paragraph (1), including appropriate roles for the Federal Government, State governments, private industry, and institutions of higher education in the development and application of such technologies.

"(4) Provision, upon the request of the Director of the Office of Science and Technology Policy, of technical support and assistance—

"(A) to the committees and panels of the President's Council of Advisers on Science and Technology that provide advice to the Executive branch on technology policy; and

"(B) to the committees and panels of the Federal Coordinating Council for Science, Engineering, and Technology that are responsible for planning and coordinating activities of the Federal Government to advance the development of critical technologies and sustain and strengthen the technology base of the United States.

"(e) CONSULTATION ON INSTITUTE ACTIVITIES.—In carrying out the duties referred to in subsection (d), personnel of the Institute shall—

"(1) consult widely with representatives from private industry, institutions of higher education, and nonprofit institutions; and

"(2) to the maximum extent practicable, incorporate information and perspectives derived from such consultations in carrying out such duties.

"(f) ANNUAL REPORTS.—The committee shall submit to the President an annual report on the activities of the committee under this section. Each report shall be in accordance with requirements prescribed by the President.

"(g) SPONSORSHIP.—(1) The Director of the National Science Foundation shall be the sponsor of the Institute.

"(2) The Director of the National Science Foundation, in consultation with the chairman of the committee, shall enter into a sponsoring agreement with respect to the Institute. The sponsoring agreement shall require that the Institute carry out such functions as the chairman of the committee may specify consistent with the duties referred to in subsection (d). The sponsoring agreement shall be consistent with the general requirements prescribed for such a sponsoring agreement by the Administrator for Federal Procurement Policy.".

(2) The amendment made by paragraph (1) shall take effect as of November 5, 1990. Effective date. 42 USC 6686 note.

(3) The sponsoring agreement required by subsection (g) of section 822 of Public Law 101-510, as amended by paragraph (1), shall be entered into not later than February 15, 1992. 42 USC 6686 note.

(d) FUNDING.—(1) To the extent provided in appropriations Acts, the Secretary of Defense shall make available to the Director of the National Science Foundation, out of funds appropriated for fiscal year 1991, $5,000,000 for funding the activities of the Institute.

(2) There is authorized to be appropriated for each fiscal year after fiscal year 1991 for the Institute such sums as may be necessary for the operation of the Institute. 42 USC 6686 note.

(3) Funds appropriated to any department or agency for the Critical Technologies Institute established under section 822 of the National Defense Authorization Act for Fiscal Year 1991, as amended by subsection (c), for fiscal year 1992 by any Act enacted before the date of the enactment of this Act shall be transferred to the National Science Foundation only for the purposes of carrying out activities of the Institute.

SEC. 823. ADVANCED MANUFACTURING TECHNOLOGY PARTNERSHIPS.

(a) AUTHORITY TO ESTABLISH PARTNERSHIPS.—(1) Chapter 149 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2518. Defense Advanced Manufacturing Technology Partnerships

"(a) ESTABLISHMENT OF PARTNERSHIPS.—The Secretary of Defense may enter into cooperative arrangements (hereinafter in this section referred to as 'partnerships') with entities referred to in subsection (b) in order to encourage and provide for research and development of advanced manufacturing technologies with the potential for having a broad range of applications.

"(b) NON-DEPARTMENT OF DEFENSE PARTICIPANTS.—In the case of each partnership, the entities with which the Secretary enters into the partnership shall include two or more eligible firms or a nonprofit research corporation established by two or more eligible firms and may also include, as determined appropriate by the Secretary of Defense, a Federal laboratory or laboratories, institutions of higher

education, agencies of State governments, and other entities that participate in the partnership by supporting the activities conducted by such firms or corporations under this section. A partnership may include other organizations considered appropriate by the Secretary of Defense.

Regulations.

"(c) ADMINISTRATION OF PROGRAM.—The Secretary shall prescribe regulations that, to the extent practicable, apply the same requirements and authorities in the administration of this section as apply under subsections (c) through (e) of section 2523 of this title in the case of the dual-use critical technologies partnerships program provided for in that section.

"(d) SELECTION CRITERIA.—The criteria for the selection of proposed partnerships for establishment under this section shall include the following criteria:

"(1) The criteria specified in section 2523(f) of this title.

"(2) The extent to which the partnerships provide for the development of advanced manufacturing technologies usable for significantly reducing the potential health, safety, and environmental hazards associated with existing manufacturing processes.

"(e) DEFINITIONS.—In this section, the terms 'eligible firm' and 'Federal laboratory' have the meanings given such terms in section 2521 of this title.".

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

"2518. Defense Advanced Manufacturing Technology Partnerships.".

10 USC 2518 note.

(b) ESTABLISHMENT OF INITIAL PARTNERSHIPS.—The Secretary of Defense shall establish not less than two advanced manufacturing technology partnerships pursuant to section 2518 of title 10, United States Code, as added by subsection (a), not later than one year after the date of enactment of this Act.

(c) FUNDING.—(1) Of the amounts authorized to be appropriated pursuant to section 203(a)(4)(B), $25,000,000 shall be available for each of fiscal years 1992 and 1993 to carry out section 2518 of title 10, United States Code, as added by subsection (a).

(2) Of the amounts authorized to be appropriated pursuant to section 201, $5,000,000 shall be available for each of fiscal years 1992 and 1993 for activities relating to advanced manufacturing technology that are carried out by United States industry, institutions of higher education in the United States, or Federal laboratories under the authority of bilateral or multilateral technology agreements entered into by the United States and other nations. The amount of such funds allocated for each such activity may not exceed one-third of the total estimated cost of carrying out that activity for the period for which the funds are to be provided.

SEC. 824. MANUFACTURING EXTENSION PROGRAMS.

(a) REVISION OF AUTHORITY.—Section 2517 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "The Secretary of Defense,";

(2) in the first sentence, by striking out "and other existing organizations" and all that follows through "manufactured parts";

(3) in the second sentence—

(A) by inserting "and section 26" after "section 25"; and

(B) by inserting "and 278l" after "278k"; and

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

"(b)(1) The Secretary of Defense, in consultation with the Secretary of Commerce, shall establish a program—

"(A) to support existing manufacturing extension programs of regions, States, local governments, and private, nonprofit organizations;

"(B) to promote the development of a broad range of such programs that will benefit both the national security and the economic prosperity of the United States; and

"(C) to increase the involvement of appropriate segments of the private sector in activities that improve the manufacturing quality, productivity, and performance of United States-based small manufacturing firms.

"(2) In awarding financial assistance under the program, the Secretary, on the basis of merit pursuant to a competitive selection process, shall select manufacturing extension programs that demonstrate evidence of the following:

"(A) Comprehensive and high quality services, including staff with significant experience in industrial manufacturing.

"(B) Significant involvement by, and support from, private industry.

"(C) The potential for assisting a significant number of United States-based small manufacturing firms with a limited expenditure of Federal funds.

"(3)(A) The amount of financial assistance furnished to a manufacturing extension program under this subsection may not exceed the total amount provided by non-Federal Government participants in the program for the period for which the assistance is to be provided. Financial assistance shall be provided to a recipient program for a period of five years unless such financial assistance is earlier terminated for good cause. Recipients of such financial assistance shall be required to report to the Secretary annually beginning one year after the date that such financial assistance is initiated. Such report shall include a description of the progress of the recipient program in meeting the objectives set out in paragraph (1).

"(B) The Secretary of Defense shall require a major evaluation of each manufacturing extension program receiving financial assistance under this subsection. The evaluation shall be conducted during the third year that such program receives such financial assistance. If, on the basis of such evaluation, the Secretary finds that the financial assistance to the extension program should be terminated for good cause, the Secretary shall provide sufficient financial assistance to terminate that program. The amount of that assistance may not exceed the amount that would otherwise have been provided for continuing the financial assistance to the recipient program through the end of the fourth year.

"(C) Subparagraphs (A) and (B) do not prohibit a recipient program from reapplying for financial assistance under this subsection upon the expiration or termination of the furnishing of financial assistance under this subsection. The application for additional financial assistance shall be subject to the requirements and procedures set out in this subsection in the same manner and to the same extent as initial applications for financial assistance under this subsection.

"(4) The Secretary of Defense and the Secretary of Commerce shall enter into an agreement for carrying out the program established pursuant to this subsection. The agreement shall include

Contracts.

procedures to ensure that the program is fully coordinated with related manufacturing programs of the Department of Commerce.".

(b) DEFINITIONS.—Section 2511 of title 10, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraphs:

"(2) The term 'manufacturing extension program' means a public or private, nonprofit program for the improvement of the quality, productivity, and performance of United States-based small manufacturing firms in the United States.

"(3) The term 'United States-based small manufacturing firm' means a company or other business entity that, as determined by the Secretary of Commerce—

"(A) engages in manufacturing;

"(B) has less than 500 employees;

"(C) conducts a significant level of its research, development, engineering, and manufacturing activities in the United States; and

"(D) is a company or other business entity the majority ownership or control of which is by United States citizens or is a company or other business entity of a parent company that is incorporated in a country the government of which—

"(i) encourages the participation of firms so owned or controlled in research and development consortia to which the government of that country provides funding directly or provides funding indirectly through international organizations; and

"(ii) affords adequate and effective protection for the intellectual property rights of companies incorporated in the United States.".

(c) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 201, $50,000,000 shall be available to carry out section 2517(b) of title 10, United States Code (as added by subsection (a)(4)).

SEC. 825. DEFENSE MANUFACTURING EDUCATION.

(a) ESTABLISHMENT OF PROGRAMS.—(1) Chapter 111 of title 10, United States Code, is amended by striking out section 2196 and inserting in lieu thereof the following:

"§ 2196. Manufacturing engineering education: grant program

"(a) ESTABLISHMENT OF GRANT PROGRAM.—(1) The Secretary of Defense shall establish a program under which the Secretary makes grants to support—

"(A) the enhancement of existing programs in manufacturing engineering education; or

"(B) the establishment of new programs in manufacturing engineering education that meet such requirements.

"(2) Grants under this section may be made to institutions of higher education or to consortia of such institutions.

"(3) The Secretary shall establish the program in consultation with the Secretary of Education, the Director of the National Science Foundation, and the Director of the Office of Science and Technology Policy.

"(b) NEW PROGRAMS IN MANUFACTURING ENGINEERING EDUCATION.—A program in manufacturing engineering education to be established at an institution of higher education may be considered

to be a new program for the purpose of subsection (a)(1)(B) regardless of whether the program is to be conducted—

"(1) within an existing department in a school of engineering of the institution;

"(2) within a manufacturing engineering department to be established separately from the existing departments within such school of engineering; or

"(3) within a manufacturing engineering school or center to be established separately from an existing school of engineering of such institution.

"(c) MINIMUM NUMBER OF GRANTS FOR NEW PROGRAMS.—Of the total number of grants awarded pursuant to this section, at least one-third shall be awarded for the purpose stated in subsection (a)(1)(B).

"(d) GEOGRAPHICAL DISTRIBUTION OF GRANTS.—In awarding grants under this subsection, the Secretary shall, to the maximum extent practicable, avoid geographical concentration of grant awards.

"(e) COORDINATION OF GRANT PROGRAM WITH THE NATIONAL SCIENCE FOUNDATION.—The Secretary of Defense and the Director of the National Science Foundation shall enter into an agreement for carrying out the grant program established pursuant to this section. The agreement shall include procedures to ensure that the grant program is fully coordinated with similar existing programs of the National Science Foundation. Contracts.

"(f) COVERED PROGRAMS.—(1) A program of engineering education supported with a grant awarded pursuant to this section shall meet the requirements of this section.

"(2) Such a grant may be made for a program of education to be conducted at the undergraduate level, at the graduate level, or at both the undergraduate and graduate levels.

"(g) COMPONENTS OF PROGRAM.—The program of education for which such a grant is made shall be a consolidated and integrated multidisciplinary program of education having each of the following components:

"(1) Multidisciplinary instruction that encompasses the total manufacturing engineering enterprise and that may include—

"(A) manufacturing engineering education and training through classroom activities, laboratory activities, thesis projects, individual or team projects, and visits to industrial facilities, consortia, or centers of excellence in the United States and foreign countries;

"(B) faculty development programs;

"(C) recruitment of educators highly qualified in manufacturing engineering;

"(D) presentation of seminars, workshops, and training for the development of specific research or education skills; and

"(E) activities involving interaction between the institution of higher education conducting the program and industry, including programs for visiting scholars or industry executives.

"(2) Opportunities for students to obtain work experience in manufacturing through such activities as internships, summer job placements, or cooperative work-study programs.

"(3) Faculty and student research that is directly related to, and supportive of, the education of undergraduate or graduate

students in advanced manufacturing science and technology because of—

"(A) the increased understanding of advanced manufacturing science and technology that is derived from such research; and

"(B) the enhanced quality and effectiveness of the instruction that result from that increased understanding.

"(h) GRANT PROPOSALS.—The Secretary of Defense, in coordination with the Director of the National Science Foundation, shall solicit from institutions of higher education in the United States (and from consortia of such institutions) proposals for grants to be made pursuant to this section for the support of programs of manufacturing engineering education that are consistent with the purposes of this section.

"(i) MERIT COMPETITION.—Applications for grants shall be evaluated on the basis of merit pursuant to competitive procedures prescribed by the Secretary in consultation with the Director of the National Science Foundation.

"(j) SELECTION CRITERIA.—The Secretary may select a proposal for the award of a grant pursuant to this section if the proposal, at a minimum, does each of the following:

"(1) Contains innovative approaches for improving engineering education in manufacturing technology.

"(2) Demonstrates a strong commitment by the proponents to apply the resources necessary to achieve the objectives for which the grant is to be made.

"(3) Provides for the conduct of research that supports the instruction to be provided in the proposed program and is likely to improve manufacturing engineering and technology.

"(4) Demonstrates a significant level of involvement of United States industry in the proposed instructional and research activities.

"(5) Is likely to attract superior students.

"(6) Proposes to involve fully qualified faculty personnel who are experienced in research and education in areas associated with manufacturing engineering and technology.

"(7) Proposes a program that, within three years after the grant is made, is likely to attract from sources other than the Federal Government the financial and other support necessary to sustain such program.

"(8) Proposes to achieve a significant level of participation by women, members of minority groups, and individuals with disabilities through active recruitment of students from among such persons.

"(k) FEDERAL SUPPORT.—The amount of financial assistance furnished to an institution under this section may not exceed 50 percent of the estimated cost of carrying out the activities proposed to be supported in part with such financial assistance for the period for which the assistance is to be provided.

"§ 2197. Manufacturing managers in the classroom

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense, in consultation with the Secretary of Education and the Secretary of Commerce, shall conduct a program to support the following activities of one or more manufacturing managers and experts at institutions of higher education:

"(1) Identifying the education and training requirements of United States manufacturing firms located in the same geographic region as an institution participating in the program.

"(2) Assisting in the development of teaching curricula for classroom and in-factory education and training classes at such an institution.

"(3) Teaching such classes and overseeing the teaching of such classes by others.

"(4) Improving the knowledge and expertise of permanent faculty and staff of such an institution.

"(5) Marketing the programs and facilities of such an institution to firms referred to in paragraph (1).

"(6) Coordinating the activities described in the other provisions of this subsection with other programs conducted by the Federal Government, any State, any local government, or any private, nonprofit organization to modernize United States manufacturing firms, especially the regional centers for the transfer of manufacturing technology and programs receiving financial assistance under section 2196 of this title.

"(b) MERIT COMPETITION.—Applications for assistance under this section shall be evaluated on the basis of merit pursuant to competitive procedures prescribed by the Secretary.

"(c) SELECTION CRITERIA.—The Secretary shall select institutions for the award of financial assistance under this section from among institutions submitting applications for such assistance that—

"(1) demonstrate that the proposed activities are of an appropriate scale and a sufficient quality to ensure long term improvement in the applicant's capability to serve the education and training needs of United States manufacturing firms in the same region as the applicant;

"(2) demonstrate a significant level of industry involvement and support;

"(3) demonstrate attention to the needs of any United States industries that supply manufactured products to the Department of Defense or to a contractor of the Department of Defense; and

"(4) meet such other criteria as the Secretary may prescribe.

"(d) FEDERAL SUPPORT.—The amount of financial assistance furnished to an institution under this section may not exceed 50 percent of the estimated cost of carrying out the activities proposed to be supported in part with such financial assistance for the period for which the assistance is to be provided. In no event may the amount of the financial assistance provided to an institution exceed $250,000 per year. The period for which financial assistance is provided an institution under this section shall be at least two years unless such assistance is earlier terminated for cause determined by the Secretary.

"§ 2199. Definitions

"In this chapter:

"(1) The term 'defense laboratory' means a laboratory operated by the Department of Defense or owned by the Department of Defense and operated by a contractor or a facility of a Defense Agency at which research and development activities are conducted.

"(2) The term 'institution of higher education' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(3) The term 'regional center for the transfer of manufacturing technology' means a regional center for the transfer of manufacturing technology referred to in section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k).".

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to 2196 and inserting in lieu thereof the following:

"2196. Manufacturing engineering education: grant program.
"2197. Manufacturing managers in the classroom.
"2199. Definitions.".

10 USC 2196 note.

(b) INITIAL IMPLEMENTATION; PRIORITY IN FUNDING.—Within one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of the National Science Foundation, shall award grants under section 2196 of title 10, United States Code (as added by subsection (a)), to institutions of higher education throughout the United States.

(c) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 201, there shall be available—

(1) for the manufacturing engineering education grant program established pursuant to section 2196 of title 10, United States Code (as added by subsection (a)), $25,000,000 for fiscal year 1992; and

(2) for the manufacturing managers in the classroom program established pursuant to section 2197 of such title (as added by subsection (a)), $5,000,000 for fiscal year 1992.

SEC. 826. COOPERATIVE AGREEMENTS AND OTHER TRANSACTIONS RELATING TO ADVANCED RESEARCH PROJECTS.

(a) EXTENSION OF AUTHORITY TO MILITARY DEPARTMENTS.—Subsection (a) of 2371 of title 10, United States Code, is amended by inserting "and the Secretary of each military department, in carrying out advanced research projects," after "Defense Advanced Research Projects Agency,".

(b) CONFORMING AMENDMENTS.—(1) Subsection (b) of such section is amended—

(A) in paragraph (1), by striking out "by the Secretary"; and

(B) in paragraph (2), by striking out "to the account" in the first sentence and inserting in lieu thereof "to the appropriate account".

(2) Subsection (d) of such section is amended by striking out "The Secretary" after "(d)" and inserting in lieu thereof "The Secretary of Defense".

(3) Subsection (e) of such section is amended—

(A) by striking out "an account" and inserting in lieu thereof "separate accounts for each of the military departments and the Defense Advanced Research Projects Agency"; and

(B) by striking out "such account" and inserting in lieu thereof "those accounts".

(4) Subsection (f)(5) of such section is amended by striking out "the account" and inserting in lieu thereof "each account".

(c) AUTHORITY MADE PERMANENT.—Subsection (g) of such section is repealed.

SEC. 827. FLEXIBLE COMPUTER-INTEGRATED MANUFACTURING PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall conduct a program for the development of advanced flexible capabilities for computer-integrated manufacturing and for the use of those capabilities throughout the Department of Defense and in commercial entities that are part of the defense industrial base of the United States.

(b) JOINT SERVICES CENTER.—(1) For the purposes of the program under subsection (a), the Secretary of Defense shall establish a center, to be operated with the participation of the Army, Navy, Air Force, and Marine Corps, for the purposes set forth in paragraph (2). Establishment.

(2) The center established under paragraph (1) shall—

(A) evaluate the potential for using flexible computer-integrated manufacturing (FCIM) technology (such as the technology from the Rapid Acquisition of Manufactured Parts (RAMP) program of the Navy) for previously unidentified applications at Department of Defense depot-level maintenance facilities;

(B) provide the means for the rapid transfer of such technology (including technology from the RAMP program, if appropriate) within the Department of Defense; and

(C) provide any Department of Defense depot-level maintenance facility with technical guidance and support for initial training in the use of that technology and in the initial operation of that technology.

(c) NAVY RAMP PROGRAM.—The Secretary of the Navy shall continue the program of the Navy designated as the Rapid Acquisition of Manufactured Parts (RAMP) program that is carried out to develop technologies and applications for the rapid acquisition of manufactured parts. For the purposes of that program, the Secretary shall determine the number of naval aviation and ship maintenance facilities and depots at which RAMP capabilities can be established economically.

(d) FUNDING.—(1) Of the amounts authorized to be appropriated pursuant to section 201 for fiscal years 1992 and 1993, $21,500,000 shall be available for each such fiscal year for the program conducted pursuant to subsection (a).

(2) Of the amount available under paragraph (1) for each such fiscal year—

(A) $4,000,000 shall be available to carry out subsection (b);

(B) $7,500,000 shall be available to carry out subsection (c); and

(C) $4,000,000 shall be available for a grant to the Institute for Advanced Flexible Manufacturing Systems.

(e) PREVENTION OF DUPLICATION.—The Secretary of the Army and the Secretary of the Air Force may not carry out any activity to develop a capability for flexible computer-integrated manufacturing (1) that would substantially duplicate the existing capabilities of the Navy for flexible computer-integrated manufacturing, or (2) that can be achieved using the design of the Navy in existence as of the date of the enactment of this Act for a system for the rapid acquisition of manufactured parts (RAMP).

SEC. 828. UNITED STATES-JAPAN MANAGEMENT TRAINING PROGRAMS.

(a) ESTABLISHMENT.—Chapter 111 of title 10, United States Code, as amended by section 825, is further amended by inserting after section 2197 the following new section:

"§ 2198. Management training program in Japanese language and culture

"(a) The Secretary of Defense, in coordination with the National Science Foundation, shall establish a program for the making of grants on a competitive basis to United States institutions of higher education and other United States not-for-profit organizations for the conduct of programs for scientists, engineers, and managers to learn Japanese language and culture.

Regulations.

"(b) The Secretary of Defense shall prescribe in regulations the criteria for awarding a grant under the program for activities of an institution or organization referred to in subsection (a), including the following:

"(1) Whether scientists, engineers, and managers of defense laboratories and Department of Energy laboratories are permitted a level of participation in such activities that is beneficial to the development and application of defense critical technologies by such laboratories.

"(2) Whether such activities include the placement of United States scientists, engineers, and managers in Japanese government and industry laboratories—

"(A) to improve the knowledge of such scientists, engineers, and managers in (i) Japanese language and culture, and (ii) the research and development and management practices of such laboratories; and

"(B) to provide opportunities for the encouragement of technology transfer from Japan to the United States.

"(3) Whether an appropriate share of the costs of such activities will be paid out of funds derived from non-Federal Government sources.

"(c) In this section, the term 'defense critical technology' means a technology identified in an annual defense critical technologies plan submitted to the Congress under section 2522 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2197 (as added by section 825) the following new item:

"2198. Management training program in Japanese language and culture.".

10 USC 2192 note.

SEC. 829. DEPARTMENT OF DEFENSE SUPPORT FOR SCIENCE, MATHEMATICS, AND ENGINEERING EDUCATION.

(a) SCIENCE, MATHEMATICS, AND ENGINEERING EDUCATION SUPPORT MASTER PLAN.—(1) At the same time that the President submits to Congress the budget for each of fiscal years 1993 through 1997 pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a master plan for activities by the Department of Defense during the next fiscal year to support education in science, mathematics, and engineering at all levels of education in the United States. Each such plan shall be developed in consultation with the Secretary of Education.

(2) The activities provided for in the plan submitted under paragraph (1) for any fiscal year shall contribute to the achievement of the national education goals stated in the Report of the Committee

on Education and Human Resources of the Federal Coordinating Council for Science, Engineering, and Technology that was submitted to Congress with the submission of the budget for fiscal year 1992.

(3) Each such plan shall provide the basis for the Secretaries of the military departments and the heads of the Defense Agencies of the Department of Defense—

(A) to define the programs of the military departments and Defense Agencies to support the achievement of the goals referred to in paragraph (2); and

(B) to allocate resources for such programs.

(b) CONTENT OF PLAN.—The plan under subsection (a) for a fiscal year shall include the following:

(1) A description of each action for the improvement of scientific, mathematics, and engineering education identified by the Secretary of Defense under sections 2191 through 2195 of title 10, United States Code, for such fiscal year and the funds that are provided in the budget for such fiscal year for such action.

(2) The long-range goals and priorities of the Department of Defense for improving the Department's support for science, mathematics, and engineering education programs, including—

(A) education programs within, or directly supported by, the Department of Defense;

(B) education programs in other departments and agencies of the Federal Government;

(C) education programs at elementary, secondary, and postsecondary educational institutions; and

(D) other programs within or supported by the Department of Defense that are potentially capable of assisting local education agencies to integrate advanced technology into their classrooms that will improve student learning with science, mathematics, and engineering.

(c) ROLE OF DIRECTOR, DEFENSE RESEARCH AND ENGINEERING.—Subject to the authority, direction, and control of the Secretary of Defense, the Director of Defense Research and Engineering shall perform the duties of the Secretary under this section.

(d) IMPLEMENTATION REPORT.—Not later than March 15, 1992, the Secretary of Defense shall submit to Congress a report on steps taken by the Department of Defense to encourage science, mathematics, and engineering teachers returning to the United States from teaching assignments in the Department of Defense Overseas Dependents School System to continue to teach in those subject areas in local education agencies and in military impact aid schools throughout the United States.

PART D—OTHER DEFENSE INDUSTRIAL BASE MATTERS

SEC. 831. REQUIREMENT FOR SUBMITTAL OF PLANS RELATING TO THE IMPROVEMENT OF THE DEFENSE INDUSTRIAL BASE.

(a) EVALUATION OF USE OF FOREIGN COMPONENTS BY DEFENSE INDUSTRIAL BASE.—(1) The Secretary of Defense shall submit to the congressional defense committees a plan for the collection and assessment of information on the extent to which the defense industrial base of the United States—

(A) procures subsystems of weapon systems, components of weapon systems, and components of subsystems of weapon systems from foreign sources; and

(B) is dependent upon those foreign sources for the procurement of such subsystems and components.

(2) The report shall be prepared in coordination with the Secretary of Commerce and the United States Trade Representative.

(3) The report shall be submitted not later than March 15, 1992.

(b) IDENTIFICATION OF BARRIERS TO INTEGRATION OF COMMERCIAL AND DEFENSE INDUSTRIAL BASE.—(1) The Secretary of Defense shall submit to the congressional defense committees a plan for the removal of barriers to the effective integration of the commercial and defense sectors of the industrial base of the United States.

(2) The plan shall include—

(A) the Secretary's recommendations for any legislation necessary to remove those barriers;

(B) a discussion of the actions to be taken by the Secretary to remove those barriers; and

(C) a summary of the information relied on in the development of the plan.

(3) The Secretary shall designate an official within the Office of the Secretary of Defense to develop the plan. In developing the plan, that official shall, in consultation with appropriate representatives of other departments and agencies of the Federal Government, State and local governments, and the private sector, identify and evaluate—

(A) the areas of industrial production in which a greater integration of commercial and defense activities would be beneficial for national defense purposes;

(B) any Federal, State, and local statutes, regulations, and policies that are barriers to the integration of those activities; and

(C) the actions necessary to remove the barriers to the integration of those activities.

Reports. (4) The report shall be submitted not later than September 30, 1992.

10 USC 113 note.

SEC. 832. REQUIREMENTS RELATING TO EUROPEAN MILITARY PROCUREMENT PRACTICES.

(a) EUROPEAN PROCUREMENT PRACTICES.—The Secretary of Defense shall—

(1) compute the total value of American-made military goods and services procured each year by European governments or companies;

(2) review defense procurement practices of European governments to determine what factors are considered in the selection of contractors and to determine whether American firms are discriminated against in the selection of contractors for purchases by such governments of military goods and services; and

(3) establish a procedure for discussion with European governments about defense contract awards made by them that American firms believe were awarded unfairly.

(b) DEFENSE TRADE AND COOPERATION WORKING GROUP.—The Secretary of Defense shall establish a defense trade and cooperation working group. The purpose of the group is to evaluate the impact of, and formulate United States positions on, European initiatives that affect United States defense trade, cooperation, and technology

security. In carrying out the responsibilities of the working group, members of the group shall consult, as appropriate, with personnel in the Departments of State and Commerce and in the Office of the United States Trade Representative.

(c) GAO REVIEW.—The Comptroller General shall conduct a review to determine how the members of the North Atlantic Treaty Organization are implementing their bilateral reciprocal defense procurement memoranda of understanding with the United States. The Comptroller General shall complete the review, and submit to Congress a report on the results of the review, not later than February 1, 1992. Reports.

SEC. 833. BUY AMERICAN ACT WAIVER RESCISSIONS. 41 USC 10b-2.

(a) DETERMINATION BY THE SECRETARY OF DEFENSE.—(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal years 1992 and 1993. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) BUY AMERICAN ACT DEFINED.—For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 834. EXTENSION AND CLARIFICATION OF COVERAGE OF PROCUREMENT LIMITATION ON VALVES AND MACHINE TOOLS.

(a) EXTENSION THROUGH FISCAL YEAR 1996.—Section 2507(d) of title 10, United States Code, is amended in paragraph (1) by striking out "During fiscal years 1989, 1990, and 1991," and inserting in lieu thereof "Effective through fiscal year 1996,".

(b) APPLICABILITY.—Such section is further amended—

(1) by striking out paragraph (4);

(2) by redesignating paragraph (3) as paragraph (5); and

(3) by inserting the following new paragraphs after paragraph (2):

"(3) Contracts covered by paragraph (1) include the following:

"(A) Contracts for the procurement of items described in paragraph (2) for use in any property under the control of the Department of Defense, including government-owned, contractor-operated facilities.

"(B) Contracts entered into by contractors on behalf of the Department of Defense for the procurement of items described in paragraph (2) for the purposes of providing the items to other contractors as Government-furnished equipment.

"(4) In any case in which a contract subject to the requirement of paragraph (1) includes the procurement of more than one Federal Supply Class of machine tools or machine tools and accessories described in paragraph (2), each supply class shall be evaluated separately for purposes of determining whether the limitation in this subsection applies.".

SEC. 835. REVISION OF RESTRICTION ON PROCUREMENT OF CARBONYL IRON POWDERS.

Section 2507(e) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "The Secretary" and inserting in lieu thereof "Until January 1, 1993, the Secretary";

(2) by striking out paragraph (3);

(3) in paragraph (4)(A), by striking out "by an entity" and all that follows and inserting in lieu thereof a period; and

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

SEC. 836. TECHNICAL CORRECTION RELATING TO PARTNERSHIP INTERMEDIARIES.

Section 21(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3715) is amended by inserting after "federally funded research and development center", the following: "that is not a laboratory (as defined in section 12(d)(2))".

PART E—MISCELLANEOUS ACQUISITION POLICY MATTERS

SEC. 841. REQUIREMENT FOR PURCHASE OF GASOHOL IN FEDERAL FUEL PROCUREMENTS WHEN PRICE IS COMPARABLE.

(a) REQUIREMENT.—Section 2398 of title 10, United States Code, is amended—

(1) by inserting "(a) DOD MOTOR VEHICLES.—" before "To the maximum extent"; and

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

"(b) OTHER FEDERAL FUEL PROCUREMENTS.—Consistent with the vehicle management practices prescribed by the heads of affected departments and agencies of the Federal Government and consistent with Executive Order Number 12261, whenever the Secretary of Defense enters into a contract for the procurement of unleaded gasoline that is subject to tax under section 4081 of the Internal Revenue Code of 1986 for motor vehicles of a department or agency of the Federal Government other than the Department of Defense, the Secretary shall buy alcohol-gasoline blends containing at least 10 percent domestically produced alcohol in any case in which the price of such fuel is the same as, or lower than, the price of unleaded gasoline.

"(c) SOLICITATIONS.—Whenever the Secretary issues a solicitation for bids to procure unleaded gasoline under subsection (b), the Secretary shall expressly include in such solicitation a request for bids on alcohol-gasoline blends containing at least 10 percent domestically produced alcohol.".

10 USC 2398 note.

(b) EFFECTIVE DATE.—Section 2398(b) of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts awarded pursuant to solicitations issued after the expiration

of the 180-day period beginning on the date of the enactment of this Act. 42 USC 8871 note.

(c) REPORT ON EXEMPTIONS.—The Secretary of Defense shall review all exemptions granted for the Department of Defense, and the Administrator of the General Services Administration shall review all exemptions granted for Federal agencies and departments, to the requirements of section 2398 of title 10, United States Code, and section 271 of the Energy Security Act (Public Law 96-294; 42 U.S.C. 8871) and shall terminate any exemption that the Secretary or the Administrator determines is no longer appropriate. Not later than 90 days after the date of the enactment of this Act, the Secretary and the Administrator shall submit jointly to Congress a report on the results of the review, with a justification for the exemptions that remain in effect under those provisions of law.

(d) SENSE OF CONGRESS.—It is the sense of Congress that whenever any motor vehicle capable of operating on gasoline or alcohol-gasoline blends that is owned or operated by the Department of Defense or any other department or agency of the Federal Government is refueled, it shall be refueled with an alcohol-gasoline blend containing at least 10 percent domestically produced alcohol if available along the normal travel route of the vehicle at the same or lower price than unleaded gasoline. 42 USC 8871 note.

SEC. 842. PROMPT PAYMENT FOR PURCHASE OF FISH.

Section 3903(a)(2) of title 31, United States Code, is amended—

(1) by striking out "provide" and inserting in lieu thereof "or of fresh or frozen fish (as defined in section 204(3) of the Fish and Seafood Promotion Act of 1986 (16 U.S.C. 4003(3)), provide"; and

(2) by striking out "meat or meat food product" and inserting in lieu thereof "meat, meat food product, or fish".

SEC. 843. WHISTLEBLOWER PROTECTIONS FOR MEMBERS OF THE ARMED FORCES. 10 USC 1034 note.

(a) REGULATIONS REQUIRED.—The Secretary of Defense shall prescribe regulations prohibiting members of the Armed Forces from taking or threatening to take any unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, as a reprisal against any member of the Armed Forces for making or preparing a lawful communication to any employee of the Department of Defense or any member of the Armed Forces who is assigned to or belongs to an organization which has as its primary responsibility audit, inspection, investigation, or enforcement of any law or regulation.

(b) VIOLATIONS BY PERSONS SUBJECT TO THE UCMJ.—The Secretary shall provide in the regulations that a violation of the prohibition by a person subject to chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is punishable as a violation of section 892 of such title (article 92 of the Uniform Code of Military Justice).

(c) DEADLINE.—The regulations required by this section shall be prescribed not later than 180 days after the date of the enactment of this Act.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

PART A—GENERAL MATTERS

SEC. 901. POSITION OF DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY.

(a) ESTABLISHMENT.—(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 134 the following new section:

"§ 134a. Deputy Under Secretary of Defense for Policy

"(a) There is a Deputy Under Secretary of Defense for Policy, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Deputy Under Secretary of Defense for Policy shall assist the Under Secretary of Defense for Policy in the performance of his duties. The Deputy Under Secretary of Defense for Policy shall act for, and exercise the powers of, the Under Secretary when the Under Secretary is absent or disabled.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 134 the following:

"134a. Deputy Under Secretary of Defense for Policy.".

(b) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Deputy Under Secretary of Defense for Policy.".

SEC. 902. CINC INITIATIVE FUND.

(a) IN GENERAL.—Chapter 6 of title 10, United States Code, is amended by inserting after section 166 the following new section:

"§ 166a. Combatant commands: funding through the Chairman of Joint Chiefs of Staff

"(a) CINC INITIATIVE FUND.—From funds made available in any fiscal year for the budget account in the Department of Defense known as the 'CINC Initiative Fund', the Chairman of the Joint Chiefs of Staff may provide funds, upon request, to the commanders of the combatant commands. The Chairman may provide such funds for any of the activities named in subsection (b).

"(b) AUTHORIZED ACTIVITIES.—Activities for which funds may be provided under subsection (a) are the following:

"(1) Force training.

"(2) Contingencies.

"(3) Selected operations.

"(4) Command and control.

"(5) Joint exercises (including activities of participating foreign countries).

"(6) Humanitarian and civil assistance.

"(7) Military education and training to military and related civilian personnel of foreign countries.

"(8) Personnel expenses of defense personnel for bilateral or regional cooperation programs.

"(c) PRIORITY.—The Chairman of the Joint Chiefs of Staff, in considering requests for funds in the CINC Initiative Fund, should give priority consideration to requests for funds to be used for activities that would enhance the war fighting capability, readiness,

and sustainability of the forces assigned to the commander requesting the funds.

"(d) RELATIONSHIP TO OTHER FUNDING.—Any amount provided by the Chairman of the Joint Chiefs of Staff during any fiscal year out of the CINC Initiative Fund for an activity referred to in subsection (b) shall be in addition to amounts otherwise available for that activity for that fiscal year.

"(e) LIMITATIONS.—(1) Of funds made available under this section for any fiscal year—

"(A) not more than $7,000,000 may be used to purchase items with a unit cost in excess of $15,000;

"(B) not more than $1,000,000 may be used to pay for any expenses of foreign countries participating in joint exercises as authorized by subsection (b)(5); and

"(C) not more than $500,000 may be used to provide military education and training to military and related civilian personnel of foreign countries as authorized by subsection (b)(7).

"(2) Funds may not be provided under this section for any activity that has been denied authorization by Congress.

"(f) INCLUSION OF NORAD.—For purposes of this section, the Commander, United States Element, North American Aerospace Defense Command shall be considered to be a commander of a combatant command.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 166 the following new item:

"166a. Combatant commands: funding through the Chairman of Joint Chiefs of Staff.".

SEC. 903. ESTABLISHMENT OF GENERAL COUNSELS OF THE MILITARY DEPARTMENTS AT LEVEL IV OF THE EXECUTIVE SCHEDULE.

(a) STATUTORY PAY GRADE.—Chapter 53 of title 5, United States Code, is amended—

(1) by adding at the end of section 5315 the following:

"General Counsel of the Department of the Army.

"General Counsel of the Department of the Navy.

"General Counsel of the Department of the Air Force."; and

(2) in section 5316—

(A) by striking out the following:

"General Counsel of the Department of the Air Force.

"General Counsel of the Department of the Army."; and

(B) by striking out the following:

"General Counsel of the Department of the Navy.".

(b) CONFORMING AMENDMENT.—Section 703(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1996; 5 U.S.C. 5316 note), is repealed.

SEC. 904. REPEAL OF REQUIRED REDUCTION IN DEFENSE ACQUISITION WORKFORCE.

Section 905 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1621) is repealed.

10 USC 1721 note.

PART B—PROFESSIONAL MILITARY EDUCATION

SEC. 911. AUTHORITY TO HIRE CIVILIAN FACULTY MEMBERS FOR THE INSTITUTE FOR NATIONAL STRATEGIC STUDY.

Section 1595(d) of title 10, United States Code, is amended by inserting "the Institute for National Strategic Study," after "Armed Forces Staff College,".

SEC. 912. DEFINITION OF THE PRINCIPAL COURSE OF INSTRUCTION AT THE ARMED FORCES STAFF COLLEGE.

(a) PRINCIPAL COURSE OF INSTRUCTION DEFINED.—Section 663(e) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "The"; and

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

"(2) In this subsection, the term 'principal course of instruction' means any course of instruction offered at the Armed Forces Staff College as Phase II joint professional military education.".

10 USC 663 note.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a)(2) shall not apply with respect to the Armed Forces Staff College until October 1, 1993.

PART C—INTELLIGENCE MATTERS

10 USC 201 note.

SEC. 921. DEFENSE INTELLIGENCE AGENCY.

(a) SUPERVISION.—Subject to the authority, direction, and control of the Secretary of Defense, the Assistant Secretary of Defense referred to in section 136(b)(3) of title 10, United States Code, may during the period beginning on the date of the enactment of this Act and ending on January 1, 1993, be assigned supervision of the Defense Intelligence Agency but, notwithstanding any other provision of law, may not be assigned day-to-day operational control over the Defense Intelligence Agency.

(b) RESPONSIBILITIES OF DIRECTOR.—Subject to the authority, direction, and control of the Secretary of Defense, the responsibilities of the Director of the Defense Intelligence Agency during the period beginning on the date of the enactment of this Act and ending on January 1, 1993, shall include the following:

(1) Providing intelligence and intelligence support to—

(A) the Secretary of Defense;

(B) the Director of Central Intelligence;

(C) the Chairman of the Joint Chiefs of Staff; and

(D) the commanders of the unified and specified combatant commands.

(2) Managing the General Defense Intelligence Program, including—

(A) preparing, reviewing, and submitting to the Secretary of Defense and the Director of Central Intelligence the budget proposal for that program for any fiscal year; and

(B) supervising the overall execution of the budgets and programs of all functional areas within the General Defense Intelligence Program, with emphasis on science and technology activities, human intelligence activities, and imagery activities.

(3) Ensuring that the roles and authorities of the functional managers within the Defense Intelligence Agency are strong enough to ensure that those managers have a significant role in

the preparation, review, approval, and supervision of the overall execution of the budgets and programs within their areas of responsibility.

The provision of substantive intelligence by the Director to the officers named in paragraph (1) shall not be subject to prior screening by any other official.

(c) TRANSFER OF CERTAIN ACTIVITIES TO DIA.—The Secretary of the Army and the Director of the Defense Intelligence Agency shall take all required actions, including transfer of all necessary resources, in order to transfer the Armed Forces Medical Intelligence Center and the Missile and Space Intelligence Center from the Department of the Army to the control of the Defense Intelligence Agency. Transfers pursuant to the preceding sentence shall be completed not later than January 1, 1992.

SEC. 922. CONSULTATION REQUIRED CONCERNING APPOINTMENT OF DIRECTORS OF DIA AND NSA.

(a) IN GENERAL.—Subchapter II of chapter 8 of title 10, United States Code, is amended—

(1) by redesignating section 201 as section 202; and

(2) by inserting after the table of sections at the beginning of such subchapter the following new section 201:

"§ 201. Consultation regarding appointment of certain intelligence officials

"Before submitting a recommendation to the President regarding the appointment of an individual to the position of Director of the Defense Intelligence Agency or Director of the National Security Agency, the Secretary of Defense shall consult with the Director of Central Intelligence regarding the recommendation.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by striking out the item relating to section 201 and inserting in lieu thereof the following:

"201. Consultation regarding appointment of certain intelligence officials.
"202. Unauthorized use of Defense Intelligence Agency name, initials, or seal.".

SEC. 923. JOINT INTELLIGENCE CENTER.

10 USC 201 note.

(a) REQUIREMENT FOR CENTER.—The Secretary of Defense shall direct the consolidation of existing single-service current intelligence centers that are located within the District of Columbia or its vicinity into a joint intelligence center that is responsible for preparing current intelligence assessments (including indications and warning). The joint intelligence center shall be located within the District of Columbia or its vicinity. As appropriate for the support of military operations, the joint intelligence center shall provide for and manage the collection and analysis of intelligence.

(b) MANAGEMENT.—The center shall be managed by the Defense Intelligence Agency in its capacity as the intelligence staff activity of the Chairman of the Joint Chiefs of Staff.

(c) RESPONSIVENESS TO COMMAND AUTHORITIES.—The Secretary shall ensure that the center is fully responsive to the intelligence needs of the Secretary, the Chairman of the Joint Chiefs of Staff, and the commanders of the combatant commands.

10 USC 113 note.

SEC. 924. DEPARTMENT OF DEFENSE USE OF NATIONAL INTELLIGENCE COLLECTION SYSTEMS.

(a) PROCEDURES FOR USE.—The Secretary of Defense, after consultation with the Director of Central Intelligence, shall prescribe procedures for regularly and periodically exercising national intelligence collection systems and exploitation organizations that would be used to provide intelligence support, including support of the combatant commands, during a war or threat to national security.

(b) USE IN JOINT TRAINING EXERCISES.—In accordance with procedures prescribed under subsection (a), the Chairman of the Joint Chiefs of Staff shall provide for the use of the national intelligence collection systems and exploitation organizations in joint training exercises to the extent necessary to ensure that those systems and organizations are capable of providing intelligence support, including support of the combatant commands, during a war or threat to national security.

(c) REPORT.—Not later than May 1, 1992, the Secretary of Defense and the Director of Central Intelligence shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a joint report—

(1) describing the procedures prescribed under subsection (a); and

(2) stating the assessment of the Chairman of the Joint Chiefs of Staff of the performance in joint training exercises of the national intelligence collection systems and the Chairman's recommendations for any changes that the Chairman considers appropriate to improve that performance.

TITLE X—GENERAL PROVISIONS

PART A—FINANCIAL AND BUDGET MATTERS

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1992 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,250,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which

the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1002. DATE FOR TRANSMITTAL OF JOINT OMB/CBO ANNUAL OUTLAY REPORT.

(a) CODIFICATION AND CHANGE IN DATE.—(1) Subtitle A of title 10, United States Code, is amended by striking out chapter 9 and inserting in lieu thereof the following:

"CHAPTER 9—DEFENSE BUDGET MATTERS

"Sec.
"221. Scoring of outlays.

"§ 221. Scoring of outlays

"(a) ANNUAL OMB/CBO REPORT.—Not later than the day on which the budget for any fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Director of the Office of Management and Budget and the Director of the Congressional Budget Office shall submit to the Speaker of the House of Representatives and the Committees on Armed Services, Appropriations, and the Budget of the Senate a joint report containing an agreed resolution of all differences between—

"(1) the technical assumptions to be used by the Office of Management and Budget in preparing estimates with respect to all accounts in major functional category 050 (National Defense) for that budget; and

"(2) the technical assumptions to be used by the Congressional Budget Office in preparing estimates with respect to those accounts for that budget.

"(b) USE OF AVERAGES.—If the two Directors are unable to agree upon any technical assumption, the report shall reflect the average of the relevant outlay rates or assumptions used by the two offices.

"(c) MATTERS TO BE INCLUDED.—The report with respect to a budget shall identify the following:

"(1) The agreed first-year and outyear outlay rates for each account in budget function 050 (National Defense) for each fiscal year covered by the budget.

"(2) The agreed amount of outlays estimated to occur from unexpended appropriations made for fiscal years before the fiscal year that begins after submission of the report.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, of title 10, United States Code, are each amended by striking out the item relating to chapter 9 and inserting in lieu thereof the following:

"9. Defense Budget Matters ..... 221".

(b) CONFORMING AMENDMENTS.—Section 5 of Public Law 101-189 (10 U.S.C. 114a note; 103 Stat. 1364) is amended—

(1) by striking out subsection (a);

(2) by redesignating subsection (b) as subsection (a) and in that subsection striking out "subsection (i)(1)" and inserting in lieu thereof "section 221 of title 10, United States Code,"; and

(3) by redesignating subsection (c) as subsection (b).

SEC. 1003. FOREIGN NATIONAL EMPLOYEES SEPARATION PAY ACCOUNT.

(a) ESTABLISHMENT OF ACCOUNT.—(1) Chapter 81 of title 10, United States Code, is amended by inserting before section 1583 the following new section:

"§ 1581. Foreign National Employees Separation Pay Account

"(a) ESTABLISHMENT AND PURPOSE.—There is established on the books of the Treasury an account to be known as the 'Foreign National Employees Separation Pay Account, Defense'. The account shall be used for the accumulation of funds to finance obligations of the United States for separation pay for foreign national employees of the Department of Defense.

"(b) DEPOSITS INTO ACCOUNT.—(1) The Secretary of the Treasury shall deposit into the account all amounts that were obligated by the Secretary of Defense before the date of the enactment of this section and that remain unexpended for separation pay for foreign national employees of the Department of Defense.

"(2) The Secretary of Defense shall deposit into the account from applicable appropriations all amounts obligated on or after the date of the enactment of this section for separation pay for foreign national employees of the Department of Defense.

"(c) PAYMENTS FROM ACCOUNT.—Amounts in the account shall remain available for expenditure in accordance with the purpose for which obligated until expended.

"(d) DEOBLIGATED FUNDS.—Any amount in the account that is deobligated shall be available for a period of two years from the date of deobligation for recording, adjusting, and liquidating amounts properly chargeable to the liability of the United States for which the obligation was made. Any such deobligated amount remaining at the end of such two-year period shall be canceled.

"(e) EMPLOYEES COVERED.—This section applies only with respect to separation pay of foreign nationals employed by the Department of Defense under any of the following agreements that provide for payment of separation pay:

"(1) A contract.

"(2) A treaty.

"(3) A memorandum of understanding with a foreign nation.".

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 1583 the following new item:

"1581. Foreign National Employees Separation Pay Account.".

(b) CONFORMING AMENDMENTS.—Section 1592 of title 10, United States Code, is amended—

(1) by inserting "(including funds in the Foreign National Employees Separation Pay Account, Defense, established under 1581 of this title)" after "Funds available to the Department of Defense"; and

(2) by striking out "a contract performed in a foreign country" and inserting in lieu thereof "a contract, a treaty, or a memorandum of understanding with a foreign nation that provides for payment of separation pay".

SEC. 1004. REVISION OF REPORTING REQUIREMENT REGARDING THE EFFECT OF CERTAIN PAYMENTS AND ADJUSTMENTS ON THE FEDERAL DEFICIT.

(a) TEMPORARY REQUIREMENT FOR OMB REPORT.—At the same time that the President submits to Congress the budget for each of fiscal years 1993, 1994, 1995, and 1996 under section 1105 of title 31, United States Code, the Director of the Office of Management and Budget shall submit to Congress a report regarding the effect on the Federal deficit of payments and adjustments made with respect to sections 1552 and 1553 of such title for the fiscal year in which such budget is submitted, the fiscal year preceding that fiscal year, and the fiscal year covered by that budget. The report shall include separate estimates for the accounts of each agency. 31 USC 1554 note.

(b) ELIMINATION OF PERMANENT REQUIREMENT FOR CBO REPORT.—Section 1554 of title 31, United States Code, is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 1005. INCORPORATION OF CLASSIFIED ANNEX. 10 USC 114 note.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee of Conference to accompany the conference report on the bill H.R. 2100 of the One Hundred Second Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

PART B—NAVAL VESSELS AND RELATED MATTERS

SEC. 1011. EXTENSION OF AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

Section 1425 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1684) is amended—

(1) in subsection (a), by striking out "During fiscal year 1991, naval" and inserting in lieu thereof "Naval";

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

"(e) EXPIRATION OF AUTHORITY.—The authority provided by this section expires on September 30, 1992.";

and

(3) by striking out "**DURING FISCAL YEAR 1991**" in the section heading.

SEC. 1012. TRANSFER OF OBSOLETE AIRCRAFT CARRIER ORISKANY.

(a) AUTHORITY.—Notwithstanding subsections (a) and (c) of section 7308 of title 10, United States Code, but subject to subsection (b) of

that section, the Secretary of the Navy may transfer the obsolete aircraft carrier Oriskany (CV 34) to the nonprofit organization City of America for cultural and educational purposes.

(b) LIMITATION.—The transfer authorized by subsection (a) may be made only if the Secretary of the Navy determines that the vessel is of no further use to the United States for national security purposes.

(c) RESTRICTIONS ON TRANSFER.—The transfer authorized by subsection (a) may not be made until—

(1) the United States has received from or on behalf of the City of America an amount not less than the estimated scrap value of the vessel (as determined by the Secretary of the Navy) that would otherwise be received by the United States if the vessel were not transferred pursuant to this section; and

(2) City of America has agreed in writing that all work necessary to restore the Oriskany will be performed in United States shipyards.

(d) TERMS AND CONDITIONS.—The Secretary of the Navy may require such terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

SEC. 1013. TRANSFER OF OBSOLETE RESEARCH VESSEL GYRE.

(a) AUTHORITY TO TRANSFER VESSEL.—Notwithstanding subsections (a) and (c) of section 7308 of title 10, United States Code, but subject to subsection (b) of that section, the Secretary of the Navy may transfer the obsolete research vessel Gyre to the Texas Agricultural and Mechanical University for education and research purposes.

(b) LIMITATION.—The transfer authorized by subsection (a) may be made only if the Secretary determines that the vessel Gyre is of no further use to the United States for national security purposes.

(c) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

SEC. 1014. REPORT ON CRITERIA USED BY NAVY FOR RECOMMENDING APPROVAL OF SUBMARINE EXPORT LICENSE.

Not later than four months after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on the matters that would be taken into account and the criteria that would be used by the Secretary in determining whether to recommend to the Secretary of State that a license for the export of a submarine constructed in the United States be granted to the applicant for the license.

SEC. 1015. FAST SEALIFT PROGRAM.

10 USC 7291 note.

Section 1424 of Public Law 101-510 (104 Stat. 1683) is amended by adding at the end of subsection (b) the following:

"(4) The vessels constructed under the program shall incorporate propulsion systems, bridge and machinery control systems, and interior communications equipment manufactured in the United States.".

SEC. 1016. OVERHAUL OF THE U.S.S. JOHN F. KENNEDY (CV-67).

(a) OVERHAUL REQUIRED.—The Secretary of the Navy shall, subject to amounts provided in appropriations Acts, carry out a complex overhaul of the U.S.S. John F. Kennedy at the Philadelphia Naval Shipyard. In carrying out the overhaul, the Secretary shall plan the

start of the overhaul for September 1993 and shall manage the overhaul project so that the duration of the overhaul is approximately 24 months and the cost of the overhaul is approximately $491,300,000.

(b) USE OF UNOBLIGATED FISCAL YEAR 1991 FUNDS.—From funds appropriated for shipbuilding and conversion for the Navy for fiscal year 1991 for the service life extension of the U.S.S. John F. Kennedy that remain unobligated, the Secretary of the Navy may use such amounts as may be provided in appropriations Acts, not to exceed $105,000,000, for the complex overhaul of the U.S.S. John F. Kennedy at Philadelphia Naval Shipyard.

(c) USE OF AUTHORIZED APPROPRIATIONS.—(1) Of the amounts authorized to be appropriated for the Navy for operation and maintenance for each of fiscal years 1992 and 1993, the following amounts shall be made available only for overhaul of the U.S.S. John F. Kennedy pursuant to this section:

(A) For fiscal year 1992, $16,000,000.

(B) For fiscal year 1993, $252,000,000.

(2) Of the amounts authorized to be appropriated for the Navy for other procurement for each of fiscal years 1992 and 1993, the following amounts shall be made available only for overhaul of the U.S.S. John F. Kennedy pursuant to this section:

(A) For fiscal year 1992, $12,300,000.

(B) For fiscal year 1993, $33,600,000.

(3) Of amounts authorized to be appropriated for the Department of Defense, not more than $491,300,000 may be expended on the complex overhaul of the U.S.S. John F. Kennedy at the Philadelphia Naval Shipyard.

(d) REPEAL OF RELATED PROVISION.—Section 203 of Public Law 102-27 (105 Stat. 139) is repealed.

SEC. 1017. INAPPLICABILITY TO INFLATABLE BOATS OF RESTRICTION ON CONSTRUCTION IN FOREIGN SHIPYARDS.

Section 7309 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) An inflatable boat or a rigid inflatable boat, as defined by the Secretary of the Navy, is not a vessel for the purpose of the restriction in subsection (a).".

PART C—GUARD AND RESERVE MATTERS

SEC. 1021. PROHIBITION RELATING TO DEACTIVATION OF NAVAL RESERVE HELICOPTER MINE COUNTERMEASURES SQUADRONS.

Funds appropriated or otherwise made available for the Department of Defense for fiscal years before fiscal year 1994 may not be used to deactivate Naval helicopter mine countermeasures squadrons HM-18 and HM-19 as units in the Naval Reserve.

SEC. 1022. REPEAL OF REQUIREMENT FOR TRANSFER OF CERTAIN AIRCRAFT TO AIR FORCE RESERVE COMPONENTS.

Section 1436 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1688) is repealed.

SEC. 1023. AUTHORITY TO WAIVE REQUIREMENT TO TRANSFER TACTICAL AIRLIFT MISSION TO RESERVE COMPONENTS.

(a) WAIVER AUTHORITY.—Section 1438 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1689) is amended—

(1) in subsection (a), by striking out "Not later than September 30, 1992, the Secretary of Defense shall assign the tactical airlift mission of the Department of Defense" and inserting in lieu thereof "The Secretary of the Air Force shall assign the tactical airlift mission of the Air Force"; and

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

"(d) The Secretary of the Air Force may waive subsection (a) for any fiscal year if, not later than May 1 of the year in which that fiscal year begins, the Secretary certifies to the congressional defense committees that—

"(1) the requirements for tactical airlift capability of the commanders of the unified commands during that fiscal year require continued operation of tactical airlift aircraft by active duty Air Force units; and

"(2) the budget submitted to Congress pursuant to section 1105(a) of title 31, United States Code, for that fiscal year and the multiyear defense program submitted to Congress in connection with that budget pursuant to section 114a of title 10, United States Code, propose sufficient funding to procure tactical airlift aircraft of the type required by the commanders of the unified commands for active Air Force tactical airlift squadrons.".

(b) INAPPLICABILITY DURING FISCAL YEAR 1992.—Section 1438 of such Act, as amended by subsection (a), shall not apply during fiscal year 1992.

SEC. 1024. AUTHORITY FOR WAIVER OF REQUIREMENT FOR TRANSFER OF A-10 AIRCRAFT TO THE ARMY AND MARINE CORPS.

(a) AMENDMENT.—Section 1439(b)(2) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1689) is amended by striking out ", by not later than September 30, 1996,".

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive section 1439(b)(2) of the National Defense Authorization Act for Fiscal Year 1991, as amended by subsection (a), for any fiscal year if, not later than May 1 of the year in which that fiscal year begins, the Secretary certifies to the congressional defense committees the following:

(1) That it will be necessary during that fiscal year and for subsequent fiscal years for E-8 surveillance aircraft to be used to carry out mission requirements of the commanders of the unified commands in the respective theaters of operations for which those commanders are responsible.

(2) That the total number of aircraft proposed to be procured under the E-8A Joint Surveillance and Target Attack Radar System (JSTARS) aircraft program is sufficient to meet the war fighting needs of the commanders of the unified commands.

(3) That the budget submitted to Congress pursuant to section 1105(a) of title 31, United States Code, for that fiscal year and the multiyear defense program submitted to Congress in connection with that budget pursuant to section 114a of title 10, United States Code, propose sufficient resources for the procure-

ment of JSTARS aircraft in the quantities, and at the rate, necessary to meet the operational needs of the commanders of the unified commands at the earliest practicable date.

(4) That any subsequent reduction in the procurement objective for the JSTARS aircraft program from the levels certified pursuant to paragraph (3) will be established solely on the basis of reduced war fighting requirements identified by the commanders of the unified commands.

(5) That there are no technical limitations with the JSTARS aircraft program that would otherwise necessitate a change in the schedule for fielding the JSTARS aircraft under the program.

(c) CONSULTATION.—Before submitting a certification pursuant to subsection (b), the Secretary of Defense shall consult with the commanders of the unified commands, the Chairman of the Joint Chiefs of Staff, and the Under Secretary of Defense for Acquisition regarding the matters to be certified. The certification shall include a certification by the Secretary that the Secretary has consulted with those officers.

(d) INAPPLICABILITY DURING FISCAL YEAR 1992.—Section 1439 of such Act, as amended by subsection (a), shall not apply during fiscal year 1992.

PART D—MATTERS RELATED TO ALLIES AND OTHER NATIONS

SEC. 1041. SENSE OF CONGRESS REGARDING UNITED STATES TROOPS IN EUROPE.

It is the sense of Congress that—

(1) the United States has a strong interest in continuing and strengthening the North Atlantic Treaty Organization (NATO) to preserve world peace and security and to aid in the transition to a Europe that is whole and free;

(2) the United States should work with its NATO allies to adapt NATO to better respond to the changing world situation, which includes—

(A) the dissolution of the Warsaw Pact as a military and political alliance;

(B) the reduction in the threat of attack on western Europe posed by the Soviet Union;

(C) the reduction in the amount of financial resources that the United States is able to devote to defense spending; and

(D) the improved ability of other member nations of NATO to carry a greater share of the common NATO defense burden;

(3) barring unforeseen developments which result in a substantial increase in the threat to the national security of the United States, the Armed Forces should plan for an end strength level of members of the Armed Forces assigned to permanent duty ashore in European member nations of NATO that should not exceed approximately 100,000 members by the end of fiscal year 1995; and

(4) a principal function of the members so assigned should be to facilitate the rapid and large-scale reception of reinforcing United States troops in the event of a military necessity.

SEC. 1042. REDUCTION IN AUTHORIZED END STRENGTH FOR THE NUMBER OF MILITARY PERSONNEL IN EUROPE.

(a) REDUCTION.—Section 1002(c)(1) of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note), is amended in the first sentence by striking out "261,855" and inserting in lieu thereof "235,700".

(b) WAIVER AUTHORITY.—Such section is amended in the third sentence—

(1) by striking out "261,855" and inserting in lieu thereof "235,700"; and

(2) by striking out "311,855" and inserting in lieu thereof "261,855".

SEC. 1043. STRATEGIC FRAMEWORK AND DISTRIBUTION OF RESPONSIBILITIES FOR THE SECURITY OF ASIA AND THE PACIFIC.

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

(1) The alliance between the United States and its allies in East Asia contributes greatly to the security of that region.

(2) It is in the national interest of the United States to maintain a forward military and naval presence in East Asia.

(3) The pace of economic, political, and social advances in many of the East Asian countries, particularly Japan and South Korea, continues to accelerate.

(4) As a result of such advances the capacity of those countries to contribute to the responsibilities for their own defense has increased dramatically.

(5) While the level of defense burdensharing by Japan and South Korea has increased, continued acceleration of the rate of transfer of that burden is desirable.

(6) The United States remains committed to the security of its friends and allies in Asia and the Pacific Rim region.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should regularly review the missions, force structure, and locations of its military forces in Asia and the Pacific, including Hawaii;

(2) the United States should also regularly review its basing structure in the Pacific and Asia, with special attention to developments in the Philippines, Japan, and South Korea, and determine basing, forward deployments, maritime and land base prepositioning, amphibious forces, and strategic lift to meet evolving strategic needs;

(3) the United States should regularly review the threats and potential threats to regional peace, the United States, and its friends and allies;

(4) the United States should continue to assess the feasibility and desirability of the ongoing partial, gradual reduction of military forces in Asia and the Pacific;

(5) in view of the advances referred to in subsection (a)(3), Japan and South Korea should continue to assume increased responsibility for their own security and the security of the region;

(6) Japan and South Korea should continue to offset the direct costs incurred by the United States in deploying military forces for the defense of those countries including costs related to the presence of United States military forces in those countries; and

(7) Japan should continue to contribute to improvements to global stability by contributing to countries in regions of impor-

tance to world stability through the Official Development Assistance Program of Japan.

(c) REPORT REQUIRED.—Not later than April 1, 1992, the President shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on the strategic posture and military force structure of the United States in Asia and the Pacific, including the forces in Hawaii. The President shall include in such report a strategic plan relating to the continued United States presence in that region.

(d) CONTENT OF REPORT.—The report required by subsection (c) shall specifically include the following matters:

(1) An assessment of the trends in the regional military balance involving potential threats to the United States and its allies and friends in Asia and the Pacific, with special attention to—

(A) the implications of recent developments in the Soviet Union and the People's Republic of China for United States and allied security planning in Asia and the Pacific; and

(B) regional conflicts, such as the struggle in Cambodia.

(2) An assessment of the trends in acquiring and deploying nuclear, biological, and chemical weapons and long range missiles and other delivery systems and other destabilizing transfers of arms and technology.

(3) An assessment of the extent to which a requirement continues to exist for a regional security role for the United States in East Asia.

(4) An identification of any changes—

(A) in the missions, force structure, and locations of United States military forces in Asia and the Pacific that could strengthen the capabilities of such forces and lower the costs of maintaining such forces; and

(B) in contingency and reserve armed forces in the United States and other areas.

(5) A review of the United States basing structure in the Pacific and Asia with special attention to developments in the Philippines, Japan, and South Korea, including a review of the implications for basing, forward deployments, maritime, and land base prepositioning, amphibious forces, and strategic lift to meet evolving strategic needs.

(6) A discussion of the strategic implications of the departure of United States forces from Clark Air Force Base and of the remaining facilities in the Philippines.

(7) A discussion of the need for expanding the United States access to facilities in Singapore and other states in East Asia that are friendly to the United States.

(8) A discussion of the recent trends in the contributions to burdensharing and the common defense being made by the friends and allies of the United States in Asia and the ways in which increased defense responsibilities and costs presently borne by the United States can be transferred to the friends and allies of the United States in Asia and the Pacific.

(9) An assessment of the feasibility of relocating United States military personnel and facilities in Japan and South Korea to reduce friction between such personnel and the people of those countries.

(10) A discussion of any changes in bilateral command arrangements that would facilitate a transfer of military missions and command to allies of the United States in East Asia.

(11) A discussion of the changes in—

(A) the flow of arms and military technology between the United States and its friends and allies;

(B) the balance of trade in arms and technology; and

(C) the dependence and interdependence between the United States and its friends and allies in military technology.

SEC. 1044. UNITED STATES TROOPS IN KOREA.

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

(1) The United States plans to reduce its troop presence in the Republic of Korea to 36,500 personnel by the end of 1992.

(2) The Department of Defense has not announced specific plans for further personnel reductions below that level.

(3) The National Unification Board of South Korea estimates the gross national product (GNP) of North Korea to have been $21,000,000,000 in 1989, while the Bank of Korea estimates that the size of the Republic of Korea's economy in that year was $210,000,000,000, a factor of 10 larger. At its current growth rate, as estimated by the Economic Planning Board of the Republic of Korea, the annual expansion of the economy of the Republic of Korea is nearly equivalent in size to the entire North Korean economy.

(4) The Republic of Korea continues to face a substantial military threat from North Korea that requires a vigorous response on both military and diplomatic levels.

(5) The Republic of Korea has decided to increase its level of host nation support, although such support still falls short of the actual cost involved and short of the relative level provided by the Government of Japan.

(6) While recognizing that the Republic of Korea has consistently increased its defense budget in real terms by an average of about 6 percent annually for the past five years, to a current level of 4.2 percent of gross national product, the Republic of Korea devotes a smaller share of its economy to defense than does the United States, at 4.9 percent of gross national product.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Republic of Korea remains an important ally of the United States, with the two countries sharing important political, economic, and security interests;

(2) commensurate with the security situation on the Korean peninsula and the size and vitality of the economy of the Republic of Korea—

(A) the Department of Defense should consider whether future reductions of United States military forces from the Republic of Korea beyond those now planned to be completed by the end of 1992 can be made in a way that does not undermine the credibility or effectiveness of those forces against an attack by North Korea; and

(B) the Republic of Korea should undertake greater efforts to meet its security requirements, particularly in the area of force modernization; and

(3) the Government of the Republic of Korea should increase the level of host nation support it provides to United States

forces in the area so that its relative level more closely approximates that of Japan.

(c) PRESIDENTIAL REPORT.—(1) The President shall transmit to Congress, either separately or as part of another relevant report, a report on the overall security situation on the Korean peninsula, the implications of relevant political and economic developments in the area for the security situation there, and United States policy for the area.

(2) Issues covered in the report shall include—

(A) a qualitative and quantitative assessment of the military balance on the Korean peninsula;

(B) a description of the material requirements of the armed forces of the Republic of Korea;

(C) a description of United States military personnel requirements;

(D) a description of the state of United States-Republic of Korea relations, the state of China-Republic of Korea relations, and the state of Soviet-Republic of Korea relations; and

(E) a description of prospects for change in North Korea.

(3) The report shall be transmitted not later than June 30, 1992, and shall be transmitted in both classified and unclassified form.

SEC. 1045. BURDENSHARING CONTRIBUTIONS BY JAPAN AND THE REPUBLIC OF KOREA.

(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—During fiscal years 1992 and 1993, the Secretary of Defense may accept cash contributions from Japan and the Republic of Korea for the purposes specified in subsection (c).

(b) CREDIT TO APPROPRIATIONS.—Contributions accepted in a fiscal year under subsection (a) shall be credited to appropriations of the Department of Defense that are available for that fiscal year for the purposes for which the contributions are made. The contributions so credited shall be—

(1) merged with the appropriations to which they are credited; and

(2) available for the same time period as those appropriations.

(c) AVAILABILITY OF CONTRIBUTIONS.—Contributions accepted under subsection (a) shall be available only for the payment of the following costs in the country making the contributions:

(1) Compensation for local national employees of the Department of Defense.

(2) Military construction projects of the Department of Defense.

(3) Supplies and services of the Department of Defense.

(d) AUTHORIZATION OF MILITARY CONSTRUCTION.—Contributions credited under subsection (b) to an appropriation account of the Department of Defense may be used—

(1) by the Secretary of Defense to carry out a military construction project that is consistent with the purposes for which the contributions were made and is not otherwise authorized by law; or

(2) by the Secretary of a military department, with the approval of the Secretary of Defense, to carry out such a project.

(e) NOTICE AND WAIT REQUIREMENTS.—(1) When a decision is made to carry out a military construction project under subsection (d), the Secretary of Defense shall submit a report to the congressional defense committees containing—

(A) an explanation of the need for the project;

(B) the then current estimate of the cost of the project; and

(C) a justification for carrying out the project under that subsection.

(2) The Secretary of Defense or the Secretary of a military department may not commence a military construction project under subsection (d) until the end of the 21-day period beginning on the date on which the Secretary of Defense submits the report under paragraph (1) regarding the project.

(f) REPORTS.—Not later than 30 days after the end of each quarter of fiscal years 1992 and 1993, the Secretary of Defense shall submit to the congressional defense committees a report specifying separately for Japan and the Republic of Korea—

(1) the amount of the contributions accepted by the Secretary during the preceding quarter under subsection (a) and the purposes for which the contributions were made; and

(2) the amount of the contributions expended by the Secretary during the preceding quarter and the purposes for which the contributions were expended.

22 USC 1928 note.

SEC. 1046. DEFENSE COST-SHARING.

(a) DEFENSE COST-SHARING AGREEMENTS.—(1) The President shall consult with the foreign nations described in paragraph (2) to seek to achieve, within 12 months after the date of the enactment of this Act, an agreement on equitable defense cost-sharing with each such nation.

(2) The foreign nations referred to in paragraph (1) are—

(A) each member nation of the North Atlantic Treaty Organization (other than the United States); and

(B) every other foreign nation with which the United States has a bilateral or multilateral defense agreement that provides for the assignment of combat units of the Armed Forces of the United States to permanent duty in the nation or the placement of combat equipment of the United States in the nation.

(3) Each defense cost-sharing agreement entered into under paragraph (1) should provide that the foreign nation agrees to share equitably with the United States, through cash compensation or in-kind contributions, or a combination thereof, the costs to the United States that arise solely from the implementation of the provisions of the bilateral or multilateral defense agreement with that nation.

(b) EXCEPTION.—The provisions of subsection (a) shall not apply to those foreign nations that receive assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) relating to the foreign military financing program or under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) relating to the Economic Support Fund.

(c) CONSULTATIONS.—In conducting the consultations required under subsection (a), the President should make maximum feasible use of the Department of Defense and the post of Ambassador-at-Large created by section 8125(c) of the Department of Defense Appropriations Act, 1989 (10 U.S.C. 113 note).

(d) ALLIES MUTUAL DEFENSE PAYMENTS ACCOUNT.—The Secretary of Defense shall maintain an accounting for defense cost-sharing under each agreement entered into with a foreign nation pursuant to subsection (a). The accounting shall show for each foreign nation the amount and nature of the—

(1) cost-sharing contributions agreed to by the nation;

(2) cost-sharing contributions delivered by the nation;

(3) additional contributions by the nation to any commonly funded multilateral programs providing for United States participation in the common defense;

(4) contributions by the United States to any such commonly funded multilateral programs;

(5) contributions of all other nations to any such commonly funded multilateral programs; and

(6) costs to the United States that arise solely from the implementation of the provisions of the bilateral or multilateral defense agreement with the nation.

(e) REPORTING REQUIREMENTS.—The Secretary of Defense shall include in each Report on Allied Contributions to the Common Defense prepared under section 1003 of Public Law 98-525 (22 U.S.C. 1928 note) information, in classified and unclassified form—

(1) describing the efforts undertaken and the progress made by the President in carrying out subsections (a) and (c) during the period covered by the report;

(2) specifying the accounting of defense cost-sharing contributions maintained under subsection (d) during that period; and

(3) assessing how equitably foreign nations not described in subsection (a) or excepted under subsection (b) are sharing the costs and burdens of implementing defense agreements with the United States and how those defense agreements serve the national security interests of the United States.

SEC. 1047. USE OF CONTRIBUTIONS OF FRIENDLY FOREIGN COUNTRIES AND NATO FOR COOPERATIVE DEFENSE PROJECTS.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2350i. Foreign contributions for cooperative projects

"(a) CREDITING OF CONTRIBUTIONS.—Whenever the United States participates in a cooperative project with a friendly foreign country or the North Atlantic Treaty Organization (NATO) on a cost-sharing basis, any contribution received by the United States from that foreign country or NATO to meet its share of the costs of the project may be credited to appropriations available to an appropriate military department or another appropriate organization within the Department of Defense, as determined by the Secretary of Defense.

"(b) USE OF AMOUNTS CREDITED.—The amount of a contribution credited pursuant to subsection (a) to an appropriation account in connection with a cooperative project referred to in that subsection shall be available only for payment of the share of the project expenses allocated to the foreign country or NATO making the contribution. Payments for which such amount is available include the following:

"(1) Payments to contractors and other suppliers (including the Department of Defense and other participants acting as suppliers) for necessary articles and services.

"(2) Payments for any damages and costs resulting from the performance or cancellation of any contract or other obligation.

"(3) Payments or reimbursements of other program expenses, including program office overhead and administrative costs.

"(4) Refunds to other participants.

"(c) DEFINITIONS.—In this section:

"(1) The term 'cooperative project' means a jointly managed arrangement, described in a written cooperative agreement entered into by the participants, that—

"(A) is undertaken by the participants in order to improve the conventional defense capabilities of the participants; and

"(B) provides for—

"(i) one or more participants (other than the United States) to share with the United States the cost of research and development, testing, evaluation, or joint production (including follow-on support) of defense articles;

"(ii) the United States and another participant concurrently to produce in the United States and the country of such other participant a defense article jointly developed in a cooperative project described in clause (i); or

"(iii) the United States to procure a defense article or a defense service from another participant in the cooperative project.

"(2) The term 'defense article' has the meaning given such term in section 47(3) of the Arms Export Control Act (22 U.S.C. 2794(3)).

"(3) The term 'defense service' has the meaning given such term in section 47(4) of the Arms Export Control Act (22 U.S.C. 2794(4)).".

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

"2350i. Foreign contributions for cooperative projects.".

SEC. 1048. EXPANSION OF AUTHORITY FOR THE NAVY TO PROVIDE ROUTINE PORT AND AIRPORT SERVICES TO FOREIGN COUNTRIES.

(a) REPEAL OF LIMITATION ON ELIGIBLE FOREIGN COUNTRIES.—Subsection (a) of section 7227 of title 10, United States Code, is amended by striking out "friendly" each place it appears.

(b) PROVISION OF AIRPORT SERVICE WITHOUT REIMBURSEMENT.—Subsection (b) of such section is amended—

(1) by striking out "(A)" after "(2)";

(2) by striking out "an allied country" in the first sentence of paragraph (2) and inserting in lieu thereof "a foreign country";

(3) by inserting after the first sentence of paragraph (2) the following new sentence: "When furnishing routine airport services under this section to military aircraft of a foreign 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 airport services to military aircraft of the United States without reimbursement.";

(4) by striking out subparagraph (B) of paragraph (2); and

(5) by designating the last sentence of paragraph (2) as paragraph (3) and in that paragraph—

(A) by striking out "port services" and inserting in lieu thereof "port or airport services"; and

(B) by striking out "this paragraph" and inserting in lieu thereof "paragraph (2)".

SEC. 1049. EXTENSION OF AUTHORITY FOR TRANSFER OF EXCESS DEFENSE ARTICLES TO CERTAIN COUNTRIES.

(a) EXTENSION OF AUTHORITY.—Section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) is amended—

(1) in subsection (a), by striking out "during the fiscal years 1987 through 1991,"; and

(2) by adding at the end of the section the following:

"(f) DURATION OF AUTHORITY.—The authority of this section shall be effective during fiscal years 1992 through 1996.".

(b) AVOIDING DUPLICATIVE AMENDMENTS.—If the International Cooperation Act of 1991 is enacted before this Act is enacted and that Act makes the amendments to section 516 of the Foreign Assistance Act of 1961 that are stated in subsection (a), then the amendments stated in subsection (a) shall not take effect. If the International Cooperation Act of 1991 is enacted after this Act is enacted and that Act would make the amendments to section 516 of the Foreign Assistance Act of 1961 that are made by subsection (a), then the amendments that would be made by that Act that are identical to the amendments made by subsection (a) shall not take effect.

22 USC 2321j note.

SEC. 1050. AUTHORITY OF SECRETARY OF DEFENSE IN CONNECTION WITH COOPERATIVE AGREEMENTS ON AIR DEFENSE IN ITALY.

(a) AUTHORITY TO CARRY OUT AGREEMENTS.—The Secretary of Defense is authorized to carry out the Italian air defense agreements. In carrying out those agreements, the Secretary—

(1) may provide without monetary charge to the Republic of Italy articles and services as specified in the agreements; and

(2) may accept from the Republic of Italy (in return for the articles and services provided under paragraph (1)) articles and services as specified in the agreements.

(b) ADMINISTRATION OF AGREEMENTS.—In connection with the administration of the Italian air defense agreements, the Secretary of Defense may—

(1) waive any surcharge for administrative services otherwise chargeable under section 21(e)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(e)(1)(A));

(2) waive any charge not otherwise waived for services associated with contract administration for the sale under the Arms Export Control Act of Patriot air defense missile fire units or components thereof to the Republic of Italy contemplated in the agreements; and

(3) use, to the extent contemplated in the agreements, the North Atlantic Treaty Organization (NATO) Maintenance and Supply Agency—

(A) for the supply of logistic support in Europe for the Patriot missile system; and

(B) for the acquisition of such logistic support, to the extent that the Secretary determines that the procedures of that agency governing such supply and acquisition are appropriate.

(c) AUTHORITY SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The authority of the Secretary of Defense to enter into contracts under the Italian air defense agreements is available only to the extent that appropriated funds are otherwise available for that purpose.

(d) DEFINITION.—For the purposes of this section, the term "Italian air defense agreements" means—

(1) the agreement entitled "Memorandum of Understanding Between the Secretary of Defense of the United States of America and the Minister of Defense of the Italian Republic on Cooperative Measures for Enhancing Air Defense in Italy", signed on March 24, 1988; and

(2) the agreement entitled "Implementing Agreement to the Memorandum of Understanding Between the Secretary of Defense of the United States of America and the Minister of Defense of the Italian Republic on Cooperative Measures for Enhancing Air Defense in Italy", signed on April 20, 1990.

SEC. 1051. EXTENSION OF AWACS AUTHORITY.

Section 2350e of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) by striking out "and" at the end of paragraph (2);

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following new paragraph (3):

"(3) the Addendum to the Multilateral Memorandum of Understanding Between the North Atlantic Treaty Organization (NATO) Ministers of Defence on the NATO E-3A Cooperative Programme (dated December 6, 1978) relating to the modernization of the NATO Airborne Early Warning and Control (NAEW&C) System, dated December 7, 1990; and"; and

(2) in subsection (d), by striking out "September 30, 1991" and inserting in lieu thereof "September 30, 1993".

SEC. 1052. TRAINING OF SPECIAL OPERATIONS FORCES WITH FRIENDLY FOREIGN FORCES.

(a) PAYMENT FOR TRAINING.—(1) Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2011. Special operations forces: training with friendly foreign forces

"(a) AUTHORITY TO PAY TRAINING EXPENSES.—Under regulations prescribed pursuant to subsection (c), the commander of the special operations command established pursuant to section 167 of this title and the commander of any other unified or specified combatant command may pay, or authorize payment for, any of the following expenses:

"(1) Expenses of training special operations forces assigned to that command in conjunction with training, and training with, armed forces and other security forces of a friendly foreign country.

"(2) Expenses of deploying such special operations forces for that training.

"(3) In the case of training in conjunction with a friendly developing country, the incremental expenses incurred by that country as the direct result of such training.

"(b) PURPOSE OF TRAINING.—The primary purpose of the training for which payment may be made under subsection (a) shall be to train the special operations forces of the combatant command.

"(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section. The regulations shall

establish accounting procedures to ensure that the expenditures pursuant to this section are appropriate.

"(d) DEFINITIONS.—In this section:

"(1) The term 'special operations forces' includes civil affairs forces and psychological operations forces.

"(2) The term 'incremental expenses', with respect to a developing country, means the reasonable and proper cost of rations, fuel, training ammunition, transportation, and other goods and services consumed by such country, except that the term does not include pay, allowances, and other normal costs of such country's personnel.

"(e) REPORTS.—Not later than April 1 of each year, the Secretary of Defense shall submit to Congress a report regarding training during the preceding fiscal year for which expenses were paid under this section. Each report shall specify the following:

"(1) All countries in which that training was conducted.

"(2) The type of training conducted, including whether such training was related to counter-narcotics or counter-terrorism activities, the duration of that training, the number of members of the armed forces involved, and expenses paid.

"(3) The extent of participation by foreign military forces, including the number and service affiliation of foreign military personnel involved and physical and financial contribution of each host nation to the training effort.

"(4) The relationship of that training to other overseas training programs conducted by the armed forces, such as military exercise programs sponsored by the Joint Chiefs of Staff, military exercise programs sponsored by a combatant command, and military training activities sponsored by a military department (including deployments for training, short duration exercises, and other similar unit training events).".

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

"2011. Special operations forces: training with friendly foreign forces.".

(b) BUDGETING FOR TRAINING.—Section 166 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) SOF TRAINING WITH FOREIGN FORCES.—A funding proposal for force training under subsection (b)(2) may include amounts for training expense payments authorized in section 2011 of this title.".

SEC. 1053. EXPANSION OF COUNTRIES ELIGIBLE TO PARTICIPATE IN FOREIGN COMPARATIVE TESTING PROGRAM.

Section 2350a(g) of title 10, United States Code, is amended by inserting "and other friendly foreign countries" in paragraphs (1)(A) and (4)(A) after "major allies of the United States".

SEC. 1054. LIMITATION ON EMPLOYMENT OF FOREIGN NATIONALS AT MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES.

(a) AUTHORIZATION.—The number of employment positions on the last day of fiscal years 1992 and 1993 at United States military installations located outside the United States that may be filled by foreign nationals who are employed pursuant to an indirect-hire civilian personnel agreement and are paid by the United States may not exceed the following:

(1) For fiscal year 1992, 60,000.

(2) For fiscal year 1993, 47,750.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive the requirement of subsection (a) for a fiscal year if the Secretary determines that the national security interests of the United States require waiver of such requirement. The Secretary shall notify Congress of any use of this waiver authority and the reasons for the waiver.

(c) SENSE OF CONGRESS.—It is the sense of Congress that, beginning with fiscal year 1994, the President should achieve reductions (below fiscal year 1993 levels) in the cost to the United States of salaries and other remuneration of foreign nationals employed at United States military installations located outside the United States through agreements under which the host countries assume a greater share of these costs.

PART E—TECHNICAL AND CLARIFYING AMENDMENTS

SEC. 1061. AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) MISCELLANEOUS AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1) Section 115a(d)(3) is amended by inserting "provide" after "(3)".

(2) The heading of section 129b is amended by inserting "**of**" at the end.

(3) Section 280 is amended by striking out "2511" both places it appears and inserting in lieu thereof "2540".

(4)(A) The heading of section 690 is amended by striking out "**Corp**" and inserting in lieu thereof "**Corps**".

(B) The item relating to section 690 in the table of sections at the beginning of chapter 39 is amended to read as follows:

"690. Limitation on duty with Reserve Officer Training Corps units.".

(5) Section 1142(b)(5) is amended by striking out the semicolon at the end and inserting in lieu thereof a period.

(6) Section 1144(b) is amended—

(A) in paragraph (1), by striking out "resume" and inserting in lieu thereof "resumé";

(B) in paragraph (3)—

(i) by striking out "veterans service organization" and inserting in lieu thereof "veterans' service organizations"; and

(ii) by striking out "Armed Forces" and inserting in lieu thereof "armed forces"; and

(C) in paragraph (6), by striking out "such area" and inserting in lieu thereof "those areas".

(7) The heading of section 1408 is amended to read as follows:

"§ 1408. Payment of retired or retainer pay in compliance with court orders".

(8) Section 1737(c)(2)(B) is amended by striking out the comma after "Acquisition" the second place it appears.

(9) Section 2306a(e)(1)(A)(ii) is amended by striking out "Internal Revenue Code of 1954" and inserting in lieu thereof "Internal Revenue Code of 1986".

(10) Section 2307(f) is amended by striking out "(1)" after "(f)" and inserting in lieu thereof "(1)".

(11) Sections 2244(a) and 2393(d) are amended by striking out "Federal government" each place it appears and inserting in lieu thereof "Federal Government".

(12) Section 2343(b) is amended—

(A) by striking out "this title," and inserting in lieu thereof "this title and"; and

(B) by striking out ", and section 719 of the Defense Production Act of 1950 (50 U.S.C. App. 2168)".

(13) Section 2383(b) is amended by striking out "has the meaning given such term by section 2323(f) of this title." and inserting in lieu thereof "means any individual piece, part, subassembly, or component which is furnished for the logistic support or repair of an end item and not as an end item itself.".

(14) Section 2432(h)(2)(A) is amended by striking out "subsections (c)(1) and (c)(3) of section 2431" and inserting in lieu thereof "subsections (b)(1) and (b)(3) of section 2431".

(15) The item relating to section 2608 in the table of sections at the beginning of chapter 155 is amended by striking out "and services".

(16) Section 2608(g) is amended by inserting "(1)" before "Upon request".

(17)(A) The heading of section 2721 is amended to read as follows:

"§ 2721. Property records: maintenance on quantitative and monetary basis".

(B) The item relating to that section in the table of sections at the beginning of chapter 161 is amended to read as follows:

"2721. Property records: maintenance on quantitative and monetary basis.".

(18) Section 2674(c)(3) is amended by striking out "misdeameanor" and inserting in lieu thereof "misdemeanor".

(19) Section 2902(f)(2)(A) is amended by striking out "Department's" and inserting in lieu thereof "department's".

(20)(A) Section 3210(a) is amended by striking out "section 3202(a)" and inserting in lieu thereof "section 526".

(B) Section 3218 is amended by striking out "section 3202" and inserting in lieu thereof "section 526".

(21) Section 5451 is amended—

(A) by striking out "(a) Except as provided in subsection (b), the" and inserting in lieu thereof "The"; and

(B) by striking out subsection (b).

(22)(A) Section 5150(c) is amended by striking out "section 5444" and inserting in lieu thereof "section 526".

(B) Section 5457(a) is amended by striking out "section 5442" and inserting in lieu thereof "section 526".

(C) Section 5458(a) is amended by striking out "section 5443" and inserting in lieu thereof "section 526".

(23)(A) Section 8210(a) is amended by striking out "section 8202(a)" and inserting in lieu thereof "section 526".

(B) Section 8218 is amended by striking out "section 8202" and inserting in lieu thereof "section 526".

(24) Section 4542 is amended—

(A) in subsection (c)(3), by striking out "subsection (d)" and inserting in lieu thereof "subsection (f)"; and

(B) in subsection (f), by striking out "subsection (b)(3)" and inserting in lieu thereof "subsection (c)(3)".

(25) The item relating to section 9316 in the table of sections at the beginning of chapter 901 is amended by striking out the section twist preceding the section number.

(26)(A) The table of sections at the beginning of chapter 85 is amended by striking out the item relating to section 1622.

(B) Effective on October 1, 1992, such table of sections is amended by striking out the item relating to section 1623.

(C) Effective on October 1, 1993—

(i) chapter 85 (as amended by section 1207(c) of Public Law 101-510) is repealed; and

(ii) the tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, are amended by striking out the item relating to that chapter.

(27)(A) The items relating to chapter 149 in the table of chapters at the beginning of subtitle A, and in the table of subchapters of part IV of subtitle A, are each amended by striking out "Maufacturing" and inserting in lieu thereof "Manufacturing".

(B) The items relating to chapter 609 in the table of chapters at the beginning of subtitle C, and in the table of subchapters of part III of subtitle C, are each amended by striking out "Educational" and inserting in lieu thereof "Education".

(b) COURT OF MILITARY APPEALS.—(1)(A) Section 942(e) of title 10, United States Code, is amended—

(i) by inserting "(A)" after "(1)";

(ii) by striking out "(2)(A)" before "The chief judge of the court" and realigning the sentence beginning "The chief judge of the court" so as to appear at the end of paragraph (1)(A) (as designated by clause (i));

(iii) by striking out "a senior judge of the court" in the sentence referred to in clause (ii) and inserting in lieu thereof "an individual who is a senior judge of the court under this subparagraph";

(iv) by inserting after paragraph (1)(A) (as designated by clause (i)) the following:

"(B) If, at the time the term of a judge expires, no successor to that judge has been appointed, the chief judge of the court may call upon that judge (with that judge's consent) to continue to perform judicial duties with the court until the vacancy is filled. A judge who, upon the expiration of the judge's term, continues to perform judicial duties with the court without a break in service under this subparagraph shall be a senior judge while such service continues."; and

(v) by striking out "(B) A senior judge" and inserting in lieu thereof "(2) A senior judge".

(B) Paragraphs (3), (4), and (6) of such section are amended by striking out "paragraph (2)" each place it appears and inserting in lieu thereof "paragraph (1)".

(C) Section 945(a)(1) of such title is amended by adding at the end the following: "A person who continues service with the court as a senior judge under section 943(e)(1)(B) of this title (art. 143(e)(1)(B)) upon the expiration of the judge's term shall be considered to have been separated from civilian service in the Federal Government only upon the termination of that continuous service.".

Effective date. 10 USC 942 note.

(D) The amendments made by this paragraph shall take effect as of November 29, 1989.

(2) Section 942(f) of such title is amended—

(A) in paragraph (1)—

(i) by striking out "or" at the end of subparagraph (A);

(ii) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; or"; and

(iii) by adding at the end the following:

"(C) during a period when there is a vacancy on the court and in the opinion of the chief judge of the court such a designation is necessary for the proper dispatch of the business of the court.";

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

(C) by inserting after paragraph (1) the following new paragraph (2):

"(2) The chief judge of the court may not request that a designation be made under paragraph (1) unless the chief judge has determined that no person is available to perform judicial duties with the court as a senior judge under subsection (e).".

(c) DEFINITION OF SIGNIFICANT NONMAJOR DEFENSE ACQUISITION PROGRAM.—Section 1737(a)(3) of title 10, United States Code, is amended—

(1) by striking out "$50,000,000 (based on fiscal year 1980 constant dollars)" and inserting in lieu thereof "the dollar threshold set forth in section 2302(5)(A) of this title for such purposes for a major system"; and

(2) by striking out "$250,000,000 (based on fiscal year 1980 constant dollars)" and inserting in lieu thereof "the dollar threshold set forth in section 2302(5)(A) of this title for such purpose for a major system".

SEC. 1062. AMENDMENTS TO PUBLIC LAW 101-510.

(a) DIVISION A.—Division A of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) is amended as follows:

(1) Section 555(e)(1) (104 Stat. 1570) is amended by striking out "judgement" and inserting in lieu thereof "judgment". 10 USC 1408 note.

(2) Section 827(b)(3) (104 Stat. 1607) is amended by striking out "section 6 or 8" and inserting in lieu thereof "section 7 or 9". 15 USC 3705 note.

(3) Section 1481(e)(2) (104 Stat. 1706) is amended by striking out "section 1036" and inserting in lieu thereof "section 904(b)".

(4) Section 1515 (104 Stat. 1726) is amended— 24 USC 415.

(A) by striking out "local boards" in subsections (a) and (c) and inserting in lieu thereof "Local Boards"; and

(B) by striking out "that board" in subsection (d)(2) and inserting in lieu thereof "that Board".

(5) Section 1517(f) (104 Stat. 1729) is amended by striking out "this Act" both places it appears and inserting in lieu thereof "this title". 24 USC 417.

(b) DIVISION B.—Section 2922(b) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1820) is amended by inserting "of" after "section 2819". 10 USC 2391 note.

(c) DIVISION D.—Section 4303 of the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 (division D of Public Law 101-510; 104 Stat. 1854) is amended— 10 USC 2391 note.

(1) in subsection (c)(1), by striking out "section 4003(b)" and inserting in lieu thereof "section 4004(c)(1)"; and

(2) in subsection (d), by striking out "section 4003" and inserting in lieu thereof "section 4004(c)(3)".

SEC. 1063. AMENDMENTS TO OTHER LAWS.

(a) TITLES 5 AND 37, UNITED STATES CODE.—Section 5564(i)(1) of title 5, United States Code, and section 554(i)(1) of title 37, United States Code, are each amended by striking out "4713, 6522, 9712, or 9713" and inserting in lieu thereof "6522, or 9712".

10 USC 113 note.

(b) PUBLIC LAW 101-511.—Section 8105(d)(2) of Public Law 101-511 (104 Stat. 1902) is amended by striking out "immeditely" and inserting in lieu thereof "immediately".

(c) REPEAL OF SUPERSEDED AUTHORITY RELATING TO UNITED STATES SOLDIERS' AND AIRMEN'S HOME.—Section 1625 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 24 U.S.C. 43 note) is repealed.

10 USC 113 note.

(d) PUBLIC LAW 101-25.—(1) Section 601(a) of Public Law 101-25 (105 Stat. 105) is amended—

(A) by striking out "members of the Armed Forces serving on active duty during the Persian Gulf conflict" and inserting in lieu thereof "members of the Armed Forces and of members of the National Guard who served on active duty during the Persian Gulf conflict"; and

(B) by striking out "have been" and inserting in lieu thereof "were".

10 USC 113 note.

(2) Section 602(a) of such Public Law (105 Stat. 106) is amended by striking out "members of the Armed Forces serving on active duty" and inserting in lieu thereof "members of the Armed Forces and members of the National Guard who served on active duty during the Persian Gulf conflict".

(d) PUBLIC LAW 101-25.—(1) Section 601(a) of Public Law 101-25 (105 Stat. 105) is amended—

(A) by striking out "members of the Armed Forces serving on active duty during the Persian Gulf conflict" and inserting in lieu thereof "members of the Armed Forces and of members of the National Guard who served on active duty during the Persian Gulf conflict"; and

(B) by striking out "have been" and inserting in lieu thereof "were".

(2) Section 602(a) of such Public Law (105 Stat. 106) is amended by striking out "members of the Armed Forces serving on active duty" and inserting in lieu thereof "members of the Armed Forces and members of the National Guard who served on active duty during the Persian Gulf conflict."

PART F—CONGRESSIONAL FINDINGS, POLICIES, AND COMMENDATIONS

SEC. 1071. SENSE OF CONGRESS RELATING TO THE CONTRIBUTIONS TO OPERATION DESERT STORM MADE BY THE DEFENSE-RELATED INDUSTRIES OF THE UNITED STATES.

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

(1) The United States and its coalition allies achieved a great victory in Operation Desert Storm, carried out in the Persian Gulf region in the winter of 1991.

(2) The outstanding success of Operation Desert Storm was due in great measure to the ready availability of weapons and weapon systems exhibiting remarkable accuracy through advanced technological design.

(3) These weapons and weapon systems were designed and produced by the defense-related industries of the United States.

(4) The battle plan for Operation Desert Storm formulated by the commander of the United States Central Command relied on the availability and performance of these weapons and weapon systems.

(5) The successful use of these weapons and weapon systems in accordance with that plan resulted in astonishingly small numbers of killed and wounded among the Armed Forces of the United States and of allied coalition forces in general.

(b) SENSE OF CONGRESS.—It is the sense of Congress—

(1) that the defense-related industries of the United States, and the men and women who work in those industries, deserve the gratitude and appreciation of the Congress and of the United States for the design and production of the technologically-advanced weapons and weapon systems that helped to ensure victory in Operation Desert Storm;

(2) that future decisions relating to the national security of the United States must take into account the need to maintain strong defense-related industries in the United States; and

(3) that it is vitally important to the United States that the defense-related industries of the United States be capable of responding to the national security requirements of the United States.

SEC. 1072. SENSE OF CONGRESS RELATING TO COOPERATION BETWEEN THE MILITARY DEPARTMENTS AND BIG BROTHERS AND BIG SISTERS ORGANIZATIONS.

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

(1) The Big Brothers of America and the Big Sisters of America, consisting of 499 independent organizations located across the United States, assist at-risk children and the families of such children by establishing mentor programs that foster one-to-one relationships between such children and concerned adult mentors.

(2) The Big Brothers and Big Sisters organizations annually assist approximately 110,000 such children.

(3) As a result of cooperation between the Department of Defense and Big Brothers and Big Sisters organizations, successful mentor programs have been established at several military installations located in the United States and overseas.

(4) There are an estimated 80,000 single-parent families, and at least 80,000 at-risk youth in those families, that are headed by members of the Armed Forces.

(5) Appropriately trained members of the Armed Forces are exceptionally qualified to serve as concerned adult mentors of at-risk youths in Big Brothers and Big Sisters mentor programs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) additional cooperation between the Department of Defense and the Big Brothers and Big Sisters organizations located in communities near military installations will assist members of the Armed Forces serving at those installations and those communities in responding to the family support needs of those members and communities; and

(2) the Secretary of Defense should take all practicable steps necessary to encourage such cooperation at military installations located in the United States and to promote the establishment of additional Big Brothers and Big Sisters organizations at such installations located overseas.

SEC. 1073. COMMENDATION OF THE MILITARY COLLEGES FOR THEIR CONTRIBUTIONS TO TRAINING CITIZEN-SOLDIERS.

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

(1) The number of essential military colleges (institutions that the Department of Defense has recognized as constituting a special aspect of American higher education) has decreased from 11 institutions in 1914 to only 4 today: Norwich University, founded in 1819; Virginia Military Institute, established in 1839; The Citadel, The Military College of South Carolina, chartered in 1842; and North Georgia College, which opened in 1873.

(2) The hallmark of these institutions has been their dedication to the principle of the citizen-soldier, and in this regard they are joined in spirit and devotion by the Cadet Corps at Texas A & M University and at Virginia Polytechnic Institute and State University.

(3) Citizen-soldiers are educated, trained, and inspired to become productive members of society in any calling, but are also prepared to serve their country in a military role during times of war or national peril.

(4) These citizen-soldiers have accepted as their duty an obligation to serve their country in every instance of war since the Mexican War, and have without fail or hesitation answered the call to arms—most recently with service in Southwest Asia as part of Operation Desert Storm.

(b) RECOGNITION AND COMMENDATION.—In light of the findings in subsection (a), the Congress—

(1) recognizes and commends military colleges for the unique contributions they have made and continue to make; and

(2) urges citizens of the United States to support the concept of the citizen-soldier to which these colleges are dedicated.

SEC. 1074. SENSE OF CONGRESS RELATING TO THE CHEMICAL DECONTAMINATION TRAINING FACILITY, FORT MCCLELLAN, ALABAMA.

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

(1) The possibility of use of chemical weapons by Iraqi forces was the most significant military threat confronted by members of the Armed Forces of the United States who served in the Persian Gulf region in connection with Operation Desert Storm.

(2) There continues to be extreme concern with respect to the ever more rapid proliferation of chemical weapons and agents, especially among nations in the Middle East.

(3) This proliferation makes it increasingly necessary that members of the Armed Forces have the capability of self-defense against chemical weapons and agents.

(4) Combat training with live chemical agents directly promotes this capability by reducing the life-threatening fear and self doubt that some soldiers experience on a battlefield contaminated by chemical weapons or agents.

(5) Such training further promotes this capability by enhancing the professional credibility of the members of the Armed Forces who train others with respect to chemical weapons and agents.

(6) The Chemical Decontamination Training Facility (CDTF) located at Fort McClellan, Alabama, is the only facility for

conducting combat training with live chemical agents in the Western Hemisphere.

(7) The operations of the Chemical Decontamination Training Facility depend upon the support activities of the Army Chemical School which is also located at Fort McClellan, Alabama.

(8) The Defense Base Closure and Realignment Commission has reported that the closure or diminished operation of the Chemical Decontamination Training Facility could have an adverse impact on the capability of the Armed Forces to defend against the use of chemical weapons and agents and, thus, on the national security of the United States.

(9) The capability of members of the Armed Forces to defend against chemical weapons and agents depends upon maintaining a fully operating facility for conducting combat training with live chemical agents located in the Western Hemisphere including maintaining associated support activities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the necessity for the Armed Forces to have an effective live chemical agent training facility requires that the Chemical Decontamination Training Facility and the Army Chemical School be continued in operation at Fort McClellan, Alabama, unless a new facility for conducting combat training with live chemical agents is constructed.

SEC. 1075. POLICY REGARDING CONTRACTING WITH FOREIGN FIRMS THAT PARTICIPATE IN THE SECONDARY ARAB BOYCOTT.

(a) RESTATEMENT OF POLICY REGARDING TRADE BOYCOTTS.—As stated in section 3(5)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2402(5)(A)), it is the policy of the United States to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States or against any other United States person.

(b) SENSE OF CONGRESS.—Consistent with the policy referred to in subsection (a), it is the sense of Congress that—

(1) no Department of Defense prime contract should be awarded to a foreign person unless that person certifies to the Secretary of Defense that it does not comply with the secondary Arab boycott of Israel; and

(2) the Secretary of Defense should consider developing a procurement policy to implement the policy expressed in paragraph (1).

SEC. 1076. SENSE OF CONGRESS CONCERNING ISSUANCE OF COMMEMORATIVE CARD FOR OPERATION DESERT STORM SERVICEMEMBERS.

(a) ISSUANCE OF CARD.—It is the sense of Congress that the Secretary of Defense may issue a special commemorative card to each member of the Armed Forces who—

(1) served in the Persian Gulf theater of operations in connection with the Persian Gulf conflict (including service as a member of an air crew over that theater); or

(2) as a member of a reserve component or a retired member, was ordered to active duty in connection with the Persian Gulf conflict.

(b) CONTENT.—Any such commemorative card shall indicate that the servicemember was a participant in the Persian Gulf conflict.

PART G—MISCELLANEOUS MATTERS

SEC. 1081. SURVIVOR NOTIFICATION AND ASSISTANCE; ACCESS TO MILITARY RECORDS OF SERVICE MEMBERS WHO DIE ON ACTIVE DUTY.

(a) POLICY RE-EXAMINATION.—The Secretary of Defense shall re-examine policies of the Department of Defense relating to casualty notification and assistance, including policies relating to the access of parents, spouses, and adult children to the records of deceased members of the Armed Forces. The review (1) should determine if existing regulations adequately respect a service member's wishes in the event of death on active duty, and (2) should consider new needs or problems resulting from complex family situations. The review should take into account experiences resulting from the Persian Gulf conflict and should seek to determine if changes in policy or procedures would be in the best interests of both service members and their families.

(b) MATTERS TO BE EXAMINED.—The study should examine the advantages and disadvantages of each of the following:

(1) Making the personnel records of a service member who dies on active duty available, in whole or in part, to any adult family member who requests those records.

(2) Excluding from disclosure to family members certain types or categories of information in a deceased service member's personnel records and, if any should ever be excluded, identifying what contents and under what circumstances.

(3) Releasing to family members of a deceased service member relevant records not in the member's personnel records, such as any record of investigation into the circumstances of the member's death.

(4) Making autopsy reports automatically available to family members upon request.

(5) Requiring that more than one family member make a request before activating the release of any information from the member's personnel records.

(6) Revising the "Emergency Data" form prepared by service members (A) to allow specific provision for notification of additional family members in cases such as the case of a divorced service member who leaves children with both a current and a former spouse, or (B) to establish which family member should be entitled to have access to the service member's military records.

(7) Such other matters as the Secretary determines to be appropriate or relevant to the purposes of the study.

(c) REPORT.—The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study not later than February 1, 1992.

50 USC 401 note.

SEC. 1082. DISCLOSURE OF INFORMATION CONCERNING UNITED STATES PERSONNEL CLASSIFIED AS PRISONER OF WAR OR MISSING IN ACTION DURING VIETNAM CONFLICT.

(a) PUBLIC AVAILABILITY OF INFORMATION.—(1) Except as provided in subsection (b), the Secretary of Defense shall, with respect to any information referred to in paragraph (2), place the information in a suitable library-like location within a facility within the National Capital region for public review and photocopying.

(2)(A) Paragraph (1) applies to any record, live-sighting report, or other information in the custody of the Department of Defense that relates to the location, treatment, or condition of any Vietnam-era POW/MIA on or after the date on which the Vietnam-era POW/MIA passed from United States control into a status classified as a prisoner of war or missing in action, as the case may be, until that individual is returned to United States control.

(B) For purposes of this section, a Vietnam-era POW/MIA is any member of the Armed Forces or civilian employee of the United States who was at any time classified as a prisoner of war or missing in action during the Vietnam era and whose person or remains have not been returned to United States control.

(b) EXCEPTIONS.—(1) The Secretary of Defense may not make a record or other information available to the public pursuant to subsection (a) if—

(A) the record or other information is exempt from the disclosure requirements of section 552 of title 5, United States Code, by reason of subsection (b) of that section; or

(B) the record or other information is in a system of records exempt from the requirements of subsection (d) of section 552a of such title pursuant to subsection (j) or (k) of that section.

(2) The Secretary of Defense may not make a record or other information available to the public pursuant to subsection (a) if the record or other information specifically mentions a person by name unless—

(A) in the case of a person who is alive (and not incapacitated) and whose whereabouts are known, that person expressly consents in writing to the disclosure of the record or other information; or

(B) in the case of a person who is dead or incapacitated or whose whereabouts are unknown, a family member or family members of that person determined by the Secretary of Defense to be appropriate for such purpose expressly consent in writing to the disclosure of the record or other information.

(3)(A) The limitation on disclosure in paragraph (2) does not apply in the case of a person who is dead or incapacitated or whose whereabouts are unknown if the family member or members of that person determined pursuant to subparagraph (B) of that paragraph cannot be located after a reasonable effort.

(B) Paragraph (2) does not apply to the access of an adult member of the family of a person to any record or information to the extent that the record or other information relates to that person.

(C) The authority of a person to consent to disclosure of a record or other information for the purposes of paragraph (2) may be delegated to another person or an organization only by means of an express legal power of attorney granted by the person authorized by that paragraph to consent to the disclosure.

(c) DEADLINES.—(1) In the case of records or other information that are required by subsection (a) to be made available to the public and that are in the custody of the Department of Defense on the date of the enactment of this Act, the Secretary shall make such records and other information available to the public pursuant to this section not later than three years after that date. Such records or other information shall be made available as soon as a review carried out for the purposes of subsection (b) is completed.

(2) Whenever after March 1, 1992, a department or agency of the Federal Government receives any record or other information re-

ferred to in subsection (a) that is required by this section to be made available to the public, the head of that department or agency shall ensure that such record or other information is provided to the Secretary of Defense, and the Secretary shall make such record or other information available in accordance with subsection (a) as soon as possible and, in any event, not later than one year after the date on which the record or information is received by the department or agency of the Federal Government.

(3) If the Secretary of Defense determines that the disclosure of any record or other information referred to in subsection (a) by the date required by paragraph (1) or (2) may compromise the safety of a Vietnam-era POW/MIA who may still be alive in Southeast Asia, then the Secretary may withhold that record or other information from the disclosure otherwise required by this section. Whenever the Secretary makes a determination under the preceding sentence, the Secretary shall immediately notify the President and the Congress of that determination.

(d) DEFINITION.—For purposes of this section, the term "Vietnam era" has the meaning given that term in section 101 of title 38, United States Code.

10 USC 113 note.

SEC. 1083. FAMILY SUPPORT CENTER FOR FAMILIES OF PRISONERS OF WAR AND PERSONS MISSING IN ACTION.

President.

(a) REQUEST FOR ESTABLISHMENT.—The President is authorized and requested to establish in the Department of Defense a family support center to provide information and assistance to members of the families of persons who at any time while members of the Armed Forces were classified as prisoners of war or missing in action in Southeast Asia and who have not been accounted for. Such a support center should be located in a facility in the National Capital region.

(b) DUTIES.—The center should be organized and provided with such personnel as necessary to permit the center to assist family members referred to in subsection (a) in contacting the departments and agencies of the Federal Government having jurisdiction over matters relating to such persons.

36 USC 189 note.

SEC. 1084. DISPLAY OF POW/MIA FLAG.

(a) DISPLAY OF POW/MIA FLAG.—The POW/MIA flag, having been recognized and designated in section 2 of Public Law 101-355 (104 Stat. 416) as the symbol of the Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing, and unaccounted for, thus ending the uncertainty for their families and the Nation, shall be displayed—

(1) at each national cemetery and at the National Vietnam Veterans Memorial each year on Memorial Day and Veterans Day and on any day designated by law as National POW/MIA Recognition Day; and

(2) on, or on the grounds of, the buildings specified in subsection (b) on any day designated by law as National POW/MIA Recognition Day.

(b) SPECIFIED BUILDINGS FOR FLAG DISPLAY.—The buildings referred to in subsection (a)(2) are the buildings containing the primary offices of—

(1) the Secretary of State;
(2) the Secretary of Defense;
(3) the Secretary of Veterans Affairs; and
(4) the Director of the Selective Service System.

(c) PROCUREMENT AND DISTRIBUTION OF FLAGS.—Within 30 days after the date of the enactment of this Act, the Administrator of General Services shall procure POW/MIA flags and distribute them as necessary to carry out this section.

(d) TERMINATION OF FLAG DISPLAY REQUIREMENT.—Subsection (a) shall cease to apply upon a determination by the President that the fullest possible accounting has been made of all members of the Armed Forces and civilian employees of the United States who have been identified as prisoner of war or missing in action in Southeast Asia.

(e) POW/MIA FLAG DEFINED.—As used in this section, the term "POW/MIA flag" means the National League of Families POW/MIA flag recognized officially and designated by section 2 of Public Law 101-355 (104 Stat. 416).

SEC. 1085. EXTENSION OF OVERSEAS WORKLOAD PROGRAM.

Section 1465(b) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1700) is amended by inserting after "fiscal year 1991" the following "or 1992". 10 USC 2341 note.

SEC. 1086. TECHNICAL DATA PACKAGES FOR LARGE-CALIBER CANNON.

(a) EXTENSION OF EXCEPTION TO ALL FRIENDLY FOREIGN COUNTRIES.—Subsection (b)(1) of section 4542 of title 10, United States Code, is amended by striking out "member nation" and all that follows through "major non-NATO ally" and inserting in lieu thereof "friendly foreign country".

(b) CROSS-REFERENCE CORRECTIONS.—Such section is further amended—

(1) in subsection (c)(3), by striking out "subsection (d)" and inserting in lieu thereof "subsection (f)"; and
(2) in subsection (f), by striking out "subsection (b)(3)" and inserting in lieu thereof "subsection (c)(3)".

SEC. 1087. EMERGENCY DIRECT LOANS FOR SMALL BUSINESS CONCERNS LOCATED IN COMMUNITIES ADVERSELY AFFECTED BY TROOP DEPLOYMENTS DURING THE PERSIAN GULF CONFLICT. 15 USC 636 note.

(a) LOANS AUTHORIZED.—The Administrator of the Small Business Administration may make an emergency direct loan to a small business concern described in subsection (d) that is located in a county in the United States in which at least five small business concerns have suffered severe economic injury as a result of the emergency deployment after July 31, 1990, in connection with the Persian Gulf conflict of members and units of the Armed Forces from military installations in or near that county.

(b) AMOUNT OF LOAN.—A loan made under this section to a small business concern may not exceed $50,000. The terms and interest rates for loans under this section shall be the same as the terms and interest rates provided for loans under section 7(c)(5)(C) of the Small Business Act (15 U.S.C. 636(c)(5)(C)).

(c) SOURCE OF LOAN FUNDS.—The Secretary of Defense shall transfer, to the extent provided in advance in appropriation Acts, funds of the Department of Defense to the Administrator of the Small Business Administration as those funds are actually required for loans under subsection (a). The total amount so transferred may not exceed $30,000,000. The funds shall be transferred only from amounts made available to the Department of Defense pursuant to the authorization of appropriations contained in sections 4103(b) and 4203(a) of the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 (division D of Public Law 101-510; 104 Stat. 1851, 1853). No funds other than the funds transferred under this subsection shall be used by the Administrator to provide loans under subsection (a).

(d) ELIGIBLE SMALL BUSINESS CONCERNS.—A small business concern referred to in subsection (a) is a small business concern that—

(1) has suffered economic injury as a result of the emergency deployment of members and units of the Armed Forces in connection with the Persian Gulf conflict; and

(2) has been unable to obtain credit elsewhere.

(e) APPLICATIONS FOR LOANS.—To receive a loan under subsection (a), an eligible small business concern shall submit an application to the Administrator of the Small Business Administration in such form and containing such information as the Administrator may require by regulation. The Administrator may not accept an application for a loan under subsection (a) if the application is submitted after the end of the 180-day period beginning on the date on which the Administrator first accepts such applications.

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

(1) The term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

(2) The term "county" includes other equivalent political subdivisions of a State.

(g) REGULATIONS.—The Administrator of the Small Business Administration shall prescribe regulations to carry out this section not later than 10 days after the date of the enactment of this Act. Section 553 of title 5, United States Code, shall not apply with respect to promulgating such regulations, except that the Administrator may solicit comments in making any modification of such regulations.

(h) EXPIRATION OF LOAN AUTHORITY.—The authority of the Administrator of the Small Business Administration to make loans under subsection (a) shall expire at the end of the 270-day period beginning on the date on which the Administrator first accepts applications for loans under this section.

SEC. 1088. ADDITIONAL DEPARTMENT OF DEFENSE SUPPORT FOR COUNTER-DRUG ACTIVITIES.

10 USC 374 note.

(a) SUPPORT TO OTHER AGENCIES.—Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1629) is amended—

(1) in subsection (a), by striking out "During fiscal year 1991," and inserting in lieu thereof "During fiscal years 1991, 1992, and 1993,"; and

(2) in subsection (g), by striking out "under section 1001(1), $50,000,000" and inserting in lieu thereof "for fiscal year 1992 under section 301(a)(14) of the National Defense Authorization Act for Fiscal Years 1992 and 1993, $40,000,000".

(b) AERIAL AND MARITIME SUPPORT FOR COUNTER-DRUG ACTIVITIES OF LAW ENFORCEMENT AGENCIES.—Section 124(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "The Department"; and

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

"(2) The responsibility conferred by paragraph (1) shall be carried out in support of the counter-drug activities of Federal, State, local, and foreign law enforcement agencies.".

SEC. 1089. TECHNICAL REVISIONS TO CHARTER FOR BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION PROGRAM.

The Barry Goldwater Scholarship and Excellence in Education Act (title XIV of Public Law 99-661) is amended as follows:

(1) Section 1404(b)(3) (20 U.S.C. 4703(b)(3)) is amended by striking out ", at least one of whom" and all that follows through "aerospace education".

(2) Section 1408 (20 U.S.C. 4707) is amended—

(A) in subsection (b), by striking out all after "in" in the second sentence and inserting in lieu thereof "public debt securities of the United States with maturities suitable to the fund."; and

(B) in subsection (c)—

(i) by striking out "(exceptional special obligations issued exclusively to the fund)"; and

(ii) by striking out ", and such" and all that follows through "accrued interest".

(3) Section 1410(b) (20 U.S.C. 4709(b)) is amended by striking out "be compensated" and all that follows through "section 5332" and inserting in lieu thereof "serve as a noncareer appointee of the Senior Executive Service and shall be compensated at a rate determined by the Board in accordance with section 5383".

SEC. 1090. PROTECTION OF KEYS AND KEYWAYS USED IN SECURITY APPLICATIONS BY THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1386. Keys and keyways used in security applications by the Department of Defense

"(a)(1) Whoever steals, purloins, embezzles, or obtains by false pretense any lock or key to any lock, knowing that such lock or key has been adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment shall be punished as provided in subsection (b).

"(2) Whoever—

"(A) knowingly and unlawfully makes, forges, or counterfeits any key, knowing that such key has been adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment; or

"(B) knowing that any lock or key has been adopted by any part of the Department of Defense, including all Department of

Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment, possesses any such lock or key with the intent to unlawfully or improperly use, sell, or otherwise dispose of such lock or key or cause the same to be unlawfully or improperly used, sold, or otherwise disposed of,

shall be punished as provided in subsection (b).

"(3) Whoever, being engaged as a contractor or otherwise in the manufacture of any lock or key knowing that such lock or key has been adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment, delivers any such finished or unfinished lock or any such key to any person not duly authorized by the Secretary of Defense or his designated representative to receive the same, unless the person receiving it is the contractor for furnishing the same or engaged in the manufacture thereof in the manner authorized by the contract, or the agent of such manufacturer, shall be punished as provided in subsection (b).

"(b) Whoever commits an offense under subsection (a) shall be fined under this title or imprisoned not more than 10 years, or both.

"(c) As used in this section, the term 'key' means any key, keyblank, or keyway adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 67 of title 18, United States Code, is amended by adding after the item relating to section 1385 the following:

"1386. Keys and keyways used in security applications by the Department of Defense.".

SEC. 1091. ADMINISTRATION OF THE SELECTIVE SERVICE SYSTEM.

Section 10 of the Military Selective Service Act (50 U.S.C. App. 460) is amended—

(1) in subsection (b)(2), by striking out "without the approval of the Director"; and

(2) in subsection (g), by striking out "semiannually" and inserting in lieu thereof "annually".

SEC. 1092. SEPARATE MAINTENANCE ALLOWANCE FOR FEDERAL EMPLOYEES LOCATED AT JOHNSTON ISLAND.

(a) AUTHORITY.—(1) Subchapter IV of chapter 59 of title 5, United States Code, is amended by inserting after section 5942 the following:

"§ 5942a. Separate maintenance allowance for duty at Johnston Island

"(a) Notwithstanding section 5536 of this title, and under regulations prescribed by the President, an employee of an Executive agency (other than a Government corporation) who is assigned to a post of duty at Johnston Island, a possession of the United States in the Pacific Ocean, is entitled to receive a separate maintenance allowance if the head of the employing agency finds that—

"(1) it is necessary for the employee to maintain the employee's spouse or dependents, or both, at a location other than Johnston Island—

"(A) by reason of dangerous or adverse living conditions at Johnston Island; or

"(B) for the convenience of the Federal Government; and

"(2) the allowance is needed to help the employee meet the additional expenses involved in maintaining the employee's spouse or dependents, or both, at such other location rather than at the post.

"(b) The regulations prescribed by the President shall include provisions for determining the rate at which an allowance under this section shall be paid.".

(2) The table of sections for chapter 59 of title 5, United States Code, is amended by inserting after the item relating to section 5942 the following:

"5942a. Separate maintenance allowance for duty at Johnston Island.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act. 5 USC 5942a note.

SEC. 1093. EXTENSION OF FOREIGN POST DIFFERENTIALS TO CERTAIN FEDERAL EMPLOYEES WHO SERVED IN CONNECTION WITH OPERATION DESERT STORM. 5 USC 5925 note.

(a) WAIVER OF REQUIREMENT THAT EMPLOYEE BE DETAILED TO A POST FOR AN "EXTENDED" PERIOD.—An individual who performed service of a type described in subsection (b) shall, upon appropriate written application, be granted the total amount to which such individual would have been entitled for such service under section 5925(a) of title 5, United States Code, disregarding any eligibility requirement relating to the minimum period of time for which an individual must serve at, or be detailed to, a post.

(b) DESCRIPTION OF SERVICE INVOLVED.—This section applies with respect to any period of service if, or to the extent that—

(1) it was performed as an employee—

(A) in connection with Operation Desert Storm;

(B) during the Persian Gulf conflict;

(C) at a post within the area designated by the President, in Executive Order 12744, as a "combat zone" for purposes of section 112 of the Internal Revenue Code of 1986; and

(D) while a differential under section 5925(a) of title 5, United States Code, was authorized with respect to such post; and

(2) no differential under such section 5925(a) was granted to such employee for such service.

(c) REGULATIONS.—The President may prescribe any regulations necessary to carry out this section.

(d) DEFINITIONS.—For the purpose of this section—

(1) the term "employee" has the meaning given such term by section 5921(3) of title 5, United States Code;

(2) the term "Operation Desert Storm" has the meaning given such term by section 3(1) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (10 U.S.C. 101 note); and

(3) the term "Persian Gulf conflict" means the period beginning on August 2, 1990, and ending on June 2, 1991.

SEC. 1094. PROVISIONAL SUPERVISED EMPLOYMENT OF FEDERAL CHILD CARE SERVICES PERSONNEL.

(a) EMPLOYMENT PENDING COMPLETION OF BACKGROUND CHECK.—Section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041) is amended—

(1) in the second sentence of subsection (a)(1), by striking out "6 months after the date of enactment of this chapter, and no additional staff" and inserting in lieu thereof "May 29, 1991. Except as provided in subsection (b)(3), no additional staff"; and

(2) in subsection (b), by adding at the end the following new paragraph:

"(3) An agency or facility described in subsection (a)(1) may hire a staff person provisionally prior to the completion of a background check if, at all times prior to receipt of the background check during which children are in the care of the person, the person is within the sight and under the supervision of a staff person with respect to whom a background check has been completed.".

(b) ADDITIONAL SAFETY MEASURES FOR FEDERAL CHILD CARE SERVICE FACILITIES.—It is the sense of Congress that each agency of the Federal Government, each facility operated by the Federal Government, and each facility operated under contract with the Federal Government, that provides child care services to children under the age of 18—

(1) modify child care facilities to the extent necessary to ensure that, except for restrooms, there are no secluded areas not open to the general view of persons in such facilities;

(2) provide for regular oversight of the management and operations of child care facilities by an agency official who is not directly in charge of the operation of the facility; and

(3) to the maximum extent feasible allow parental access to children in child care facilities at all times.

SEC. 1095. IRAQ AND THE REQUIREMENTS OF SECURITY COUNCIL RESOLUTION 687.

(a) FINDING.—The Congress finds that the Government of Iraq continues to violate United Nations Security Council Resolution 687, which required Iraq to submit within 15 days of its adoption on April 3, 1991, a declaration of the locations, amounts, and types of all weapons of mass destruction and to "unconditionally accept the destruction, removal or rendering harmless" of chemical weapons, biological weapons, and missiles with a range greater than 150 kilometers and the removal of nuclear weapons-usable material.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) Iraq's noncompliance with United Nations Security Council Resolution 687 constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region;

(2) the President should consult closely with the partners of the United States in the Desert Storm coalition and with the members of the United Nations Security Council in order to present a united front of opposition to Iraq's continuing noncompliance with Security Council Resolution 687; and

(3) the Congress supports the use of all necessary means to achieve the goals of Security Council Resolution 687 as being consistent with the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1).

SEC. 1096. IRAQ AND THE REQUIREMENTS OF SECURITY COUNCIL RESOLUTION 688.

(a) FINDING.—The Congress finds that the Government of Iraq, through its ongoing suppression of the political opposition, including Kurds and Shias, continues to violate the Universal Declaration of Human Rights and United Nations Security Council Resolution 688 which demanded that Iraq "ensure that the human and political rights of all Iraqi citizens are respected".

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) Iraq's noncompliance with United Nations Security Council Resolution 688 constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region;

(2) the President should consult closely with the partners of the United States in the Desert Storm coalition and with the members of the United Nations Security Council in order to present a united front of opposition to Iraq's continuing noncompliance with Security Council Resolution 688; and

(3) the Congress supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 688 consistent with all relevant United Nations Security Council Resolutions and the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1).

SEC. 1097. ANNUAL REPORT ON THE PROLIFERATION OF MISSILES AND ESSENTIAL COMPONENTS OF NUCLEAR, BIOLOGICAL, AND CHEMICAL WEAPONS. 22 USC 2751 note.

(a) REPORT REQUIRED.—(1) The President shall submit to the Committees on Armed Services and Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate an annual report on the transfer by any country of weapons, technology, or materials that can be used to deliver, manufacture, or weaponize nuclear, biological, or chemical weapons (hereinafter in this section referred to as "NBC weapons") to any country other than a country referred to in subsection (d) that is seeking to acquire such weapons, technology, or materials, or other system that the Secretary of Defense has reason to believe could be used to deliver NBC weapons. President.

(2) The first such report shall be submitted not later than 90 days after the date of the enactment of this Act.

(b) MATTERS TO BE COVERED.—Each such report shall cover—

(1) the transfer of all aircraft, cruise missiles, artillery weapons, unguided rockets and multiple rocket systems, and related bombs, shells, warheads and other weaponization technology and materials that the Secretary has reason to believe may be intended for the delivery of NBC weapons;

(2) international transfers of MTCR equipment or technology to any country that is seeking to acquire such equipment or any other system that the Secretary has reason to believe may be used to deliver NBC weapons; and

(3) the transfer of technology, test equipment, radioactive materials, feedstocks and cultures, and all other specialized materials that the Secretary has reason to believe could be used to manufacture NBC weapons.

(c) CONTENT OF REPORT.—Each such report shall include the following:

(1) The status of missile, aircraft, and other weapons delivery and weaponization programs in any such country, including

efforts by such country to acquire MTCR equipment, NBC-capable aircraft, or any other weapon or major weapon component which is dedicated to the delivery of NBC weapons, whose primary use is the delivery of NBC weapons, or that the Secretary has reason to believe could be used to deliver NBC weapons.

(2) The status of NBC weapons development, manufacture, and deployment programs in any such country, including efforts to acquire essential test equipment, manufacturing equipment and technology, weaponization equipment and technology, and radioactive material, feedstocks or components of feedstocks, and biological cultures and toxins.

(3) A description of assistance provided by any person or government, after the date of the enactment of this Act, to any such country in the development of—

(A) missile systems, as defined in the MTCR or that the Secretary has reason to believe may be used to deliver NBC weapons;

(B) aircraft and other delivery systems and weapons that the Secretary has reason to believe could be used to deliver NBC weapons; and

(C) NBC weapons.

(4) A listing of those persons and countries which continue to provide such equipment or technology described in paragraph (3) to any country as of the date of submission of the report.

(5) A description of the diplomatic measures that the United States, and that other adherents to the MTCR and other agreements affecting the acquisition and delivery of NBC weapons, have made with respect to activities and private persons and governments suspected of violating the MTCR and such other agreements.

(6) An analysis of the effectiveness of the regulatory and enforcement regimes of the United States and other countries that adhere to the MTCR and other agreements affecting the acquisition and delivery of NBC weapons in controlling the export of MTCR and other NBC weapons and delivery system equipment or technology.

(7) A summary of advisory opinions issued under section 11B(b)(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(b)(4)) and under section 73(d) of the Arms Export Control Act (22 U.S.C. 2797b(d)).

(8) An explanation of United States policy regarding the transfer of MTCR equipment or technology to foreign missile programs, including programs involving launches of space vehicles.

(d) EXCLUSIONS.—The countries excluded under subsection (a) are Australia, Belgium, Canada, Denmark, the Federal Republic of Germany, France, Greece, Iceland, Israel, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey, the United Kingdom, and the United States.

(e) CLASSIFICATION OF REPORT.—The President shall make every effort to submit all of the information required by this section in unclassified form. Whenever the President submits any such information in classified form, he shall submit such classified information in an addendum and shall also submit concurrently a detailed summary, in unclassified form, of that classified information.

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

(1) The terms "missile", "MTCR", and "MTCR equipment or technology" have the meanings given those terms in section 74 of the Arms Export Control Act (22 U.S.C. 2797c).

(2) The term "weaponize" or "weaponization" means to incorporate into, or the incorporation into, usable ordnance or other militarily useful means of delivery.

(g) REPEAL OF SUPERSEDED LAW.—Section 1704 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1749; 22 U.S.C. 2797) is repealed.

TITLE XI—WARRANT OFFICER MANAGEMENT

Warrant Officer Management Act.

SEC. 1101. SHORT TITLE.

10 USC 571 note.

This title may be cited as the "Warrant Officer Management Act".

PART A—NEW WARRANT OFFICER PERSONNEL SYSTEM

SEC. 1111. ESTABLISHMENT OF PERMANENT GRADE OF CHIEF WARRANT OFFICER, W-5.

(a) ESTABLISHMENT OF GRADE.—The grade of chief warrant officer, W-5, is hereby established in the Army, Navy, Air Force, and Marine Corps. 10 USC 571 note.

(b) BASIC PAY.—The table relating to warrant officer grades in section 201(b) of title 37, United States Code, is amended to read as follows:

"Pay Grade:	Warrant Officer Grade:
W-5	Chief Warrant Officer, W-5.
W-4	Chief Warrant Officer, W-4.
W-3	Chief Warrant Officer, W-3.
W-2	Chief Warrant Officer, W-2.
W-1	Warrant Officer, W-1.".

(c) RATES OF PAY AND ALLOWANCES.—A warrant officer who holds the grade of Chief Warrant Officer, W-5, is entitled to pay and allowances at the monthly rates as follows: 10 USC 1009 note.

BASIC PAY

	Years of service computed under section 205		
	22 or less	Over 22	Over 26
W-5	3455.90	3587.10	3846.30

BASIC ALLOWANCE FOR QUARTERS

Pay grade	Without dependents		With dependents
	Full rate	Partial rate	
W-5	573.00	25.20	626.40

BASIC ALLOWANCE FOR SUBSISTENCE

134.42

(d) RATES FOR SPECIAL AND INCENTIVE PAYS AND TRANSPORTATION ALLOWANCES.—(1) The table relating to hazardous duty pay in section 301(b) of title 37, United States Code, is amended by inserting below the item relating to the pay grade O-1 the following:

"W-5..... 250".

(2) The table relating to submarine duty pay for warrant officers in section 301c(b) of such title is amended—

(A) by striking out the item relating to the pay grade W-4 the first place it appears and inserting in lieu thereof the following:

"W-5..... $235 $310 $310 $355 $355 $355 $355
"W-4..... 235 310 310 355 355 355 355";

and

(B) by striking out the item relating to the pay grade W-4 the second place it appears and inserting in lieu thereof the following:

"W-5..... $355 $355 $355 $355 $355 $355 $355
"W-4..... 355 355 355 355 355 355 355".

(3) The table relating to career sea pay for warrant officers in section 305a(b) of such title is amended—

(A) by inserting after the item relating to the pay grade W-4 the first place it appears the following:

"W-5..... 150 150 150 150 170 290 310";

(B) by inserting after the item relating to the pay grade W-4 the second place it appears the following:

"W-5..... 310 310 310 350 375 400 450";

and

(C) by inserting after the item relating to the pay grade W-4 the last place it appears the following:

"W-5..... 450 500 500".

(4) The table relating to transportation of baggage and household effects in section 406(b)(1)(C) of such title is amended by inserting after the item relating to the pay grade O-1 the following:

"W-5..... 16,000 17,500".

SEC. 1112. PROMOTION AND RETENTION OF WARRANT OFFICERS.

10 USC 555 *et seq.*

(a) NEW WARRANT OFFICER PERSONNEL SYSTEM.—Part II of subtitle A of title 10, United States Code, is amended by striking out subchapter II of chapter 33 and inserting in lieu thereof the following:

"CHAPTER 33A—APPOINTMENT, PROMOTION, AND INVOLUNTARY SEPARATION AND RETIREMENT FOR MEMBERS ON THE WARRANT OFFICER ACTIVE-DUTY LIST

"§ 571. Warrant officers: grades

"(a) The regular warrant officer grades in the Army, Navy, Air Force, and Marine Corps corresponding to the pay grades prescribed for warrant officers by section 201(b) of title 37 are as follows:
"Warrant officer grade:
"Chief warrant officer, W-5
"Chief warrant officer, W-4
"Chief warrant officer, W-3
"Chief warrant officer, W-2
"Warrant officer, W-1

"(b) Appointments in the grade of regular warrant officer, W-1, shall be made by warrant by the Secretary concerned. Appointments in regular chief warrant officer grades shall be made by commission by the President.

"(c) An appointment may not be made in any of the armed forces in the regular warrant officer grade of chief warrant officer, W-5, if the appointment would result in more than 5 percent of the warrant officers of that armed force on active duty being in the grade of chief warrant officer, W-5. In computing the limitation prescribed in the preceding sentence, there shall be excluded warrant officers described in section 582 of this title.

"§ 572. Warrant officers: original appointment; service credit

"For the purposes of promotion, persons originally appointed in regular or reserve warrant officer grades shall be credited with such service as the Secretary concerned may prescribe. However, such a person may not be credited with a period of service greater than the period of active service performed in the grade, or pay grade corresponding to the grade, in which so appointed, or in any higher grade or pay grade.

"§ 573. Convening of selection boards

"(a)(1) Whenever the Secretary of a military department determines that the needs of the service so require, he shall convene a selection board to recommend for promotion to the next higher warrant officer grade warrant officers on the warrant officer active-

duty list who are in the grade of chief warrant officer, W-2, chief warrant officer, W-3, or chief warrant officer, W-4.

"(2) Warrant officers serving on the warrant officer active duty list in the grade of warrant officer, W-1, shall be promoted to the grade of chief warrant officer, W-2, in accordance with regulations prescribed by the Secretary of the military department concerned. Such regulations shall require that an officer have served not less than 18 months on active duty in the grade of warrant officer, W-1, before promotion to the grade of warrant officer, W-2.

"(b) A selection board shall consist of five or more officers who are on the active-duty list of the same armed force as the warrant officers under consideration by the board. At least five members of a selection board must be serving in a permanent grade above major or lieutenant commander. The Secretary concerned may appoint warrant officers, senior in grade to those under consideration, as additional members of the selection board. If warrant officers are appointed members of the selection board and if competitive categories have been established by the Secretary under section 574(b) of this title, at least one must be appointed from each warrant officer competitive category under consideration by the board, unless there is an insufficient number of warrant officers in the competitive category concerned who are senior in grade to those under consideration and qualified, as determined by the Secretary concerned, to be appointed as additional members of the board.

"(c) The Secretary concerned may convene selection boards to recommend regular warrant officers for continuation on active duty under section 580 of this title and for retirement under section 581 of this title.

"(d) When reserve warrant officers of one of the armed forces are to be considered by a selection board convened under subsection (a), the membership of the board shall, if practicable, include at least one reserve officer of that armed force, with the exact number of reserve officers to be determined by the Secretary concerned.

"(e) No officer may serve on two consecutive boards under this section, if the second board considers any warrant officer who was considered by the first board.

"(f) The Secretary concerned shall prescribe all other matters relating to the functions and duties of the boards, including the number of members constituting a quorum, and instructions concerning notice of convening of boards and communications with boards.

"§ 574. Warrant officer active-duty lists; competitive categories; number to be recommended for promotion; promotion zones

"(a) The Secretary of each military department shall maintain for each armed force under the jurisdiction of that Secretary a single list of all warrant officers (other than warrant officers described in section 582 of this title) who are on active duty.

"(b) The Secretary of each military department may establish competitive categories for promotion. Warrant officers in the same competitive category shall compete among themselves for promotion.

"(c) Before convening a selection board under section 573 of this title, the Secretary concerned shall determine for each grade (or grade and competitive category) to be considered by the board the following:

"(1) The maximum number of warrant officers to be recommended for promotion.

"(2) A promotion zone for warrant officers on the warrant officer active-duty list.

"(d) The position of a warrant officer on the warrant officer active-duty list shall be determined as follows:

"(1) Warrant officers shall be carried in the order of seniority of the grade in which they are serving on active duty.

"(2) Warrant officers serving in the same grade shall be carried in the order of their rank in that grade.

"(3) A warrant officer on the warrant officer active-duty list who receives a temporary appointment or a temporary assignment in a grade other than a warrant officer grade or chief warrant officer grade shall retain his position on the warrant officer active duty list while so serving.

"(e) A chief warrant officer may not be considered for promotion to the next higher grade under this chapter until the officer has completed three years of service on active duty in the grade in which the officer is serving.

"§ 575. Recommendations for promotion by selection boards

"(a) A selection board convened under section 573(a) of this title shall recommend for promotion to the next higher grade those warrant officers considered by the board whom the board, giving due consideration to the needs of the armed force concerned for warrant officers with particular skills, considers best qualified for promotion within each grade (or grade and competitive category) considered by the board.

"(b)(1) In the case of a selection board to consider warrant officers for selection for promotion to the grade of chief warrant officer, W-4, or chief warrant officer, W-5, the Secretary concerned shall establish the number of warrant officers that the selection board may recommend from among warrant officers being considered from below the promotion zone within each grade (or grade and competitive category). The number of warrant officers recommended for promotion from below the promotion zone does not increase the maximum number of warrant officers which the board is authorized under section 574 of this title to recommend for promotion.

"(2) The number of officers recommended for promotion from below the promotion zone may not exceed 10 percent of the total number recommended, except that the Secretary of Defense may authorize such percentage to be increased to not more than 15 percent.

"(c) A selection board convened under section 573(a) of this title may not recommend a warrant officer for promotion unless—

"(1) the officer receives the recommendation of a majority of the members of the board; and

"(2) a majority of the members of the board find that the officer is fully qualified for promotion.

"(d) Each time a selection board is convened under section 573(a) of this title to consider warrant officers in a competitive category for promotion to the next higher grade, each warrant officer in the promotion zone, and each warrant officer above the promotion zone, for the grade and competitive category under consideration shall be considered for promotion.

"§ 576. Information to be furnished to selection boards; selection procedures

"(a) The Secretary of the military department concerned shall furnish to each selection board convened under section 573 of this title the following:

"(1) The maximum number of warrant officers that may be recommended for promotion from those serving in any grade (or grade and competitive category) to be considered, as determined in accordance with section 574 of this title.

"(2) The names and pertinent records of all officers in each grade (or grade and competitive category) to be considered.

"(3) Such information or guidelines relating to the needs of the armed force concerned for warrant officers having particular skills, including guidelines or information relating to the need for either a minimum number or a maximum number of officers with particular skills within a grade or competitive category, as the Secretary concerned determines to be relevant in relation to the requirements of that armed force.

"(b) From each promotion zone for a grade (or grade and competitive category), the selection board shall recommend for promotion to the next higher warrant officer grade those warrant officers whom it considers best qualified for promotion, but no more than the number specified by the Secretary concerned.

"(c) The names of warrant officers selected for promotion under this section shall be arranged in the board's report in order of the seniority on the warrant officer active-duty list.

Regulations.

"(d) Under such regulations as the Secretary concerned may prescribe, the selection board shall report the names of those warrant officers considered by it whose records establish, in its opinion, their unfitness or unsatisfactory performance. A regular warrant officer whose name is so reported shall be considered, under regulations provided by the Secretary concerned, for retirement or separation under section 1166 of this title.

Reports.

"(e) The report of the selection board shall be submitted to the Secretary of the military department concerned. The Secretary may approve or disapprove all or part of the report.

"(f)(1) Upon receipt of the report of a selection board submitted to him under subsection (e), the Secretary concerned shall review the report to determine whether the board has acted contrary to law or regulation or to guidelines furnished the board under this section. Following such review, unless the Secretary concerned makes a determination as described in paragraph (2), the Secretary shall submit the report as required by subsection (e).

"(2) If, on the basis of a review of the report under paragraph (1), the Secretary of the military department concerned determines that the board acted contrary to law or regulation or to guidelines furnished the board under this section, the Secretary shall return the report, together with a written explanation of the basis for such determination, to the board for further proceedings. Upon receipt of a report returned by the Secretary concerned under this paragraph, the selection board (or a subsequent selection board convened under section 573 of this title for the same grade and competitive category) shall conduct such proceedings as may be necessary in order to revise the report to be consistent with law, regulation, and such guidelines and shall resubmit the report, as revised, to the Secretary in accordance with subsection (e).

"§ 577. Promotions: effect of failure of selection for

"A warrant officer who has been considered for promotion by a selection board convened under section 573 of this title, but not selected, shall be considered for promotion by each subsequent selection board that considers officers in his grade (or grade and competitive category) until he is retired or separated or he is selected for promotion. However, the Secretary concerned may, by regulation, preclude from consideration by a selection board by which he would otherwise be eligible to be considered, a warrant officer who has an established separation date that is within 90 days after the date on which the board is convened.

"§ 578. Promotions; how made; effective date

"(a) When the report of a selection board convened under this chapter is approved by the Secretary concerned, the Secretary shall place the names of the warrant officers approved for promotion on a single promotion list for each grade (or grade and competitive category), in the order of the seniority of such officers on the warrant officer active-duty list.

"(b) Promotions of warrant officers on the warrant officer promotion list shall be made when, in accordance with regulations issued by the Secretary concerned, additional warrant officers in that grade (or grade and competitive category), are needed.

"(c) A regular warrant officer who is promoted is appointed in the regular grade to which promoted, and a reserve warrant officer who is promoted is appointed in the reserve grade to which promoted. The date of appointment in that grade and date of rank shall be prescribed by the Secretary concerned. A warrant officer is entitled to the pay and allowances for the grade to which appointed from the date specified in the appointment order.

"(d) Promotions shall be made in the order in which the names of warrant officers appear on the promotion list and after warrant officers previously selected for promotion in the applicable grade (or grade and competitive category) have been promoted.

"§ 579. Removal from a promotion list

"(a) The name of a warrant officer recommended for promotion by a selection board convened under this chapter may be removed from the report of the selection board by the President.

"(b) The Secretary concerned may remove the name of a warrant officer who is on a promotion list as a result of being recommended for promotion by a selection board convened under this chapter at any time before the promotion is effective.

"(c) An officer whose name is removed from the list of officers recommended for promotion by a selection board continues to be eligible for consideration for promotion.

"(d) If the next selection board that considers the warrant officer for promotion under this chapter selects the warrant officer for promotion and the warrant officer is promoted, the Secretary concerned may, upon his promotion, grant him the same effective date for pay and allowances and the same date of rank, and the same position on the warrant officer active-duty list as the warrant officer would have had if his name had not been so removed.

"(e) If the next selection board does not select the warrant officer for promotion, or if his name is again removed under subsection (a) from the list of officers recommended for promotion by the selection

board or under subsection (b) from the warrant officer promotion list, he shall be treated for all purposes as if he has twice failed of selection for promotion.

"§ 580. Regular warrant officers twice failing of selection for promotion: involuntary retirement or separation

"(a)(1) Unless retired or separated sooner under some other provision of law, a regular chief warrant officer who has twice failed of selection for promotion to the next higher regular warrant officer grade shall be retired under paragraph (2) or (3) or separated from active duty under paragraph (4).

"(2) If a warrant officer described in paragraph (1) has more than 20 years of creditable active service on (A) the date on which the Secretary concerned approves the report of the board under section 576(e) of this title, or (B) the date on which his name was removed from the recommended list under section 579 of this title, whichever applies, the warrant officer shall be retired. The date of such retirement shall be not later than the first day of the seventh calendar month beginning after the applicable date under the preceding sentence, except as provided by section 8301 of title 5. A warrant officer retired under this paragraph shall receive retired pay computed under section 1401 of this title.

"(3) If a warrant officer described in paragraph (1) has at least 18 but not more than 20 years of creditable active service on (A) the date on which the Secretary concerned approves the report of the board under section 576(e) of this title, or (B) the date on which his name was removed from the recommended list under section 579 of this title, whichever applies, the warrant officer shall be retired not later than the date determined under the next sentence unless he is selected for promotion to the next higher regular warrant officer grade before that date. The date of the retirement of a warrant officer under the preceding sentence shall be on a date specified by the Secretary concerned, but not later than the first day of the seventh calendar month beginning after the date upon which he completes 20 years of active service, except as provided by section 8301 of title 5. A warrant officer retired under this paragraph shall receive retired pay computed under section 1401 of this title.

"(4)(A) If a warrant officer described in paragraph (1) has less than 18 years of creditable active service on (i) the date on which the Secretary concerned approves the report of the board under section 576(e) of this title, or (ii) the date on which his name was removed from the recommended list under section 579 of this title, whichever applies, the warrant officer shall be separated. The date of such separation shall be not later than the first day of the seventh calendar month beginning after the applicable date under the preceding sentence.

"(B) A warrant officer separated under this paragraph shall receive separation pay computed under section 1174 of this title except in a case in which—

"(i) upon his request and in the discretion of the Secretary concerned, he is enlisted in the grade prescribed by the Secretary; or

"(ii) he is serving on active duty in a grade above chief warrant officer, W-5, and he elects, with the consent of the Secretary concerned, to remain on active duty in that status.

"(5) A warrant officer who is subject to retirement or discharge under this subsection is not eligible for further consideration for promotion.

"(6) In this subsection, the term 'creditable active service' means active service that could be credited to a warrant officer under section 511 of the Career Compensation Act of 1949, as amended (70 Stat. 114).

"(b) The Secretary concerned may defer, for not more than four months, the retirement or separation under this section of a warrant officer if, because of unavoidable circumstances, evaluation of his physical condition and determination of his entitlement to retirement or separation for physical disability require hospitalization or medical observation that cannot be completed before the date on which he would otherwise be required to retire or be separated under this section.

"(c) The Secretary concerned may defer, until such date as he prescribes, the retirement under subsection (a) of a warrant officer who is serving on active duty in a grade above chief warrant officer, W-5, and who elects to continue to so serve.

"(d) If a warrant officer who also holds a grade above chief warrant officer, W-5, is retired or separated under subsection (a), his commission in the higher grade shall be terminated on the date on which he is so retired or separated.

"(e)(1) A regular warrant officer subject to discharge or retirement under this section may, subject to the needs of the service, be continued on active duty if he is selected for continuation on active duty by a selection board convened under section 573(c) of this title.

"(2) A warrant officer who is selected for continuation on active duty under this subsection but declines to continue on active duty shall be discharged, retired, or retained on active duty, as appropriate, in accordance with this section.

"(3) Each warrant officer who is continued on active duty under this subsection, not subsequently promoted or continued on active duty, and not on a list of warrant officers recommended for continuation or for promotion to the next higher regular grade shall, unless sooner retired or discharged under another provision of law—

"(A) be discharged upon the expiration of his period of continued service; or

"(B) if he is eligible for retirement under any provision of law, be retired under that law on the first day of the first month following the month in which he completes his period of continued service.

Notwithstanding subparagraph (A), a warrant officer who would otherwise be discharged under such subparagraph and who is within two years of qualifying for retirement under section 1293 of this title shall, unless he is sooner retired or discharged under some other provision of law, be retained on active duty until he is qualified for retirement under that section and then be retired.

"(4) The retirement or discharge of a warrant officer pursuant to this subsection shall be considered to be an involuntary retirement or discharge for purposes of any other provision of law.

"(5) Continuation of a warrant officer on active duty under this subsection pursuant to the action of a selection board convened under section 573(c) of this title is subject to the approval of the Secretary concerned.

"(6) The Secretary of Defense shall prescribe regulations for the administration of this subsection. Regulations.

"§ 581. Selective retirement

"(a) A regular warrant officer in the Army, Navy, Air Force, or Marine Corps who holds a warrant officer grade above warrant officer, W-1, and whose name is not on a list of warrant officers recommended for promotion and who is eligible to retire under any provision of law may be considered for retirement by a selection board convened under section 573(c) of this title. The Secretary concerned shall specify the maximum number of warrant officers that such a board may recommend for retirement.

"(b) A warrant officer who is recommended for retirement under this section and whose retirement is approved by the Secretary concerned shall be retired, under any provision of law under which he is eligible to retire, on the date requested by him and approved by the Secretary concerned, which date shall be not later than the first day of the seventh calendar month beginning after the month in which the Secretary concerned approves the report of the board which recommended the officer for retirement.

"(c) The retirement of a warrant officer pursuant to this section shall be considered to be an involuntary retirement for purposes of any other provision of law.

Regulations.

"(d)(1) The Secretary concerned shall prescribe regulations for the administration of this section. Such regulations shall require that when the Secretary concerned submits a list of regular warrant officers to a selection board convened under section 573(c) of this title to consider regular warrant officers for selection for retirement under this section, the list shall include each warrant officer on the active-duty list in the same grade or same grade and competitive category whose position on the active-duty list is between that of the most junior regular warrant officer in that grade whose name is submitted to the board and that of the most senior regular warrant officer in that grade whose name is submitted to the board.

"(2) Such regulations shall establish procedures to exclude from consideration by the Board any warrant officer who has been approved for voluntary retirement, or who is to be mandatorily retired under any other provision of law, during the fiscal year in which the Board is convened or during the following fiscal year. An officer not considered by a selection board convened under section 573(c) of this title under such regulations because the officer has been approved for voluntary retirement shall be retired on the date approved for the retirement of such officer as of the convening date of such selection board unless the Secretary concerned approves a modification of such date in order to prevent a personal hardship for the officer or for other humanitarian reasons.

"§ 582. Warrant officer active-duty list: exclusions

"Warrant officers in the following categories are not subject to this chapter:

"(1) Reserve warrant officers—

"(A) on active duty for training;

"(B) on active duty under section 672(d) of this title in connection with organizing, administering, recruiting, instructing, or training the reserve components;

"(C) on active duty to pursue special work;

"(D) ordered to active duty under section 673b of this title; or

"(E) on full-time National Guard duty.

"(2) Retired warrant officers on active duty.

"(3) Students enrolled in the Army Physician's Assistant Program.

"§ 583. Definitions

"In this chapter:

"(1) The term 'promotion zone' means a promotion eligibility category consisting of officers on a warrant officer active-duty list in the same grade (or the same grade and competitive category) who—

"(A) in the case of grades below chief warrant officer, W-5, have neither (i) failed of selection for promotion to the next higher grade, nor (ii) been removed from a list of warrant officers recommended for promotion to that grade (other than after having been placed on that list after a selection from below the promotion zone); and

"(B) are senior to the warrant officer designated by the Secretary concerned to be the junior warrant officer in the promotion zone eligible for promotion to the next higher grade.

"(2) The term 'warrant officers above the promotion zone' means a group of officers on a warrant officer active-duty list in the same grade (or the same grade and competitive category) who—

"(A) are eligible for consideration for promotion to the next higher grade;

"(B) are in the same grade as warrant officers in the promotion zone; and

"(C) are senior to the senior warrant officer in the promotion zone.

"(3) The term 'warrant officers below the promotion zone' means a group of officers on a warrant officer active-duty list in the same grade (or the same grade and competitive category) who—

"(A) are eligible for consideration for promotion to the next higher grade;

"(B) are in the same grade as warrant officers in the promotion zone; and

"(C) are junior to the junior warrant officer in the promotion zone.".

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) Chapter 33 of such title is amended by striking out the chapter heading, the table of subchapters, and the heading of subchapter I and inserting in lieu thereof the following:

"CHAPTER 33—ORIGINAL APPOINTMENTS OF REGULAR OFFICERS IN GRADES ABOVE WARRANT OFFICER GRADES".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of such title are amended by striking out the item relating to chapter 33 and inserting in lieu thereof the following:

SEC. 1113. TEMPORARY APPOINTMENTS.

(a) REPEAL OF PERMANENT AUTHORITY FOR TEMPORARY PROMOTIONS.—Section 602 of title 10, United States Code, is repealed.

(b) AUTHORITY FOR TEMPORARY APPOINTMENTS DURING WAR OR NATIONAL EMERGENCY.—Section 603(a) of such title is amended—

(1) by striking out "commissioned";

(2) by striking out "in warrant officer grades or"; and

(3) by striking out the period at the end of the second sentence and inserting in lieu thereof ", except that an appointment in the grade warrant officer, W-1, shall be made by warrant by the Secretary concerned.".

(c) NAVY AND MARINE CORPS WARRANT OFFICER APPOINTMENTS.—Section 5596 of such title is amended—

(1) in subsection (a), by striking out "appointments—" and all that follows through "of officers designated" and inserting in lieu thereof "appointments of officers designated"; and

(2) in subsection (d), by striking out "subsection (a)(2)" and inserting in lieu thereof "subsection (a)".

(d) TECHNICAL AND CLERICAL AMENDMENTS.—(1)(A) The heading of section 603 of such title is amended to read as follows:

"§ 603. Appointments in time of war or national emergency".

(B) The table of sections at the beginning of chapter 35 of such title is amended by striking out the items relating to sections 602 and 603 and inserting in lieu thereof the following:

"603. Appointments in time of war or national emergency.".

(2)(A) The heading of section 5596 of such title is amended by striking out "**warrant officers and**".

(B) The item relating to section 5596 in the table of sections at the beginning of chapter 539 of such title is amended by striking out "**warrant officers and**".

SEC. 1114. RANK OF WARRANT OFFICERS.

(a) RANK WITHIN GRADE.—Chapter 43 of title 10, United States Code, is amended by inserting after section 741 the following new section:

"§ 742. Rank: warrant officers

"(a) Among warrant officer grades, warrant officer grades of a higher numerical designation are senior to warrant officer grades of a lower numerical designation.

"(b) Rank among warrant officers of the same grade, and date of rank of warrant officers, is determined in the same manner as prescribed in section 741 of this title for officers in grades above warrant officer grades.".

(b) CONFORMING REPEAL.—Section 745 of such title is repealed.

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 43 of such title is amended—

(1) by inserting after the item relating to section 741 the following new item:

"742. Rank: warrant officers.";

and

(2) by striking out the item relating to section 745.

SEC. 1115. SUSPENSION IN TIME OF WAR OR NATIONAL EMERGENCY.

Section 644 of title 10, United States Code, is amended by striking out "commissioned" in the first sentence.

SEC. 1116. MANDATORY RETIREMENT OF REGULAR ARMY WARRANT OFFICERS FOR LENGTH OF SERVICE.

Section 1305(a) of title 10, United States Code, is amended—

(1) by striking out "A permanent regular warrant officer" and inserting in lieu thereof "(1) Except as provided in paragraph (2), a regular warrant officer (other than a regular Army warrant officer in the grade of chief warrant officer, W-5)"; and

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

"(2)(A) A regular Army warrant officer in the grade of chief warrant officer, W-5, who has at least 30 years of active service as a warrant officer that could be credited to him under section 511 of the Career Compensation Act of 1949, as amended (70 Stat. 114), shall be retired 60 days after the date on which he completes that service, except as provided by section 8301 of title 5.

"(B) A regular Army warrant officer in a warrant officer grade below the grade of chief warrant officer, W-5, who completes 24 years of active service as a warrant officer before he is required to be retired under paragraph (1) shall be retired 60 days after the date on which he completes 24 years of active service as a warrant officer, except as provided by section 8301 of title 5.".

PART B—TRANSITION AND SAVINGS PROVISIONS

10 USC 571 note.

SEC. 1121. TRANSITION FOR CERTAIN REGULAR WARRANT OFFICERS SERVING IN A HIGHER TEMPORARY GRADE BELOW CHIEF WARRANT OFFICER, W-5.

(a) CERTAIN OFFICERS TO BE CONSIDERED AS RECOMMENDED FOR PROMOTION.—A regular warrant officer of the Armed Forces (other than the Coast Guard) who on the effective date of this title is on active duty and—

(1) is serving in a temporary grade below chief warrant officer, W-5, that is higher than his permanent grade;

(2) is on a list of officers recommended for promotion to a temporary grade below chief warrant officer, W-5; or

(3) is on a list of officers recommended for promotion to a permanent grade higher than the grade in which he is serving;

shall be considered to have been recommended by a board convened under section 573 of title 10, United States Code, as added by this title, for promotion to the permanent grade equivalent to the grade in which he is serving or for which he has been recommended for promotion, as the case may be.

(b) BOARD CONSIDERATION FOR OFFICERS REMOVED FROM PROMOTION LIST.—An officer referred to in paragraph (1) of subsection (a) who is not promoted to the grade to which he is considered under such subsection to have been recommended for promotion because his name is removed from a list of officers who are considered under such paragraph to have been recommended for promotion shall be considered by a board convened under section 573 of title 10, United States Code, as amended by this title, for promotion to the permanent grade equivalent to the temporary grade in which he was serving on the effective date of this title as if he were serving in his permanent grade.

(c) DATE OF RANK.—The date of rank of an officer referred to in subsection (a)(1) who is promoted to the grade in which he is serving on the effective date of this title is the date of his temporary appointment in that grade.

SEC. 1122. TRANSITION FOR CERTAIN RESERVE WARRANT OFFICERS SERVING IN A HIGHER TEMPORARY GRADE BELOW CHIEF WARRANT OFFICER, W-5.

(a) CERTAIN OFFICERS TO BE CONSIDERED AS RECOMMENDED FOR PROMOTION.—(1) Except as provided in subsection (b), a reserve warrant officer of the Armed Forces (other than the Coast Guard) who on the effective date of this title is subject to placement on the warrant officer active-duty list and who—

(A) is serving in a temporary grade below chief warrant officer, W-5, that is higher than his permanent grade; or

(B) is on a list of warrant officers recommended for promotion to a temporary grade below chief warrant officer, W-5, that is the same as or higher than his permanent grade;

shall be considered to have been recommended by a board convened under section 598 of title 10, United States Code, for promotion to the permanent grade equivalent to the grade in which he is serving or for which he has been recommended for promotion, as the case may be.

(2) The date of rank of a warrant officer referred to in paragraph (1)(A) who is promoted to the grade in which he is considered under such paragraph to have been recommended for promotion is the date of his temporary appointment in that grade.

(b) RESERVES ON ACTIVE DUTY.—A reserve warrant officer who on the effective date of this title—

(1) is subject to placement on the warrant officer active-duty list;

(2) is serving on active duty in a temporary grade; and

(3) holds a permanent grade higher than the temporary grade in which he is serving,

shall while continuing on active duty retain such temporary grade and shall be considered for promotion to a grade equal to or lower than his permanent grade as if such temporary grade is a permanent grade. If such warrant officer is recommended for promotion, his appointment to such grade shall be a temporary appointment.

SEC. 1123. CONTINUATION OF CERTAIN TEMPORARY APPOINTMENTS OF NAVY AND MARINE CORPS WARRANT OFFICERS.

A warrant officer of the Navy or Marine Corps who, on the effective date of this title, is subject to placement on the warrant officer active-duty list and who—

(1) was appointed as a temporary warrant officer under section 5596 of title 10, United States Code, and

(2) has retained a permanent enlisted status,

shall, while continuing on active duty, retain such temporary status and grade. Such an officer shall be considered for promotion to a higher warrant officer grade under this title as if that temporary grade is a permanent grade. If the officer is recommended for promotion, the officer's appointment to that grade shall be a temporary appointment.

SEC. 1124. SAVINGS PROVISION FOR CERTAIN REGULAR ARMY WARRANT OFFICERS FACING MANDATORY RETIREMENT FOR LENGTH OF SERVICE.

(a) SAVINGS PROVISION.—Subject to subsection (b), a regular warrant officer of the Army who on the effective date of this title—

(1) is a permanent regular chief warrant officer; or

(2) is on a list of officers recommended for promotion to a regular chief warrant officer grade,

may be retained on active duty until he completes 30 years of active service or 24 years of active warrant officer service, whichever is later, that could be credited to him under section 511 of the Career Compensation Act of 1949 (70 Stat. 114) (as in effect on the day before the effective date of this part), and then be retired under the appropriate provision of title 10, United States Code, on the first day of the month after the month in which he completes that service.

(b) EXCEPTIONS.—Subsection (a) does not apply to a regular warrant officer who—

(1) is sooner retired or separated under another provision of law;

(2) is promoted to the regular grade of chief warrant officer, W-5; or

(3) is continued on active duty under section 580(e) of title 10, United States Code, as added by this title.

SEC. 1125. PRESERVATION OF EXISTING LAW FOR COAST GUARD.

(a) IN GENERAL.—Notwithstanding any other provision of law, the provisions of sections 555 through 565 of title 10, United States Code, as in effect on the day before the effective date of this title, shall continue to apply to the Coast Guard on and after that date. 10 USC 555 note.

(b) CONFORMING AMENDMENTS TO TITLE 14, UNITED STATES CODE.—(1) Section 286a(a) of title 14, United States Code, is amended by inserting "(as in effect on the day before the effective date of the Warrant Officer Management Act)" after "section 564(a)(3) of title 10".

(2) Section 334(b) of such title is amended by striking out "section 564, 1263, 1293, or 1305 of title 10" and inserting in lieu thereof "section 564 of title 10 (as in effect on the day before the effective date of the Warrant Officer Management Act) or 1263, 1293, or 1305 of title 10".

PART C—TECHNICAL AND CONFORMING AMENDMENTS AND EFFECTIVE DATE

SEC. 1131. TECHNICAL AND CONFORMING AMENDMENTS.

Title 10, United States Code, is amended as follows:

(1)(A) Sections 521(a) and 741(d)(3) are amended by striking out "warrant officer (W-4)" and inserting in lieu thereof "chief warrant officer, W-5,".

(B) Section 522 is amended by striking out "chief warrant officer (W-4)" and inserting in lieu thereof "chief warrant officer, W-5,".

(2) Section 597(a) is amended by striking out "section 555(a)" and inserting in lieu thereof "section 571(a)".

(3) Section 598 is amended by inserting "not on the warrant officer active-duty list" after "reserve warrant officers".

(4) Section 628(a)(1) is amended by striking out "section 558" and inserting in lieu thereof "section 573".

(5) Section 1166(a) is amended by striking out "section 560" and inserting in lieu thereof "section 576".

(6) Section 1174(a) is amended by striking out "section 564" and inserting in lieu thereof "section 580".

(7) Section 1406 is amended by striking out "564" in the first column in the table in subsection (b) and inserting in lieu thereof "580".

(8)(A) Sections 5414, 5457, 5458, 5501, 5502, 5600(a)(1), 5665, 6389(d), and 6391(a) are amended by striking out "W-4" each place it appears (including in section headings) and inserting in lieu thereof "W-5".

(B) The table of sections at the beginning of each chapter of title 10, United States Code, containing a section referred to in subparagraph (A) (other than sections 5600, 6389, and 6391) is amended by striking out "W-4" in the item relating to each such section and inserting in lieu thereof "W-5".

(9) Section 5503 is amended—

(A) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively; and

(B) by inserting before paragraph (2), as so redesignated, the following new paragraph (1):

"(1) Chief warrant officer, W-5.".

10 USC 521 note.

SEC. 1132. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on February 1, 1992.

TITLE XII—SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR OPERATION DESERT STORM

SEC. 1201. EXTENSION OF SUPPLEMENTAL AUTHORIZATIONS.

(a) APPLICABILITY OF PUBLIC LAW 102-25 AUTHORIZATIONS TO FISCAL YEAR 1992.—Sections 101 and 102(c) of Public Law 102-25 (105 Stat. 78) are each amended by striking out "fiscal year 1991" each place it appears and inserting in lieu thereof "fiscal years 1991 and 1992".

(b) LIMITATION ON APPLICABILITY OF NOTICE-AND-WAIT REQUIREMENT.—The provisions of section 105 of Public Law 102-25 (105 Stat. 79) shall apply only to appropriations provided in Public Law 102-28 (105 Stat. 161).

(c) INCREASED LIMITATION ON AUTHORITY FOR TRANSFER OF FISCAL YEAR 1992 AUTHORIZATIONS.—The amount of the transfer authority provided in section 1001 is increased by the amount of the transfers of funds made to fiscal year 1992 appropriations accounts pursuant to sections 101 and 102(c) of Public Law 102-25, as amended by subsection (a).

(d) TECHNICAL AMENDMENTS.—

(1) CORRECTION OF REFERENCE.—Sections 102 and 203(b) of Public Law 102-25 (105 Stat. 75) are amended by striking out "Persian Gulf Conflict Working Capital Account" each place such term appears and inserting in lieu thereof "Persian Gulf Regional Defense Fund".

(2) CONFORMING AMENDMENT.—Sections 101(b)(2), 102(d), and 105(b)(4) of Public Law 102-25 (105 Stat. 75) are amended by striking out "working capital account" each place such term

appears and inserting in lieu thereof "Persian Gulf Regional Defense Fund".

SEC. 1202. AUTHORIZATION OF APPROPRIATIONS FOR OPERATION DESERT STORM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense for fiscal year 1992 from current and future balances in the Defense Cooperation Account the sum of $3,811,096,000 as follows:

(1) PROCUREMENT.—For procurement:

(A) ARMY.—For the Army:

(i) For aircraft, $200,600,000.

(ii) For missiles, $221,800,000.

(iii) For weapons and tracked combat vehicles, $63,300,000.

(iv) For other procurement, $80,500,000.

(B) NAVY.—For the Navy:

(i) For aircraft, $458,000,000.

(ii) For weapons, $8,100,000.

(iii) For other procurement, $112,700,000.

(C) MARINE CORPS.—For the Marine Corps, $4,300,000.

(D) AIR FORCE.—For the Air Force:

(i) For aircraft, $387,700,000.

(ii) For other procurement, $560,000,000.

(2) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—For research, development, test, and evaluation:

(A) ARMY.—For the Army, $47,800,000.

(B) NAVY.—For the Navy, $6,100,000.

(C) AIR FORCE.—For the Air Force, $26,500,000.

(D) DEFENSE AGENCIES.—For the Defense Agencies, $28,100,000.

(3) OPERATION AND MAINTENANCE.—For operation and maintenance as follows:

(A) ARMY.—For the Army, $227,300,000.

(B) DEFENSE AGENCIES.—For the Defense Agencies, $50,000,000.

(C) ARMY RESERVE.—For the Army Reserve, $23,200,000.

(D) NAVAL RESERVE.—For the Naval Reserve, $28,300,000.

(E) ARMY NATIONAL GUARD.—For the Army National Guard, $41,900,000.

(F) AIR NATIONAL GUARD.—For the Air National Guard, $55,000,000.

(4) WORKING CAPITAL FUNDS.—For providing capital for such funds as follows:

(A) ARMY STOCK FUND.—For the Army Stock Fund, $410,000,000.

(B) NAVY STOCK FUND.—For the Navy Stock Fund, $450,000,000.

(C) AIR FORCE STOCK FUND.—For the Air Force Stock Fund, $280,000,000.

(5) MILITARY PERSONNEL, ARMY NATIONAL GUARD.—For military personnel, Army National Guard, $40,196,000.

(b) AVAILABILITY BY TRANSFER.—To the extent provided in appropriations Acts, amounts appropriated pursuant to subsection (a) shall be available only in accordance with that subsection for—

(1) transfer by the Secretary of Defense to fiscal year 1992 appropriations accounts of the Department of Defense for incremental costs associated with Operation Desert Storm; and

(2) replenishment of the Persian Gulf Regional Defense Fund by transfer from the Defense Cooperation Account.

(c) RELATIONSHIP TO OTHER AUTHORIZATIONS.—The authorizations of appropriations in this section are in addition to the amounts otherwise authorized to be appropriated by any other provision of this Act or by any other Act enacted before the date of the enactment of this Act.

(d) MONTHLY REPORTS ON TRANSFERS.—Not later than seven days after the end of each month in fiscal year 1992, the Secretary of Defense shall submit to the congressional defense committees and the Comptroller General of the United States a detailed report on the cumulative total amount of the transfers made under the authority of this title through the end of that month.

SEC. 1203. DEFINITIONS.

10 USC 101 note.

(a) INCLUSION OF OPERATION PROVIDE COMFORT.—Section 3(1) of Public Law 102-25 (105 Stat. 77) is amended by striking out "Operation Desert Shield and Operation Desert Storm" and inserting in lieu thereof "Operation Desert Shield, Operation Desert Storm, and Operation Provide Comfort".

(b) INCREMENTAL COSTS ASSOCIATED WITH OPERATION DESERT STORM.—In this title, the term "incremental costs associated with Operation Desert Storm" has the meaning given such term in section 3(2) of Public Law 102-25 (105 Stat. 77).

Military Construction Authorization Act for Fiscal Year 1992.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1992".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects in the amounts shown for the following installations and locations inside the United States:

ALABAMA

Anniston Army Depot, $105,800,000.
Fort Rucker, $17,700,000.
Redstone Arsenal, $74,700,000.

ALASKA

Fort Greely, $7,600,000.
Fort Richardson, $7,000,000.
Fort Wainwright, $7,950,000.

ARIZONA

Fort Huachuca, $18,000,000.

CALIFORNIA

Fort Hunter Liggett, $4,700,000.
Fort Irwin, $10,320,000.
Sierra Army Depot, $1,950,000.

COLORADO

Fort Carson, $10,500,000.
Pueblo Army Depot, $6,300,000.

GEORGIA

Fort Benning, $2,150,000.
Fort Gordon, $1,200,000.
Fort Stewart, $950,000.

HAWAII

Fort Shafter, $5,650,000.
Schofield Barracks, $3,650,000.

KANSAS

Fort Riley, $2,600,000.

KENTUCKY

Fort Campbell, $17,050,000.
Fort Knox, $23,450,000.

LOUISIANA

Fort Polk, $22,730,000.

MARYLAND

Aberdeen Proving Ground, $11,150,000.
Fort Ritchie, $3,900,000.

MASSACHUSETTS

Natick Research Center, $4,250,000.

MISSOURI

Fort Leonard Wood, $12,200,000.

NEW HAMPSHIRE

Cold Regions Laboratory, $3,700,000.

NEW JERSEY

Fort Dix, $20,000,000.

NEW MEXICO

White Sands Missile Range, $14,209,000.

NEW YORK

Seneca Army Depot, $1,150,000.
United States Military Academy, West Point, $15,800,000.
Fort Drum, $6,200,000.

NORTH CAROLINA

Fort Bragg, $13,400,000.

OKLAHOMA

Fort Sill, $3,350,000.

OREGON

Umatilla Army Depot, $11,100,000.

PENNSYLVANIA

Letterkenny Army Depot, $3,150,000.
Tobyhanna Army Depot, $10,100,000.

TEXAS

Fort Bliss, $22,200,000.
Corpus Christi Army Depot, $3,400,000.
Fort Hood, $46,700,000.
Fort Sam Houston, $4,350,000.
Red River Army Depot, $2,020,000.

UTAH

Dugway Proving Ground, $4,000,000.
Tooele Army Depot, $14,700,000.

VIRGINIA

Fort A.P. Hill, $6,100,000.
Fort Belvoir, $19,950,000.
Fort Eustis, $8,500,000.
Fort Lee, $18,000,000.
Fort Myer, $5,550,000.
Fort Pickett, $2,800,000.
Fort Story, $900,000.
Vint Hill Farms Station, $3,550,000.

WASHINGTON

Fort Lewis, $49,000,000.

WISCONSIN

Fort McCoy, $18,500,000.

CONUS CLASSIFIED

Classified Location, $3,000,000.

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects in the amount shown for the following location outside the United States:

KWAJALEIN ATOLL

Kwajalein, $77,400,000.

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(6)(A), the Secretary of the Army may construct or acquire military family housing units (including land) in the number of units shown, and in the amount shown, for the following installations:

(1) Fort Hunter Liggett, California, one hundred fifty-four units, $22,000,000.

(2) Fort Irwin, California, one hundred seventy-two units, $18,000,000.

(3) Fort Carson, Colorado, one unit, $150,000.

(4) Camp Merrill, Georgia, forty units, $4,550,000.

(5) Fort Stewart, Georgia, one unit, $190,000.

(6) Hawaii, Oahu Various, three hundred sixty units, $41,500,000.

(7) Fort Leonard Wood, Missouri, two units, $360,000.

(8) Fort Lee, Virginia, one unit, $270,000.

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $5,220,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(6)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $74,980,000.

SEC. 2104. DEFENSE ACCESS ROADS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(5), the Secretary of the Army may make advances to the Secretary of Transportation for the construction of defense roads under section 210 of title 23, United States Code, at Fort Eustis, Virginia, in the total amount of $2,800,000.

SEC. 2105. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1991, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,576,674,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $718,829,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $77,400,000.

(3) For unspecified minor construction projects authorized under section 2805 of title 10, United States Code, $11,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $118,400,000, of which $25,000,000 shall be for Host Nation Support construction projects.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $2,800,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $167,220,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $1,397,025,000, of which not more than $360,783,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the homeowners assistance program, as authorized by section 2832 of title 10, United States Code, $84,000,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this division may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2106. AUTHORIZED LONG-TERM FACILITIES CONTRACTS.

Subject to section 2809 of title 10, United States Code, the Secretary of the Army may enter into long-term contracts for construction, management, and operation of facilities for the purpose shown, and in the estimated capital investment cost shown, for the following installations:

(1) Redstone Arsenal, Alabama, child development center, $1,900,000.

(2) Redstone Arsenal, Alabama, transient quarters, $6,000,000.

(3) Fort Irwin, California, consolidated maintenance and supply complex, $30,000,000.

(4) Fort McPherson, Georgia, child development center, $2,300,000.

(5) Price Support Center, Illinois, transient quarters, $6,000,000.

(6) Detroit Arsenal, Detroit, Michigan, child development center, $1,100,000.

(7) Fort Belvoir, Virginia, child development center, $6,500,000.

SEC. 2107. AUTHORIZED MILITARY HOUSING RENTAL GUARANTEE PROJECTS.

Subject to section 2836 of title 10, United States Code (as added by section 2809 of this Act), the Secretary of the Army may enter into

rental guarantee agreements for military housing for the number of units shown at the following installations and locations:

(1) Oahu, Hawaii, five hundred units.

(2) Fort Belvoir, Virginia, three hundred units.

SEC. 2108. AUTHORIZATION OF FAMILY HOUSING PROJECT FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

Section 2102(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1760) is amended by striking out "Kansas, Fort Riley, two hundred and four units, $12,500,000." and inserting in lieu thereof "Kansas, Fort Riley, two hundred fifty units, $16,500,000.".

SEC. 2109. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1991 PROJECT.—(1) Section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1758) is amended by striking out the following:

"INDIANA

"Fort Benjamin Harrison, $5,600,000.".

(2) Section 2104(a) of such Act (104 Stat. 1761) is amended—

(A) by striking out "$2,285,237,000" and inserting in lieu thereof "$2,282,937,000"; and

(B) in paragraph (1), by striking out "$582,207,000" and inserting in lieu thereof "$579,907,000".

(b) FISCAL YEAR 1990 PROJECTS.—(1) Section 2101(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1614) is amended under the heading "CALIFORNIA" by striking out the following:

"Fort Ord, $2,450,000.

"Sacramento Army Depot, $3,900,000.".

(2) Section 2104(a) of such Act (103 Stat. 1618) is amended—

(A) by striking out "$2,239,165,000" and inserting in lieu thereof "$2,232,815,000"; and

(B) in paragraph (1), by striking out "$554,445,000" and inserting in lieu thereof "$548,095,000".

SEC. 2110. ELEMENTARY SCHOOL FOR DEPENDENTS OF DEPARTMENT OF DEFENSE PERSONNEL AT FORT WAINWRIGHT, ALASKA.

(a) GRANT AUTHORITY.—The Secretary of the Army may make a direct grant to the Fairbanks North Star Borough School District, Fairbanks, Alaska, for support of the construction of a public elementary school facility sufficient to accommodate the dependents of members of the Armed Forces assigned to Fort Wainwright, Alaska, and dependents of Department of Defense employees employed at Fort Wainwright.

(b) MAXIMUM AUTHORIZED GRANT.—The total amount made available by grant from the Secretary to the Fairbanks North Star Borough School District under subsection (a) may not exceed $11,600,000.

(c) SOURCE OF FUNDS.—(1) To the extent provided in appropriations Acts, funds authorized in title XXI of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1759) to be appropriated for construction of a

school at Fort Wainwright, Alaska, shall be available to carry out this section.

(2) Section 2101(a) of such Act (104 Stat. 1759) (as amended by section 2109(a)) is further amended by striking out "Fort Wainwright, $13,900,000." under the heading "ALASKA" and inserting in lieu thereof "Fort Wainwright, $17,200,000.";

(d) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the grant authorized by this section as the Secretary considers appropriate.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using funds appropriated pursuant to the authorization of appropriations in section 2205(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ALASKA

Adak, Naval Security Group Activity, $12,700,000.
Amchitka Island, Fleet Surveillance Support Command, $7,200,000.
Anchorage, Naval Security Group Support Detachment, $2,600,000.
Shemya, Naval Security Group Support Detachment, $3,140,000.

CALIFORNIA

Camp Pendleton, Amphibious Task Force, $17,750,000.
Camp Pendleton, Marine Corps Air Station, $2,010,000.
Camp Pendleton, Marine Corps Base, $1,460,000.
China Lake, Naval Weapons Center, $16,600,000.
Concord, Naval Weapons Station, $1,250,000.
Coronado, Naval Amphibious Base, $1,600,000.
Fallbrook, Naval Weapons Station Annex, $9,700,000.
Miramar, Naval Air Station, $3,250,000.
Monterey, Naval Postgraduate School, $14,900,000.
Port Hueneme, Naval Construction Battalion Center, $17,250,000.
San Diego, Fleet Combat Training Center, Pacific, $640,000.
San Diego, Naval Station, $3,110,000.
San Diego, Naval Submarine Base, $14,130,000.
San Diego, Naval Supply Center, $10,350,000.
San Diego, Navy Public Works Center, $16,800,000.
Seal Beach, Naval Weapons Station, $3,780,000.
Twentynine Palms, Marine Corps Air-Ground Combat Center, $680,000.
Vallejo, Mare Island Naval Shipyard, $12,570,000.

CONNECTICUT

New London, Naval Submarine Base, $5,680,000.
New London, Submarine Support Facility, $5,800,000.

DISTRICT OF COLUMBIA

District of Columbia, Commandant Naval District Washington, $5,750,000.

FLORIDA

Jacksonville, Naval Aviation Depot, $3,300,000.
Mayport, Naval Station, $3,140,000.
Orlando, Naval Training Center, $21,430,000.
Panama City, Naval Coastal Systems Center, $11,150,000.
Pensacola, Naval Air Station, $4,000,000.
Pensacola, Naval Supply Center, $5,700,000.

GEORGIA

Kings Bay, Naval Submarine Base, $9,780,000.
McIntosh County, $2,881,000.

HAWAII

Barbers Point, Naval Air Station, $3,300,000.
Honolulu, Naval Communication Area Master Station, Eastern Pacific, $1,500,000.
Lualualei, Naval Magazine, $8,700,000.
Pearl Harbor, Naval Inactive Ship Maintenance Facility, $3,200,000.
Pearl Harbor, Naval Shipyard, $800,000.
Pearl Harbor, Naval Submarine Base, $62,000,000.
Pearl Harbor, Navy Public Works Center, $13,440,000.

ILLINOIS

Great Lakes, Naval Training Center, $7,000,000.

INDIANA

Crane, Naval Weapons Support Center, $19,450,000.

MARYLAND

Annapolis, Naval Radio Transmitting Facility, $5,220,000.
Bethesda, National Naval Medical Center, $4,470,000.
Indian Head, Naval Ordnance Station, $6,600,000.
Patuxent River, Naval Air Test Center, $5,800,000.
St. Inigoes, Naval Electronic Systems Engineering Activity, $8,450,000.

MISSISSIPPI

Gulfport, Naval Construction Battalion Center, $7,000,000.
Meridian, Naval Air Station, $1,618,000.

NEVADA

Fallon, Naval Air Station, $8,200,000.

NEW JERSEY

Earle, Naval Weapons Station, $4,900,000.

NORTH CAROLINA

Camp Lejeune, Marine Corps Base, $2,500,000.
Cherry Point, Marine Corps Air Station, $18,450,000.
Cherry Point, Naval Aviation Depot, $7,700,000.
New River, Marine Corps Air Station, $7,100,000.

OKLAHOMA

Tinker Air Force Base, Naval Air Detachment, $4,700,000.

PENNSYLVANIA

Philadelphia, Naval Inactive Ship Maintenance Activity, $4,000,000.

RHODE ISLAND

Newport, Naval Education and Training Center, $3,210,000.

SOUTH CAROLINA

Beaufort, Marine Corps Air Station, $2,250,000.
Charleston, Fleet and Mine Warfare Training Center, $14,620,000.
Charleston, Naval Weapons Station, $3,250,000.
Parris Island, Marine Corps Recruit Depot, $5,100,000.

TEXAS

Kingsville, Naval Air Station, $1,500,000.

VIRGINIA

Chesapeake, Naval Security Group Activity, Northwest, $13,800,000.
Dahlgren, Naval Surface Warfare Center, $18,280,000.
Little Creek, Naval Amphibious Base, $12,730,000.
Norfolk, Naval Air Station, $9,370,000.
Norfolk, Naval Communication Area Master Station, Atlantic, $6,550,000.
Norfolk, Naval Station, $340,000.
Norfolk, Naval Supply Center, $1,250,000.
Norfolk, Navy Public Works Center, $7,300,000.
Norfolk, Oceanographic System Atlantic, $3,250,000.
Oceana, Naval Air Station, $7,270,000.
Portsmouth, Naval Hospital, $6,600,000.
Portsmouth, Shore Intermediate Maintenance Activity, $14,000,000.
Yorktown, Naval Weapons Station, $4,650,000.

WASHINGTON

Bangor, Commander, Submarine Group 9, $2,050,000.
Bangor, Trident Refit Facility, $2,170,000.
Bremerton, Puget Sound Naval Shipyard, $39,700,000.
Bremerton, Puget Sound Naval Supply Center, $12,550,000.
Everett, Naval Station, $21,790,000.
Whidbey Island, Naval Air Station, $6,800,000.

WEST VIRGINIA

Green Bank Naval Observatory, $5,400,000.

VARIOUS LOCATIONS

Land Acquisition, $45,900,000.

(b) OUTSIDE THE UNITED STATES.—Using funds appropriated pursuant to the authorization of appropriations in section 2205(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

BAHRAIN ISLAND

Bahrain Island, Administration Support Unit, $1,300,000.

GUAM

Naval Communication Area Master Station, Western Pacific, $2,000,000.

Navy Public Works Center, $670,000.

ICELAND

Keflavik, Naval Air Station, $9,300,000.

Keflavik, Naval Communication Station, $10,600,000.

ITALY

Naples, Naval Support Activity, $6,500,000.

Sicily, Naval Communication Station, $2,750,000.

Sigonella, Naval Air Station, $12,150,000.

PUERTO RICO

Roosevelt Roads, Naval Station, $10,510,000.

SCOTLAND

Edzell, Naval Security Group Activity, $1,400,000.

VARIOUS LOCATIONS

Host Nation Infrastructure Support, $2,000,000.

Satellite Terminals, $10,570,000.

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(7)(A), the Secretary of the Navy may construct or acquire military family housing units (including land) and perform other military family housing functions for the purpose shown, and in the amount shown, at the following installations:

(1) Camp Pendleton, Marine Corps Base, California, one hundred fifty units, $16,172,000.

(2) Lemoore, Naval Air Station, California, community center, $1,070,000.

(3) Point Mugu, Pacific Missile Test Center, California, one hundred units, $11,160,000.

(4) San Diego, Navy Public Works Center, California, two hundred sixty units, $29,800,000.

(5) Washington Naval District, District of Columbia, demolition, $9,910,000.

(6) Mayport, Naval Station, Florida, community center, $710,000.

(7) Glenview Naval Air Station, Illinois, two hundred units, $16,000,000.

(8) Lakehurst, Naval Air Engineering Center, New Jersey, housing office, $340,000.

(9) Dahlgren, Naval Surface Weapons Center, Virginia, one hundred fifty units, $13,240,000.

(10) Guantanamo Bay, Naval Station, Cuba, two hundred seventy-eight units, $38,400,000.

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(7)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $6,200,000.

(c) REPROGRAMMING.—The Secretary of the Navy may construct 148 military family housing units in the amount of $17,128,000 at the Public Works Center, San Diego, California. Funds appropriated for the Department of the Navy for fiscal years 1989 and 1991 for military family housing projects at Naval Base Long Beach, California, that remain available for obligation on the date of the enactment of this Act are hereby authorized to be available, to the extent provided in advance in appropriations Acts, to carry out this subsection.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(7)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $55,438,000.

SEC. 2204. DEFENSE ACCESS ROADS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(6), the Secretary of the Navy may make advances to the Secretary of Transportation for the construction of defense roads under section 210 of title 23, United States Code, at various locations and in the amount of $1,000,000.

SEC. 2205. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1991, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,832,149,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $739,859,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $69,750,000.

(3) For military construction projects, Earle, Naval Weapons Station, New Jersey, authorized by section 2201(a) of the Mili-

tary Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1765), $11,400,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, $12,400,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $88,600,000.

(6) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $1,000,000.

(7) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $198,440,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $710,700,000, of which not more than $72,900,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this division may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2206. AUTHORIZED LONG-TERM FACILITIES CONTRACTS.

Subject to section 2809 of title 10, United States Code, the Secretary of the Navy may enter into long-term contracts for construction, management, and operation of facilities for the purpose shown, and in the estimated capital investment cost shown, for the following installations:

(1) Marine Corps Air Station, El Toro, California, bachelor officers quarters, $8,300,000.

(2) Naval Research Laboratory, Washington, District of Columbia, child development center, $1,400,000.

(3) Naval Air Station, Jacksonville, Florida, child development center, $1,000,000.

(4) Naval Air Station, Pensacola, Florida, child development center, $1,100,000.

(5) Naval Avionics Center, Indianapolis, Indiana, child development center, $2,000,000.

(6) Naval Undersea Warfare Engineering Station, Keyport, Washington, child development center, $1,300,000.

SEC. 2207. AUTHORIZED FAMILY HOUSING LEASE PROJECTS.

Subject to section 2835 of title 10, United States Code (as added by section 2806 of this Act), the Secretary of the Navy may enter into contracts for the lease of family housing units in the number of units shown, and at the net present values shown, for the following installations and locations:

(1) Bangor, Washington, three hundred units, $21,250,000.

(2) Kings Bay, Georgia, four hundred units, $28,070,000.

(3) Naval Air Station, Whidbey Island, Washington, three hundred units, $21,110,000, a project previously approved by the Navy.

(4) Dahlgren, Naval Surface Warfare Center, Dahlgren, Virginia, one hundred fifty units, $11,000,000.

SEC. 2208. AUTHORIZED MILITARY HOUSING RENTAL GUARANTEE PROJECTS.

Subject to section 2836 of title 10, United States Code (as added by section 2809 of this Act), the Secretary of the Navy may enter into rental guarantee agreements for military housing in the number of units shown at the following installations and locations:

(1) Oahu, Hawaii, three hundred sixty-eight units.

(2) Great Lakes Naval Training Center, Illinois, one hundred fifty units.

(3) Cheltenham, Maryland, two hundred eighty-four units.

SEC. 2209. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1991 PROJECTS.—(1) Section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1763) is amended—

(A) under the heading "CALIFORNIA" by striking out "Long Beach, Naval Station, $3,520,000.";

(B) under the heading "NEW JERSEY" by striking out "Earle, Naval Weapons Station, $85,400,000." and inserting in lieu thereof "Earle, Naval Weapons Station, $31,500,000.";

(C) by striking out the following:

"PENNSYLVANIA

"Warminster, Naval Air Development Center, $10,770,000."; and

(D) under the heading "WASHINGTON" by striking out "Silverdale, Strategic Weapons Facility Pacific, $56,480,000." and inserting in lieu thereof "Silverdale, Strategic Weapons Facility Pacific, $11,060,000.".

(2) Section 2205(a) of such Act (104 Stat. 1767) is amended—

(A) by striking out "$2,014,223,000" and inserting in lieu thereof "$1,954,513,000"; and

(B) in paragraph (1), by striking out "$959,802,000" and inserting in lieu thereof "$900,092,000".

(b) FISCAL YEAR 1990 PROJECTS.—(1) Subsection (a) of section 2201 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1621) is amended—

(A) under the heading "CALIFORNIA"—

(i) by striking out "Moffett Field Naval Air Station, $1,000,000."; and

(ii) by striking out "Tustin, Marine Corps Air Station, $2,990,000." and inserting in lieu thereof "Tustin, Marine Corps Air Station, $640,000.";

(B) under the heading "CONNECTICUT" by striking out "New London, Naval Underwater Systems Center, $12,600,000."; and

(C) under the heading "PENNSYLVANIA" by striking out "Philadelphia, Naval Shipyard, $10,000,000." and inserting in lieu thereof "Philadelphia, Naval Shipyard, $3,000,000.".

(2) Subsection (b) of such section (103 Stat. 1625) is amended by striking out the following:

"AUSTRALIA

"Exmouth, Harold E. Holt Naval Communications Station, $610,000.".

(3) Section 2204(a) of such Act (103 Stat. 1627) is amended—

(A) by striking out "$1,962,935,000" and inserting in lieu thereof "$1,939,375,000";

(B) in paragraph (1), by striking out "$915,511,000" and inserting in lieu thereof "$892,561,000"; and

(C) in paragraph (2), by striking out "$90,930,000" and inserting in lieu thereof "$90,320,000".

SEC. 2210. SPECIFICATION OF THE MILITARY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED FOR THE MARINE CORPS SUPPORT ACTIVITY, KANSAS CITY, MISSOURI.

The authority provided in section 2201(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1621) for a military construction project for the Marine Corps Support Activity, Kansas City, Missouri, shall apply only to a military construction project for a Marine Corps Reserve Center to house the Marine Corps Reserve Support Center.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2305(a)(1), the Secretary of the Air Force may acquire real property and may carry out military construction projects in the amount shown for the following installations and locations inside the United States:

ALABAMA

Gunter Air Force Base, $9,200,000.

ALASKA

Eielson Air Force Base, $30,900,000.
Elmendorf Air Force Base, $1,400,000.
Shemya Air Force Base, $38,400,000.

ARIZONA

Davis-Monthan Air Force Base, $4,100,000.
Luke Air Force Base, $8,800,000.

CALIFORNIA

Beale Air Force Base, $2,250,000.
Edwards Air Force Base, $14,300,000.
March Air Force Base, $7,910,000.
Sierra Army Depot, $2,700,000.
Travis Air Force Base, $26,130,000.
Vandenberg Air Force Base, $20,000,000.

COLORADO

Buckley Air National Guard Base, $42,050,000.
Cheyenne Mountain Air Force Base, $610,000.
Falcon Air Force Station, $1,400,000.
Peterson Air Force Base, $26,300,000.
United States Air Force Academy, $21,000,000.

DELAWARE

Dover Air Force Base, $12,750,000.

FLORIDA

Cape Canaveral Air Force Station, $24,000,000.
Eglin Air Force Base, $2,830,000.
Homestead Air Force Base, $4,900,000.
Tyndall Air Force Base, $850,000.

GEORGIA

Robins Air Force Base, $30,450,000.

HAWAII

Camp H. M. Smith, $2,600,000.
Hickam Air Force Base, $7,100,000.

ILLINOIS

Scott Air Force Base, $13,290,000.

KANSAS

McConnell Air Force Base, $7,650,000.

LOUISIANA

Barksdale Air Force Base, $11,200,000.

MARYLAND

Andrews Air Force Base, $8,100,000.

MASSACHUSETTS

Hanscom Air Force Base, $11,200,000.

MICHIGAN

K.I. Sawyer Air Force Base, $1,700,000.

MISSISSIPPI

Columbus Air Force Base, $600,000.
Keesler Air Force Base, $3,400,000.

MISSOURI

Whiteman Air Force Base, $24,450,000.

MONTANA

Conrad Strategic Training Range Site, $700,000.
Havre Strategic Training Range Site, $700,000.

NEBRASKA

Offutt Air Force Base, $13,850,000.

NEVADA

Nellis Air Force Base, $8,400,000.

NEW HAMPSHIRE

New Boston Satellite Tracking Station, $4,210,000.

NEW JERSEY

McGuire Air Force Base, $31,500,000.

NEW MEXICO

Cannon Air Force Base, $1,300,000.
Holloman Air Force Base, $33,600,000.
Kirtland Air Force Base, $5,600,000.

NEW YORK

Griffiss Air Force Base, $2,700,000.
Plattsburgh Air Force Base, $9,040,000.

NORTH CAROLINA

Pope Air Force Base, $8,200,000.
Seymour Johnson Air Force Base, $11,200,000.

NORTH DAKOTA

Dickinson Strategic Training Range Site, $640,000.
Grand Forks Air Force Base, $4,400,000.
Minot Air Force Base, $3,950,000.

OHIO

Wright-Patterson Air Force Base, $39,300,000.

OKLAHOMA

Altus Air Force Base, $61,340,000.
Tinker Air Force Base, $3,700,000.
Vance Air Force Base, $4,750,000.

SOUTH CAROLINA

Charleston Air Force Base, $21,850,000.

SOUTH DAKOTA

Belle Fourche Strategic Training Range Site, $640,000.
Ellsworth Air Force Base, $2,710,000.

TENNESSEE

Arnold Engineering Development Center, $2,400,000.

TEXAS

Dyess Air Force Base, $620,000.
Kelly Air Force Base, $13,900,000.
Lackland Air Force Base, $5,700,000.
Lackland Air Force Base Training Annex, $1,170,000.
Laughlin Air Force Base, $4,250,000.
Randolph Air Force Base, $410,000.
Reese Air Force Base, $2,000,000.
Sheppard Air Force Base, $16,670,000.

UTAH

Hill Air Force Base, $9,200,000.

VIRGINIA

Langley Air Force Base, $5,800,000.

WASHINGTON

Fairchild Air Force Base, $7,050,000.

WYOMING

F.E. Warren Air Force Base, $5,300,000.
Powell Strategic Training Range Site, $700,000.

VARIOUS LOCATIONS

Various Locations, $5,000,000.

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2305(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

ASCENSION

Ascension Island Auxiliary Airfield, $11,000,000.

GREENLAND

Thule Air Base, $12,700,000.

GUAM

Andersen Air Force Base, $2,600,000.

PORTUGAL

Lajes Field, $5,000,000.

UNITED KINGDOM

RAF Lakenheath, $3,600,000.
RAF Molesworth, $15,600,000.

VARIOUS LOCATIONS

Classified Location, $3,500,000.
Classified Location, $5,500,000.

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2305(a)(8)(A), the Secretary of the Air Force may construct or acquire military family housing units (including land) and perform other military family housing functions for the purpose shown, and in the amount shown, at the following installations:

(1) Edwards Air Force Base, California, housing office, $453,000.

(2) Tyndall Air Force Base, Florida, housing maintenance facility, $410,000.

(3) Scott Air Force Base, Illinois, housing office, $550,000.

(4) Andrews Air Force Base, Maryland, housing office, $571,000.

(5) Seymour Johnson Air Force Base, North Carolina, housing office, $365,000.

(6) Tinker Air Force Base, Oklahoma, housing office, $370,000.

(7) Hill Air Force Base, Utah, one hundred thirty units, $11,628,000.

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2305(a)(8)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $6,000,000.

SEC. 2303. IMPROVEMENT TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2305(a)(8)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $141,236,000.

SEC. 2304. DEFENSE ACCESS ROADS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2305(a)(7), the Secretary of the Air Force may make advances to the Secretary of Transportation for the construction of defense roads under section 210 of title 23, United States Code, at Andrews Air Force Base, Maryland, and Whiteman Air Force Base, Missouri, in the total amount of $11,050,000.

SEC. 2305. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1991, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,089,303,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $778,970,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $59,500,000.

(3) For the construction of the Large Rocket Test Facility, Arnold Engineering Development Center, Tennessee, as au-

thorized by section 2301(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2101), $44,000,000.

(4) For the construction of facilities for the 37th Tactical Fighter Wing at Holloman Air Force Base, New Mexico, as authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1769), $39,000,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, $11,500,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $74,300,000.

(7) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $11,050,000.

(8) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $161,583,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $909,400,000, of which not more than $140,900,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2306. AUTHORIZED LONG-TERM FACILITIES CONTRACTS.

Subject to section 2809 of title 10, United States Code, the Secretary of the Air Force may enter into long-term contracts for construction, management, and operation of facilities for the purpose shown, and in the estimated capital investment cost shown, for the following installations:

(1) Eielson Air Force Base, Alaska, child development center, $3,600,000.

(2) McGuire Air Force Base, New Jersey, child development center, $3,900,000.

(3) Cannon Air Force Base, New Mexico, child development center, $1,200,000.

(4) McChord Air Force Base, Washington, child development center, $4,700,000.

SEC. 2307. AUTHORIZED FAMILY HOUSING LEASE PROJECTS.

Subject to section 2835 of title 10, United States Code (as added by section 2806 of this Act), the Secretary of the Air Force may enter into contracts for the lease of family housing units in the number of units shown, and at the net present value shown, for the following installations:

(1) March Air Force Base, California, five hundred eighty-two units, $55,360,000.

(2) Cannon Air Force Base, New Mexico, three hundred fifty units, $24,400,000.

SEC. 2308. AUTHORIZED MILITARY HOUSING RENTAL GUARANTEE PROJECTS.

Subject to section 2836 of title 10, United States Code (as added by section 2809 of this Act), the Secretary of the Air Force may enter into rental guarantee agreements for military housing in the number of units shown for the following installations:

(1) Patrick Air Force Base, Florida, five hundred eighty-five units.

(2) Offutt Air Force Base, Nebraska, four hundred units.

SEC. 2309. AUTHORIZATION OF PROJECTS FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

Section 2301 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1769) is amended—

(1) in subsection (a), by striking out "Air Force Academy, $3,000,000." under the heading "COLORADO" and inserting in lieu thereof "Air Force Academy, $18,000,000."; and

(2) in subsection (b), by adding at the end the following:

"VARIOUS LOCATIONS

"Classified location, $3,500,000.".

SEC. 2310. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1991 PROJECTS.—(1) Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1769) (as amended by section 2309(a)) is further amended—

(A) under the heading "ALASKA" by striking out "Various Locations, $11,000,000.";

(B) by striking out the following:

"ARIZONA

"Williams Air Force Base, $3,650,000.";

(C) under the heading "CALIFORNIA" by striking out "Castle Air Force Base, $8,200,000.";

(D) under the heading "FLORIDA" by striking out "MacDill Air Force Base, $12,250,000." and inserting in lieu thereof "MacDill Air Force Base, $3,350,000.";

(E) by striking out the following:

"INDIANA

"Grissom Air Force Base, $4,500,000.";

(F) under the heading "MICHIGAN" by striking out "Wurtsmith Air Force Base, $960,000."; and

(G) under the heading "TEXAS" by striking out "Carswell Air Force Base, $12,616,000.".

(2) Section 2304(a) of such Act (104 Stat. 1773) is amended—

(A) by striking out "$1,954,059,000" and inserting in lieu thereof "$1,922,733,000";

(B) in paragraph (1), by striking out "$777,081,000" and inserting in lieu thereof "$742,255,000"; and

(C) in paragraph (2), by striking out "$34,200,000" and inserting in lieu thereof "$37,700,000".

(b) FISCAL YEAR 1990 PROJECTS.—(1) Section 2301(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1630) is amended—

(A) under the heading "ARIZONA" by striking out "Williams Air Force Base, $1,850,000.";

(B) by striking out the following:

"ARKANSAS

"Ira Eaker Air Force Base, $4,050,000.";

(C) under the heading "COLORADO" by striking out "Lowry Air Force Base, $21,250,000." and inserting in lieu thereof "Lowry Air Force Base, $19,050,000.";

(D) under the heading "FLORIDA" by striking out "MacDill Air Force Base, $4,490,000.";

(E) under the heading "INDIANA" by striking out "Grissom Air Force Base, $6,800,000." and inserting in lieu thereof "Grissom Air Force Base, $4,650,000.";

(F) under the heading "LOUISIANA" by striking out "England Air Force Base, $10,300,000." and inserting in lieu thereof "England Air Force Base, $300,000.";

(G) by striking out the following:

"MAINE

"Loring Air Force Base, $8,500,000.";

(H) under the heading "SOUTH CAROLINA" by striking out "Myrtle Beach Air Force Base, $2,350,000."; and

(I) under the heading "TEXAS"—

(i) by striking out "Bergstrom Air Force Base, $2,400,000."; and

(ii) by striking out "Carswell Air Force Base, $650,000.".

(2) Section 2304(a) of such Act (103 Stat. 1636) is amended—

(A) by striking out "$2,192,638,000" and inserting in lieu thereof "$2,154,998,000"; and

(B) in paragraph (1), by striking out "$945,836,000" and inserting in lieu thereof "$907,196,000".

SEC. 2311. CHANGE IN LOCATION OF PREVIOUSLY AUTHORIZED PROJECT.

Section 2301(b) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1634) is amended under the heading "OMAN"—

(1) by striking out "Seeb, $2,200,000."; and

(2) by striking out "Thumrait, $23,600,000." and inserting in lieu thereof "Thumrait, $25,800,000.".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1) and, in the case of the projects described in paragraphs (2) and (3) of section 2404(c), other amounts appropriated pursuant to authorizations enacted after this Act for such projects, the Secretary of Defense may acquire real property and carry out military construc-

tion projects in the amounts shown for each of the following installations and locations inside the United States:

DEFENSE COMMUNICATIONS AGENCY

Classified Location, $4,500,000.
Reston, Virginia, $600,000.

DEFENSE LOGISTICS AGENCY

Tracy Defense Depot, California, $2,000,000.
Jacksonville Defense Fuel Support Point, Florida, $2,200,000.
Pensacola Defense Fuel Support Point, Florida, $16,000,000.
Columbus Defense Construction Supply Center, Ohio, $89,000,000.
Dayton Defense Electronics Supply Station, Ohio, $2,000,000.
Craney Island Defense Fuel Support Point, Norfolk, Virginia, $19,800,000.
Fort Belvoir, Virginia, $27,000,000.

DEFENSE MAPPING AGENCY

Hydrographic/Topographic Center, Brookmont, Maryland, $1,000,000.
St. Louis Aerospace Center, Missouri, $1,000,000.

DEFENSE MEDICAL FACILITIES OFFICE

Little Rock Air Force Base, Arkansas, $690,000.
San Diego Naval Training Center, California, $17,500,000.
Stockton Naval Communications Station, California, $22,000,000.
Travis Air Force Base, California, $2,000,000.
Fitzsimons Army Hospital, Colorado, $3,000,000.
Homestead Air Force Base, Florida, $60,000,000.
Tyndall Air Force Base, Florida, $800,000.
Hickam Air Force Base, Hawaii, $13,800,000.
Tripler Army Hospital, Hawaii, $3,500,000.
Fallon Naval Air Station, Nevada, $6,000,000.
Nellis Air Force Base, Nevada, $1,000,000.
Camp Lejeune, North Carolina, $4,600,000.
Cherry Point Marine Corps Air Station, North Carolina, $34,000,000.
Fort Bragg, North Carolina, $5,000,000.
Fort Sill, Oklahoma, $2,700,000.
Tinker Air Force Base, Oklahoma, $4,100,000.
Carlisle Barracks, Pennsylvania, $510,000.
Newport Naval Education and Training Center, Rhode Island, $14,000,000.
Dallas Naval Air Station, Texas, $3,500,000.
Fort Lee, Virginia, $11,800,000.
Langley Air Force Base, Virginia, $1,150,000.

DEFENSE NUCLEAR AGENCY

White Sands Missile Range, New Mexico, $20,000,000.
Arnold Engineering Development Center, Tennessee, $7,000,000.

NATIONAL SECURITY AGENCY

Camp Smith, Hickam Air Force Base, Hawaii, $488,000.
Fort George C. Meade, Maryland, $5,722,000.

OFFICE OF THE SECRETARY OF DEFENSE

Defense Language Institute, Monterey, California, $6,000,000.
Uniformed Services University of the Health Sciences, Bethesda, Maryland, $600,000.
Classified Locations, $35,600,000.

SECTION 6 SCHOOLS

Fort Stewart, Georgia, $6,951,000.
Marine Corps Air Station, Beaufort, South Carolina, $989,000.

SPECIAL OPERATIONS COMMAND

Kodiak Coast Guard Support Center, Alaska, $2,050,000.
Coronado Naval Amphibious Base, California, $2,100,000.
Camp Pendleton, California, $4,900,000.
Eglin Air Force Base, Auxiliary Field 3, Florida, $2,400,000.
Eglin Air Force Base, Auxiliary Field 9, Florida, $17,550,000.
Fort Benning, Georgia, $3,900,000.
Fort Campbell, Kentucky, $5,800,000.
Kirtland Air Force Base, New Mexico, $2,050,000.
Fort Bragg, North Carolina, $6,000,000.
Fort A.P. Hill, Virginia, $2,300,000.
Oceana Naval Air Station, Virginia, $2,350,000.

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

DEFENSE LOGISTICS AGENCY

Diego Garcia Defense Fuel Support Point, $16,100,000.

DEFENSE MEDICAL FACILITIES OFFICE

Camp Essayons, Korea, $1,050,000.

DEFENSE NUCLEAR AGENCY

Johnston Island, $5,100,000.

NATIONAL SECURITY AGENCY

Classified Location, $4,490,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified Location, $2,100,000.

(c) ON-SITE INSPECTION AGENCY.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(13), the Secretary of Defense may acquire or construct portal facilities at various locations in support of the On-Site Inspection Agency in an amount not to exceed $2,000,000.

(d) TRANSFER OF PROJECT AUTHORITY.—The authority to carry out construction and modernization activities in support of the supply distribution mission at the Red River Army Depot, Texas, is hereby transferred to the Secretary of Defense. The Secretary of Defense shall exercise such authority through the head of the Defense Logistics Agency. Amounts appropriated for the Red River Army Depot, Texas, pursuant to the authorization of appropriations in section 2104(a)(3) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1619) are hereby transferred to the Secretary of Defense to carry out such construction and modernization activities.

SEC. 2402. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(12)(A), the Secretary of Defense may construct or acquire one family housing unit (including land) at a classified location in the total amount not to exceed $160,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(12)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $40,000.

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1991, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $1,680,940,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $434,500,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $28,840,000.

(3) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4035), $37,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1640), $40,000,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, $14,000,000.

(6) For conforming storage facilities constructed under the authority of section 2404 of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4037), $7,000,000.

(7) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(8) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $73,800,000.

(9) For base closure and realignment activities pursuant to title II of the Defense Authorization Amendments and Base

Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note), $674,600,000.

(10) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), $297,000,000.

(11) For an energy conservation program under section 2865 of title 10, United States Code, $36,000,000.

(12) For military family housing functions:

(A) For construction and acquisition of military family housing facilities, $200,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $26,000,000, of which not more than $21,664,000 may be obligated or expended for the leasing of military family housing units worldwide.

(13) For acquisition or construction of portal facilities at various locations in support of the On-Site Inspection Agency, $2,000,000.

(b) AUTHORIZATION OF UNOBLIGATED FUNDS.—Funds appropriated to the Department of Defense for fiscal years before fiscal year 1992 for military construction functions of the Defense Agencies that remain available for obligation on the date of the enactment of this Act are hereby authorized to be made available, to the extent provided in advance in appropriations Acts, in an amount not to exceed $17,000,000 for the construction of the headquarters building of the Defense Logistics Agency at Fort Belvior, Virginia, as authorized under section 2401(a).

(c) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this division may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and subsection (b);

(2) $10,000,000 (the balance of the amount authorized under section 2401(a) for the construction of the defense logistics headquarters at Fort Belvoir, Virginia); and

(3) $50,000,000 (the balance of the amount authorized under section 2401(a) for the construction of the hospital replacement at Homestead Air Force Base, Florida).

SEC. 2405. CONTRACTS FOR CERTAIN PROJECTS.

In the case of the military construction projects authorized by section 2401(a) to be constructed at Fort Belvoir, Virginia, and Homestead Air Force Base, Florida, the Secretary of Defense may enter into one or more contracts for the design and construction of the projects in advance of appropriations for the projects. Each such contract shall limit the payments the United States is obligated to make under the contract to the amount of appropriations available, at the time the contract is entered into, for obligation under such contract.

SEC. 2406. SPECIAL OPERATIONS BATTALION HEADQUARTERS, FORT BRAGG, NORTH CAROLINA.

(a) AVAILABILITY OF FUNDS.—Of the amount appropriated pursuant to the authorization of appropriations in section 2404(a) for

fiscal year 1992, $6,000,000 shall be available only for the construction of a headquarters facility for a special operations battalion at Fort Bragg, North Carolina.

(b) RESTRICTION ON USE.—A facility constructed pursuant to subsection (a) may be used only as a headquarters for a special operations battalion.

SEC. 2407. DESIGN FOR REPLACEMENT FACILITIES FOR FITZSIMONS ARMY MEDICAL CENTER. Contracts.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract for the preparation of the concept design of replacement facilities for the Fitzsimons Army Medical Center located in Aurora, Colorado. The contract shall require that the concept design for the replacement facilities shall—

(1) be completed not later than September 30, 1992;

(2) provide for a capacity of not less than 400 beds; and

(3) accommodate future expansion in the event that such expansion becomes necessary as the result of increased peacetime need or to meet mobilization requirements.

SEC. 2408. DEFENSE MEDICAL FACILITY, HOMESTEAD AIR FORCE BASE, FLORIDA. Reports.

None of the funds appropriated or otherwise made available for the Department of Defense for fiscal year 1992 may be obligated for construction of a defense medical facility at Homestead Air Force Base, Florida, until the Secretary of the Air Force submits to the congressional defense committees a report describing the long-term plans of the Air Force for the use of Homestead Air Force Base as an active, operational installation.

SEC. 2409. TERMINATION OF AUTHORITY TO CARRY OUT A CERTAIN PROJECT.

(a) PROJECT AT PHILADELPHIA NAVAL SHIPYARD.—Section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1776) is amended under the heading "DEFENSE MEDICAL FACILITIES OFFICE" by striking out "Philadelphia Naval Shipyard, Pennsylvania, $11,600,000.".

(b) CONFORMING AMENDMENT.—Section 2405 of such Act (104 Stat. 1779) is amended—

(1) by striking out "$1,656,078,000" and inserting in lieu thereof "$1,644,478,000"; and

(2) by striking out "$275,448,000" and inserting in lieu thereof "$263,848,000.".

SEC. 2410. AUTHORIZATION FOR UNAUTHORIZED FISCAL YEAR 1991 APPROPRIATIONS FOR SPECIAL OPERATIONS COMMAND PROJECTS.

(a) AUTHORIZATION.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amount shown for each of the following installations and locations inside the United States:

SPECIAL OPERATIONS COMMAND

Fort Bragg, North Carolina, $8,100,000.
Additional Classified Locations, $2,000,000.

Effective date.

(b) CONSTRUCTION WITH FY91 MILITARY CONSTRUCTION AUTHORIZATION.—The authorization provided in subsection (a) for the projects specified in such subsection shall take effect as of November 5, 1990, as if included in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1776).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1991, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure program as authorized by section 2501, in the amount of $225,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1991, for the costs of acquisition, architectural and engineering services, repair or renovation of improvements on real property, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $210,745,000; and

(B) for the Army Reserve, $106,507,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $56,900,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $218,760,000; and

(B) for the Air Force Reserve, $20,800,000.

SEC. 2602. AUTHORIZATION OF PROJECTS FOR WHICH FUNDS HAVE BEEN APPROPRIATED AND TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN OTHER PROJECTS.

(a) FISCAL YEAR 1991 PROJECTS.—Section 2601 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1781) is amended—

(1) in paragraph (1)(A), by striking out "$297,544,000" and inserting in lieu thereof "$314,887,000";

(2) in paragraph (3)(A), by striking out "$172,340,000" and inserting in lieu thereof "$176,290,000"; and

(3) in paragraph (3)(B), by striking out "$37,700,000" and inserting in lieu thereof "$37,200,000".

(b) FISCAL YEAR 1990 PROJECTS.—Section 2601(3) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1644) is amended—

(1) in subparagraph (A), by striking out "$198,628,000" and inserting in lieu thereof "$195,628,000"; and

(2) in subparagraph (B), by striking out "$46,200,000" and inserting in lieu thereof "$35,600,000".

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS IN CERTAIN CASES.—Except as provided in subsection (b), all authorizations contained in titles XXI, XXII, XXIII, XXIV, XXV, and XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1994; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1995.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1994; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1995 for military construction projects, land acquisitions, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 2702. EXTENSION OF PRIOR YEAR AUTHORIZATIONS.

(a) EXTENSION OF AUTHORIZATION OF FISCAL YEAR 1991 PROJECTS.—Section 2701 of the Military Construction Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1782) is amended in subsections (a) and (b)—

(1) by striking out "October 1, 1992" and inserting in lieu thereof "October 1, 1993"; and

(2) by striking out "fiscal year 1993," and inserting in lieu thereof "fiscal year 1994,".

(b) EXTENSION OF AUTHORIZATION OF FISCAL YEAR 1990 PROJECTS.—(1) Section 2701 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1645) is amended in subsections (b)(1) and (c)(1)—

(A) by striking out "October 1, 1991" and inserting in lieu thereof "October 1, 1992"; and

(B) by striking out "fiscal year 1992," and inserting in lieu thereof "fiscal year 1993 (other than the Military Construction Authorization Act for Fiscal Years 1992 and 1993),".

(2) The amendments made by paragraph (1) shall not apply with respect to authorizations for the following projects authorized in that Act:

(A) Naval Underwater Systems Center in the amount of $12,600,000 at New London, Connecticut, as authorized in section 2201(a) of that Act (103 Stat. 1622).

(B) Eleven units of military family housing in an amount of $1,619,000 at Kelly Air Force Base, Texas, as authorized in section 2302(a) of that Act (103 Stat. 1634).

(c) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1989 PROJECTS.—Notwithstanding section 2701(a) of the Military Construction Authorization Act, 1989 (Public Law 100-456; 102 Stat. 2115), authorizations for the following projects authorized in sections 2101, 2201, 2301, or 2303 of that Act, as extended by section 2106(c), 2206(b), or 2309(b) of the Military Construction Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1762, 1768, 1775) shall remain in effect until October 1, 1992, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1993 (other than this Act), whichever is later:

(1) Battalion headquarters in the amount of $2,300,000 at Fort Wainwright, Alaska.

(2) Forward Training Area in the amount of $8,280,000 at Marine Corps Air Station, Cherry Point, North Carolina.

(3) Operations facility in the amount of $5,300,000 at Location 276 (Turkey).

(4) Post office in the amount of $550,000 at Incirlik Air Base, Turkey.

(5) Upgrade Capehart Military Family Housing, Phase II, in the amount of $6,006,000 at Holloman Air Force Base, New Mexico.

(d) EXTENSION OF AUTHORIZATION OF ONE FISCAL YEAR 1988 PROJECT.—(1) Notwithstanding section 2171(a) of the Military Construction Authorization Act, 1988 and 1989 (Public Law 101-180; 101 Stat. 1206), the authorization for the project described in paragraph (2) shall remain in effect until October 1, 1992, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1993 (other than this Act), whichever is later.

(2) The project referred to in paragraph (1) is the project—

(A) for cold-iron utilities support in the amount of $7,480,000 at Naval Support Office, La Maddelena, Italy; and

(B) authorized in section 2121(b) of that Act (101 Stat. 1190), as extended by section 2206(a) of the Military Construction Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1768).

TITLE XXVIII—GENERAL PROVISIONS

PART A—MILITARY CONSTRUCTION PROGRAM AND MILITARY FAMILY HOUSING CHANGES

SEC. 2801. CONSTRUCTION OF RESERVE COMPONENT FACILITIES.

Section 2233(a)(2) of title 10, United States Code, is amended by inserting before the semicolon the following: "or to acquire or construct facilities for such use".

SEC. 2802. TURN-KEY SELECTION PROCEDURES.

(a) REMOVAL OF LIMITATIONS.—Section 2862 of title 10, United States Code, is amended by striking out subsections (b) and (c).

(b) CONFORMING AMENDMENTS.—Subsection (a) of such section is amended—

(1) by striking out "(1)" and inserting in lieu thereof "AUTHORITY TO USE.—"; and

(2) by striking out "(2)" and inserting in lieu thereof "(b) DEFINITION.—".

SEC. 2803. HEALTH, SAFETY, AND ENVIRONMENTAL QUALITY EMERGENCY CONSTRUCTION.

Section 2803(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out ", and" and inserting in lieu thereof "or to the protection of health, safety, or the quality of the environment, and"; and

(2) in paragraph (2), by inserting before the period the following: "or the protection of health, safety, or environmental quality, as the case may be".

SEC. 2804. INCREASED AUTHORITY FOR USE OF OPERATION AND MAINTENANCE FUNDS FOR ACQUISITION AND CONSTRUCTION OF RESERVE COMPONENT FACILITIES.

Section 2233a(b) of title 10, United States Code, is amended by striking out "$200,000" and inserting in lieu thereof "$300,000".

SEC. 2805. LONG-TERM FACILITIES CONTRACTS.

(a) MODIFICATION AND PERMANENT EXTENSION OF TEST PROGRAM.—(1) Section 2809 of title 10, United States Code, is amended to read as follows:

"§ 2809. Long-term facilities contracts for certain activities and services

"(a) SUBMISSION AND AUTHORIZATION OF PROPOSED PROJECTS.—The Secretary concerned may enter into a contract for the procurement of services in connection with the construction, management, and operation of a facility on or near a military installation for the provision of an activity or service described in subsection (b) if—

"(1) the Secretary concerned has identified the proposed project for that facility in the budget material submitted to Congress by the Secretary of Defense in connection with the budget submitted pursuant to section 1105 of title 31 for the fiscal year in which the contract is proposed to be awarded;

"(2) the Secretary concerned has determined that the services to be provided at that facility can be more economically provided through the use of a long-term contract than through the use of conventional means; and

"(3) the project has been authorized by law.

"(b) AUTHORIZED PURPOSES OF CONTRACT.—The activities and services referred to in subsection (a) are as follows:

"(1) Child care services.

"(2) Utilities, including potable and waste water treatment services.

"(3) Depot supply activities.

"(4) Troop housing.

"(5) Transient quarters.

"(6) Hospital or medical facilities.

"(7) Other logistic and administrative services, other than depot maintenance.

"(c) CONDITIONS ON OBLIGATION OF FUNDS.—A contract entered into for a project pursuant to subsection (a) shall include the following provisions:

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

"(2) A commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for that project for that fiscal year.

"(3) A statement that such a commitment given under the authority of this section does not constitute an obligation of the United States.

"(d) COMPETITIVE PROCEDURES.—Each contract entered into under this section shall be awarded through the use of competitive procedures as provided in chapter 137 of this title. In accordance with such procedures, the Secretary concerned shall solicit bids or proposals for a contract for each project that has been authorized by law.

"(e) TERM OF CONTRACT.—A contract under this section may be for any period not in excess of 32 years, excluding the period for construction.

"(f) NOTICE AND WAIT REQUIREMENTS.—A contract may not be entered into under this section until—

"(1) the Secretary concerned submits to the appropriate committees of Congress, in writing, a justification of the need for the facility for which the contract is to be awarded and an economic analysis (based upon accepted life cycle costing procedures) which demonstrates that the proposed contract is cost effective when compared with alternative means of furnishing the same facility; and

"(2) a period of 21 calendar days has expired following the date on which the justification and the economic analysis are received by the committees.".

(2) The item relating to such section in the table of sections at the beginning of subchapter I of chapter 169 of such title is amended to read as follows:

"2809. Long-term facilities contracts for certain activities and services.".

10 USC 2809 note.

(b) APPLICATION OF AMENDMENT.—Section 2809 of title 10, United States Code, as amended by subsection (a), shall apply with respect to contracts entered into under that section on or after the date of the enactment of this Act.

SEC. 2806. LONG-TERM BUILD TO LEASE AUTHORITY FOR MILITARY FAMILY HOUSING.

(a) MODIFICATION AND PERMANENT EXTENSION OF TEST PROGRAM.—(1) Subchapter II of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2835. Long-term leasing of military family housing to be constructed

"(a) BUILD AND LEASE AUTHORIZED.—Subject to subsection (b), the Secretary of a military department, or the Secretary of Transportation with respect to the Coast Guard, may enter into a contract for the lease of family housing units to be constructed or rehabilitated to residential use near a military installation within the United States under the Secretary's jurisdiction at which there is a shortage of family housing. Housing units leased under this section shall be assigned, without rental charge, as family housing to members of the armed forces who are eligible for assignment to military family housing.

"(b) SUBMISSION AND AUTHORIZATION OF PROPOSED LEASE CONTRACTS.—(1) The Secretary of a military department, or the Secretary of Transportation with respect to the Coast Guard, may enter into a lease contract under subsection (a) for such military housing as is authorized by law for the purposes of this section.

"(2) The budget material submitted to Congress by the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard, in connection with the budget submitted pursuant to section 1105 of title 31 for each fiscal year shall include materials that identify the military housing projects for which lease contracts are proposed to be entered into under subsection (a) in such fiscal year.

"(c) COMPETITIVE PROCESS.—Each contract under subsection (a) shall be awarded through the use of publicly advertised, competitively bid, or competitively negotiated, contracting procedures as provided in chapter 137 of this title. In accordance with such procedures, the Secretary of a military department, or the Secretary of Transportation, as the case may be, shall solicit bids or proposals for a contract for the lease of military housing authorized in accordance with subsection (b)(1). Such a contract may provide for the contractor of the housing facilities to operate and maintain such housing facilities during the term of the lease.

"(d) CONDITIONS ON OBLIGATION OF FUNDS.—A lease contract entered into for a military housing project under subsection (a) shall include the following provisions:

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

"(2) A commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for that project for that fiscal year.

"(3) A statement that such a commitment entered into under the authority of this section does not constitute an obligation of the United States.

"(4) A requirement that housing units constructed pursuant to the contract shall be constructed—

"(A) to Department of Defense specifications, in the case of a Department of Defense contract; and

"(B) to Department of Transportation specifications, in the case of a contract for the Coast Guard.

"(e) LEASE TERM.—A contract under this section may be for any period not in excess of 20 years (excluding the period required for construction of the housing facilities).

"(f) RIGHT OF FIRST REFUSAL TO ACQUIRE.—A contract under this section shall provide that, upon the termination of the lease period, the United States shall have the right of first refusal to acquire all right, title, and interest to the housing facilities constructed and leased under the contract.

"(g) NOTICE AND WAIT REQUIREMENTS.—A contract may not be entered into for the lease of housing facilities under this section until—

"(1) the Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard, submits to the appropriate committees of Congress, in writing, an economic analysis (based upon accepted life cycle costing procedures) which demonstrates that the proposed contract is cost-effective when compared with alternative means of furnishing the same housing facilities; and

"(2) a period of 21 calendar days has expired following the date on which the economic analysis is received by those committees.

"(h) SUPPORT BUILDINGS.—A contract for the lease of family housing under this section may include provision for the lease of a child care center, civic center building, and similar type buildings constructed for the support of family housing.".

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

"2835. Long-term leasing of military family housing to be constructed.".

(b) CONFORMING AMENDMENT.—Section 2828 of title 10, United States Code, is amended—

(1) by striking out subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

10 USC 2828 note.

(c) APPLICATION OF AMENDMENTS.—Section 2835 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into under that section on or after the date of the enactment of this Act. The amendment made by subsection (b)(1) shall not affect the validity of any contract entered into before that date under section 2828(g) of such title, as in effect on the day before that date.

SEC. 2807. INCREASED COST LIMITATIONS FOR UNSPECIFIED MINOR CONSTRUCTION PROJECTS.

(a) DEFINITION OF MINOR CONSTRUCTION.—Subsection (a)(1) of section 2805 of title 10, United States Code, is amended by striking out "$1,000,000" and inserting in lieu thereof "$1,500,000".

(b) O&M-FUNDED PROJECTS.—Subsection (c)(1) of such section is amended by striking out "$200,000" and inserting in lieu thereof "$300,000".

SEC. 2808. INCREASE IN THE AMOUNT OF SPACE FOR MILITARY FAMILY HOUSING UNITS UNDER CERTAIN CIRCUMSTANCES.

(a) INCREASE AUTHORIZED FOR HARSH CLIMATES.—Section 2826 of title 10, United States Code, is amended—

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

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

"(d) The applicable maximum net floor area prescribed by subsection (a) may be increased by 300 square feet for a family housing unit in a location where harsh climatological conditions severely restrict outdoor activity for a significant part of each year, as determined by the Secretary concerned pursuant to regulations prescribed by the Secretary of Defense. The regulations shall apply uniformly to the armed forces." Regulations.

(b) INCREASE AUTHORIZED WHERE PURCHASE OF LARGER UNITS IS COST EFFECTIVE.—Such section is further amended by inserting after subsection (d), as added by subsection (a)(2), the following new subsection:

"(e) In the case of the acquisition by purchase of military family housing units for members of the armed forces in pay grades below pay grade O-6, the applicable maximum net floor area prescribed by subsection (a) may be increased by 20 percent if the Secretary concerned determines that the purchase of larger units is cost effective when compared to available units within the space limitations specified in that subsection. The authority provided by this subsection shall expire on September 30, 1994." Termination date.

SEC. 2809. MILITARY HOUSING RENTAL GUARANTEE PROGRAM.

(a) MODIFICATION AND PERMANENT EXTENSION OF TEST PROGRAM.—(1) Subchapter II of chapter 169 of title 10, United States Code, is amended by adding after section 2835, as added by section 2806, the following new section:

"§ 2836. Military housing rental guarantee program

"(a) AUTHORITY.—Subject to subsection (b), the Secretary of a military department, or the Secretary of Transportation with respect to the Coast Guard, may enter into an agreement to assure the occupancy of rental housing to be constructed or rehabilitated to residential use by a private developer or by a State or local housing authority on private land, on land owned by a State or local government, or on land owned by the United States, if the housing is to be located on or near a new military installation or an existing military installation that has a shortage of housing to meet the requirements of eligible members of the armed forces (with or without accompanying dependents). The authority provided under this subsection shall be exercised under uniform regulations prescribed by the Secretary of Defense. Regulations.

"(b) SUBMISSION AND AUTHORIZATION OF PROPOSED AGREEMENTS.—(1) The Secretary of a military department, or the Secretary of Transportation with respect to the Coast Guard, may enter into agreements pursuant to subsection (a) for such military housing rental guaranty projects as are authorized by law.

"(2) The budget material submitted to Congress by the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard, in connection with the budget submitted pursuant to section 1105 of title 31 for each fiscal year shall include materials that identify the military housing rental guaranty projects for which agreements are proposed to be entered into under subsection (a) in that fiscal year.

"(c) CONTENT OF AGREEMENT.—An agreement under subsection (a)—

"(1) may not assure the occupancy of more than 97 percent of the units constructed under the agreement;

"(2) shall establish initial rental rates that are not more than rates for comparable rental dwelling units in the same general market area and may include an escalation clause;

"(3) may apply to existing housing;

"(4) shall require that the housing units be constructed—

"(A) in the case of a Department of Defense agreement, to Department of Defense specifications or, at the discretion of the Secretary of the military department concerned, in compliance with the local building codes; and

"(B) in the case of an agreement for the Coast Guard, to Department of Transportation specifications;

"(5) may not be for a term in excess of 25 years;

"(6) may not be renewed unless the project is located on government owned land, in which case the renewal period may not exceed the original contract term;

"(7) may not assure more than an amount equivalent to the shelter rent of the housing units, determined on the basis of amortizing initial construction costs;

"(8) may only be entered into to the extent that there is a shortage in military family housing;

"(9) may only be entered into if existing military-controlled housing at all installations in the commuting area (except for a new installation or an installation for which there is projected a significant increase in the number of families due to an increase in the number of authorized personnel) has exceeded 97 percent use for a period of not less than 18 consecutive months immediately preceding the date on which the agreement is entered into, excluding units temporarily inactivated for major repair or improvements;

"(10) shall provide for priority of occupancy for military families;

"(11) shall include a provision authorizing the Secretary of the military department concerned, or the Secretary of Transportation with respect to the Coast Guard, to take such action as the Secretary considers appropriate to protect the interests of the United States, including rendering the agreement null and void if, in the opinion of the Secretary, the owner of the housing fails to maintain a satisfactory level of operation and maintenance;

"(12) may provide in the agreement for the rental of a child care center, civic center building, and similar type buildings constructed for the support of family housing;

"(13) may provide that utilities, trash collection, snow removal, and entomological services will be furnished by the Federal Government at no cost to the occupant to the same extent that these items are provided to occupants of housing owned by the Federal Government; and

"(14) may require that rent collection and operation and maintenance services in connection with the housing be under the terms of a separate agreement or be carried out by personnel of the Federal Government.

"(d) CONDITIONS ON OBLIGATION OF FUNDS.—An agreement entered into for a project pursuant to subsection (a) shall include the following provisions:

"(1) A statement that the obligation of the United States to make payments under the agreement in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for that project.

"(2) A commitment to obligate the necessary amount for each fiscal year covered by the agreement when and to the extent that funds are appropriated for such project for such fiscal year.

"(3) A statement that such a commitment entered into under the authority of this section does not constitute an obligation of the United States.

"(e) COMPETITIVE PROCESS.—An agreement under subsection (a) shall be made through the use of publicly advertised, competitively bid, or competitively negotiated, contracting procedures as provided in chapter 137 of this title. In accordance with such procedures, the Secretary of a military department, or the Secretary of Transportation, as the case may be, shall solicit bids or proposals for a guaranty agreement for each military housing rental guaranty project authorized in accordance with subsection (b).

"(f) NOTICE AND WAIT REQUIREMENTS.—An agreement may not be entered into under subsection (a) until—

"(1) the Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard, submits to the appropriate committees of Congress, in writing, an economic analysis (based upon accepted life cycle costing procedures) which demonstrates that the proposed agreement is cost effective when compared with alternative means of furnishing the same housing facilities; and

"(2) a period of 21 calendar days has expired following the date on which the economic analysis is received by those committees.

"(g) DISPUTES.—The Secretary concerned may require that disputes arising under an agreement entered into under subsection (a) be decided in accordance with the procedures provided for by the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.).".

(2) The table of sections at the beginning of such subchapter is amended by adding after the item relating to section 2835 (as added by section 2806) the following new item:

"2836. Military housing rental guarantee program.".

(b) CONFORMING AMENDMENT.—Section 802 of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note) is repealed.

(c) APPLICATION OF AMENDMENTS.—Section 2836 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into under that section on or after the date of the enactment of this Act. The amendment made by subsection (b) shall not affect the validity of any contract entered into before that date under section 802 of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note), as in effect on the day before that date. 10 USC 2836 note.

PART B—DEFENSE BASE CLOSURE AND REALIGNMENT

SEC. 2821. DEFENSE BASE CLOSURE AND REALIGNMENT ACT OF 1990 AMENDMENTS.

(a) APPOINTMENT OF COMMISSION.—Section 2902(c)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

"(C) If the President does not transmit to Congress the nominations for appointment to the Commission on or before the date specified for 1993 in clause (ii) of subparagraph (B) or for 1995 in clause (iii) of such subparagraph, the process by which military installations may be selected for closure or realignment under this part with respect to that year shall be terminated.".

(b) EMPLOYMENT OF STAFF BY COMMISSION.—Section 2902(i) of such Act is amended—

(1) in paragraph (3)—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following new subparagraphs:

"(B)(i) Not more than one-fifth of the professional analysts of the Commission staff may be persons detailed from the Department of Defense to the Commission.

"(ii) No person detailed from the Department of Defense to the Commission may be assigned as the lead professional analyst with respect to a military department or defense agency.

"(C) A person may not be detailed from the Department of Defense to the Commission if, within 12 months before the detail is to begin, that person participated personally and substantially in any matter within the Department of Defense concerning the preparation of recommendations for closures or realignments of military installations.

"(D) No member of the Armed Forces, and no officer or employee of the Department of Defense, may—

"(i) prepare any report concerning the effectiveness, fitness, or efficiency of the performance on the staff of the Commission of any person detailed from the Department of Defense to that staff;

"(ii) review the preparation of such a report; or

"(iii) approve or disapprove such a report."; and

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

"(6) The following restrictions relating to the personnel of the Commission shall apply during 1992 and 1994:

"(A) There may not be more than 15 persons on the staff at any one time.

"(B) The staff may perform only such functions as are necessary to prepare for the transition to new membership on the Commission in the following year.

"(C) No member of the Armed Forces and no employee of the Department of Defense may serve on the staff.".

(c) PROHIBITION AGAINST RESTRICTING COMMUNICATIONS WITH THE COMMISSION.—Section 2902 of such Act is amended by adding at the end the following new subsection:

"(m) PROHIBITION AGAINST RESTRICTING COMMUNICATIONS.—Section 1034 of title 10, United States Code, shall apply with respect to communications with the Commission.".

(d) DATE FOR COMPLETION OF SELECTION CRITERIA.—Section 2903(b)(2)(B) of such Act is amended— 10 USC 2687 note.

(1) by striking out "February 15" in the first sentence and inserting in lieu thereof "January 15"; and

(2) by striking out "March 15" in the second sentence and inserting in lieu thereof "February 15".

(e) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—Section 2903(c) of such Act is amended—

(1) in paragraph (1), by striking out "April 15, 1993, and April 15, 1995," and inserting in lieu thereof "March 15, 1993, and March 15, 1995,";

(2) in paragraph (4), by inserting at the end the following new sentence: "(4) In addition to making all information used by the Secretary to prepare the recommendations under this subsection available to Congress (including any committee or member of Congress), the Secretary shall also make such information available to the Commission and the Comptroller General of the United States."; and

(3) by inserting at the end the following new paragraphs:

"(5)(A) Each person referred to in subparagraph (B), when submitting information to the Secretary of Defense or the Commission concerning the closure or realignment of a military installation, shall certify that such information is accurate and complete to the best of that person's knowledge and belief.

"(B) Subparagraph (A) applies to the following persons:

"(i) The Secretaries of the military departments.

"(ii) The heads of the Defense Agencies.

"(iii) Each person who is in a position the duties of which include personal and substantial involvement in the preparation and submission of information and recommendations concerning the closure or realignment of military installations, as designated in regulations which the Secretary of Defense shall prescribe, regulations which the Secretary of each military department shall prescribe for personnel within that military department, or regulations which the head of each Defense Agency shall prescribe for personnel within that Defense Agency.

"(6) In the case of any information provided to the Commission by a person described in paragraph (5)(B), the Commission shall submit that information to the Senate and the House of Representatives to be made available to the Members of the House concerned in accordance with the rules of that House. The information shall be submitted to the Senate and the House of Representatives within 24 hours after the submission of the information to the Commission. The Secretary of Defense shall prescribe regulations to ensure the compliance of the Commission with this paragraph.". Regulations.

(f) COMMISSION RECOMMENDATIONS.—Section 2903(d)(2) of such Act is amended—

(1) in subparagraph (B), by striking out "In making" and inserting in lieu thereof "Subject to subparagraph (C), in making"; and

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

"(C) In the case of a change described in subparagraph (D) in the recommendations made by the Secretary, the Commission may make the change only if the Commission—

"(i) makes the determination required by subparagraph (B);

"(ii) determines that the change is consistent with the force-structure plan and final criteria referred to in subsection (c)(1);

Federal Register, publication.

"(iii) publishes a notice of the proposed change in the Federal Register not less than 30 days before transmitting its recommendations to the President pursuant to paragraph (2); and

"(iv) conducts public hearings on the proposed change.

"(D) Subparagraph (C) shall apply to a change by the Commission in the Secretary's recommendations that would—

"(i) add a military installation to the list of military installations recommended by the Secretary for closure;

"(ii) add a military installation to the list of military installations recommended by the Secretary for realignment; or

"(iii) increase the extent of a realignment of a particular military installation recommended by the Secretary.".

(g) CLARIFICATION OF CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT.—Section 2908(d) of such Act is amended in the first sentence by striking out "the resolution (but" and all that follows through "do so)." and inserting in lieu thereof the following: "the resolution. A Member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member's intention to make the motion, except that, in the case of the House of Representatives, the motion may be made without such prior announcement if the motion is made by direction of the committee to which the resolution was referred.".

10 USC 2687 note.

(h) MILITARY INSTALLATION DEFINED.—(1) Section 2910(4) of such Act is amended by inserting at the end the following new sentence: "Such term does not include any facility used primarily for civil works, rivers and harbors projects, flood control, or other projects not under the primary jurisdiction or control of the Department of Defense.".

10 USC 2687 note.

Effective date.

(2) The amendment made by paragraph (1) shall take effect as of November 5, 1990, and shall apply as if it had been included in section 2910(4) of the Defense Base Closure and Realignment Act of 1990 on that date.

10 USC 2687 note.

(i) NO AUTHORITY TO WITHHOLD INFORMATION.—Nothing in this section or in the Defense Base Closure and Realignment Act of 1990 shall be construed to authorize the withholding of information from Congress, any committee or subcommittee of Congress, or the Comptroller General of the United States.

10 USC 2687 note.

SEC. 2822. CONSISTENCY IN BUDGET DATA.

(a) MILITARY CONSTRUCTION FUNDING REQUESTS.—In the case of each military installation considered for closure or realignment or for comparative purposes by the Defense Base Closure and Realignment Commission, the Secretary of Defense shall ensure, subject to subsection (b), that the amount of the authorization requested by the Department of Defense for each military construction project in each of the fiscal years 1992 through 1999 for the following fiscal year does not exceed the estimate of the cost of such project (adjusted as appropriate for inflation) that was provided to the Commission by the Department of Defense.

(b) EXPLANATION FOR INCONSISTENCIES.—The Secretary may submit to Congress for a fiscal year a request for the authorization of a military construction project referred to in subsection (a) in an amount greater than the estimate of the cost of the project (adjusted as appropriate for inflation) that was provided to the Commission if the Secretary determines that the greater amount is necessary and

submits with the request a complete explanation of the reasons for the difference between the requested amount and the estimate.

(c) INVESTIGATION.—(1) The Inspector General of the Department of Defense shall investigate each military construction project for which the Secretary is required to submit an explanation to Congress under subsection (b) if the Inspector General determines (under standards prescribed by the Inspector General) that the difference between the requested amount and the estimate for the project is significant.

(2) With respect to each military construction project investigated under paragraph (1), the Inspector General shall determine—

(A) why the amount requested to be authorized in the case of that project exceeds the estimated cost of the project that was submitted to the Commission by the Department of Defense; and

(B) whether the relevant information submitted to the Commission with respect to that project was inaccurate, incomplete, or misleading in any material respect.

(3) The Inspector General shall submit a report to the Secretary describing the results of each investigation conducted under paragraph (1). The Secretary shall forward a copy of the report to the congressional defense committees. Reports.

SEC. 2823. ELIGIBILITY OF DEPARTMENT OF DEFENSE EMPLOYEES AND MEMBERS OF THE ARMED FORCES FOR HOMEOWNERS ASSISTANCE IN CONNECTION WITH BASE CLOSURES.

(a) EXPANDED ELIGIBILITY.—Subsection (b) of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) is amended by striking out the matter above the first proviso and inserting in lieu thereof the following:

"(b)(1) In order to be eligible for the benefits of this section, a civilian employee or a member of the Armed Forces—

"(A) must be assigned to or employed at or in connection with the installation or activity at the time of public announcement of the closure action, or employed by a nonappropriated fund instrumentality operated in connection with such base or installation;

"(B) must have been transferred from such installation or activity, or terminated as an employee as a result of a reduction in force, within six months prior to public announcement of the closure action; or

"(C) must have been transferred from the installation or activity on an overseas tour within three years prior to public announcement of the closure action.

"(2) A member of the Armed Forces shall also be eligible for the benefits of this section if the member—

"(A) was transferred from the installation or activity within three years prior to public announcement of the closure action; and

"(B) in connection with the transfer, was informed of a future, programmed reassignment to the installation.

"(3) The eligibility of a civilian employee and member of the Armed Forces under paragraph (1) and a member of the Armed Forces under paragraph (2) for benefits under this section in connection with the closure of an installation or activity is subject to the additional conditions set out in paragraphs (4) and (5).".

Ante, p. 1547.

(b) CONFORMING AMENDMENTS.—(1) Subsection (a) of such section is amended—

(A) in paragraph (1), by striking out "servicemen" and inserting in lieu thereof "member of the Armed Forces of the United States"; and

(B) in paragraph (2), by inserting before the semicolon the following: "or, in the case of a member of the Armed Forces not assigned to that base or installation at the time of public announcement of such closing, will prevent any reassignment of such member to the base or installation".

(2) The first proviso of subsection (b) of such section is amended—

(A) by striking out "*Provided,* That, at" and inserting in lieu thereof the following:

"(4) At";

(B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(C) by striking out the colon at the end and inserting in lieu thereof a period.

(3) The second proviso of subsection (b) of such section is amended—

(A) by striking out "*Provided further,* That as" and inserting in lieu thereof the following:

"(5) As"; and

(B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively.

(4) Subsection (l) of such section is amended by striking out "the second proviso of subsection (b)" and inserting in lieu thereof "subsection (b)(5)".

SEC. 2824. ENVIRONMENTAL PLAN FOR JEFFERSON PROVING GROUND, INDIANA.

(a) PLANS REQUIRED.—The Secretary of Defense shall prepare a proposed and final plan containing the environmental response actions and corrective actions required for the environmental restoration and cleanup of the entire 55,000 acres of the Jefferson Proving Ground, Indiana, including all areas north and south of the firing line.

(b) CONTENT OF PLANS.—The plans required under subsection (a) shall include the following information:

(1) An identification of the categories of potential alternative uses, including unrestricted use, for the entire installation following closure.

(2) For each of the potential use categories identified pursuant to paragraph (1), the following information:

(A) An identification and detailed description of the environmental response actions and corrective actions required for the environmental restoration and cleanup of the installation to a condition suitable for the uses in such category.

(B) A schedule (including milestones) for completing such environmental response actions and corrective actions.

(C) The total estimated cost of completing such activities and the estimated cost of such environmental response actions and corrective actions for each fiscal year through fiscal year 1998.

(D) A description of any impediments to achieving successful completion of such environmental response actions and corrective actions.

(c) PROPOSED PLAN.—Within 180 days after the date of the enactment of this Act, the Secretary shall—

(1) prepare the proposed plan required under subsection (a);

(2) publish simultaneously in the Federal Register and in at least 2 newspapers of general circulation in Madison, Indiana, and the surrounding area a notice of the availability of the proposed plan, including the Secretary's request for comments on the proposed plan from the public; and Federal Register, publication. Indiana.

(3) provide copies of the proposed plan to appropriate State and local agencies authorized to develop and enforce environmental standards.

(d) OPPORTUNITIES FOR PUBLIC COMMENT.—(1) There shall be a period of at least 60 days for public comment on the proposed plan.

(2) The Secretary shall hold at least 1 public meeting on the proposed plan in the area of the Jefferson Proving Ground not earlier than 45 days after the date of the publication of the notice in the Federal Register required by subsection (c). The public may submit comments on the proposed plan at the meeting. The comments may be in either oral or written form.

(e) AVAILABILITY OF PUBLIC COMMENTS.—The Secretary shall make available to the public all comments received by the Secretary on the proposed plan.

(f) FINAL PLAN.—(1) At the same time that the President submits the budget to Congress for fiscal year 1994 pursuant to section 1105 of title 31, United States Code, the Secretary shall submit the final plan required by subsection (a) to Congress.

(2) The final plan shall include the Secretary's recommendations for uses of the Jefferson Proving Ground, the environmental response actions and corrective actions required to permit such uses, and the Secretary's specific responses to each comment received on the proposed plan pursuant to subsection (d).

(g) EFFECT ON OTHER LAWS.—Nothing in this section shall be construed as preempting, limiting, superseding, affecting, or modifying any Federal, State, or local law or regulation, including the Solid Waste Disposal Act (42 U.S.C. 3251 et seq.) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 2825. DISPOSITION OF CREDIT UNION FACILITIES ON MILITARY INSTALLATIONS TO BE CLOSED. 10 USC 2687 note.

(a) AUTHORITY TO CONVEY FACILITIES.—(1) Subject to subsection (c) and notwithstanding any other provision of law, the Secretary of the military department having jurisdiction over a military installation being closed pursuant to a base closure law may convey all right, title, and interest of the United States in a facility located on that installation to a credit union that—

(A) conducts business in the facility; and

(B) constructed or substantially renovated the facility using funds of the credit union.

(2) In the case of the conveyance under paragraph (1) of a facility that was not constructed by the credit union but was substantially renovated by the credit union, the Secretary shall require the credit union to pay an amount determined by the Secretary to be equal to the value of the facility in the absence of the renovations.

(b) AUTHORITY TO CONVEY LAND.—As part of the conveyance of a facility to a credit union under subsection (a), the Secretary of the military department concerned shall permit the credit union to purchase the land upon which that facility is located. The Secretary shall offer the land to the credit union before offering such land for sale or other disposition to any other entity. The purchase price shall be not less than the fair market value of the land, as determined by the Secretary.

(c) LIMITATION.—The Secretary of a military department may not convey a facility to a credit union under subsection (a) if the Secretary determines that the operation of a credit union business at such facility is inconsistent with the plan for the reuse of the installation developed in coordination with the community in which the facility is located.

(d) BASE CLOSURE LAW DEFINED.—For purposes of this section, the term "base closure law" means the following:

(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 104 Stat. 1808; 10 U.S.C. 2687 note).

(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627; 10 U.S.C. 2687 note).

(3) Section 2687 of title 10, United States Code.

(4) Any other similar law enacted after the date of the enactment of this Act.

10 USC 2687 note.

SEC. 2826. REPORT ON EMPLOYMENT ASSISTANCE SERVICES.

(a) REPORT REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the availability of employment assistance services for civilian employees of the Department of Defense who may be affected by reductions in defense employment as a result of the closure and realignment of military installations under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 102-510; 104 Stat. 1808; 10 U.S.C. 2687 note) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627; 10 U.S.C. 2687 note). The Secretary shall prepare the report in coordination with the Secretary of Labor.

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

(1) A detailed description of plans to reduce the work force, including specific timetables, at military installations currently designated for closure or realignment under those Acts.

(2) A description of the availability of all current Federal, State, and local programs and efforts to provide training and reemployment assistance to involuntarily separated personnel in each community affected by base closure or realignment.

(3) A description of any plans by the Department of Labor and the Department of Defense to expand existing job training programs for civilian employees of the Department of Defense affected by base closure and realignments and the estimated cost of such program expansions.

(4) A description of any specific Army, Navy, or Air Force programs which provide job training and reemployment assistance to civilian workers affected by current base closure and realignment actions, the current cost of these programs, and

any plans to expand these programs to meet future job training and reemployment requirements.

SEC. 2827. FUNDING FOR ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS TO BE CLOSED AND REPORT ON ENVIRONMENTAL RESTORATION COSTS AT SUCH INSTALLATIONS.

(a) EXCLUSIVE SOURCE OF FUNDING.—(1) Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 104 Stat. 1815; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(d) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION PROJECTS.—Except for funds deposited into the Account under subsection (a), funds appropriated to the Department of Defense may not be used for purposes described in section 2905(a)(1)(C). The prohibition in this subsection shall expire upon the termination of the authority of the Secretary to carry out a closure or realignment under this part.".

(2) Section 2905(a)(1)(C) of such Act (Public Law 101-510; 104 Stat. 1813; 10 U.S.C. 2687 note) is amended—

(A) by striking out "may" and inserting in lieu thereof "shall"; and

(B) by striking out "or funds appropriated to the Department of Defense for environmental restoration and mitigation".

(3) The amendments made by this subsection shall take effect on the date of the enactment of this Act.

Effective date.
10 USC 2687 note.

(b) REPORT ON ENVIRONMENTAL RESTORATION COSTS FOR INSTALLATIONS TO BE CLOSED UNDER 1990 BASE CLOSURE LAW.—(1) Each year, at the same time the President submits to Congress the budget for a fiscal year (pursuant to section 1105 of title 31, United States Code), the Secretary of Defense shall submit to Congress a report on the funding needed for the fiscal year for which the budget is submitted, and for each of the following four fiscal years, for environmental restoration activities at each military installation described in paragraph (2), set forth separately by fiscal year for each military installation.

10 USC 2687 note.

(2) The report required under paragraph (1) shall cover each military installation which is to be closed pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510).

PART C—LAND TRANSACTIONS

SEC. 2831. ACQUISITION OF LAND, BALDWIN COUNTY, ALABAMA.

(a) ACQUISITION OF LAND.—The Secretary of the Navy may acquire the fee simple interest in a parcel of real property consisting of approximately 60 acres within the runway clear zones located at Outlying Landing Field Barin, Baldwin County, Alabama.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be acquired under subsection (a) shall be determined by a survey that is satisfactory to the Secretary of the Navy.

(c) TERMS AND CONDITIONS.—The Secretary of the Navy may require any terms or conditions in connection with the acquisition under this section that the Secretary determines appropriate to protect the interests of the United States.

SEC. 2832. LAND CONVEYANCE, LOMPOC, CALIFORNIA.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary of Army may convey to the City of Lompoc, California (in this section referred to as the "City"), without consideration, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 41 acres located at the United States Disciplinary Barracks, Lompoc, California, together with any improvements on such land.

(b) CONDITION.—The conveyance authorized by subsection (a) shall be subject to the condition that the City use the real property conveyed for—

(1) educational purposes; or

(2) the purposes provided for in section 834 of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1526).

(c) REVERSION.—If the Secretary of the Army determines at any time that the City is not complying with the condition specified in subsection (b), all right, title, and interest in and to the property conveyed pursuant to subsection (a), including improvements on the property, shall revert to the United States and the United States shall have the right of immediate entry on that property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require any additional terms and conditions in connection with the conveyance under this section that the Secretary determines appropriate to protect the interests of the United States.

SEC. 2833. LAND EXCHANGE, SCOTT AIR FORCE BASE, ILLINOIS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Air Force may convey to the County of Saint Clair, Illinois (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property known as the Cardinal Creek Housing Complex, Scott Air Force Base, Illinois, consisting of approximately 150 acres, together with the improvements on the property.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a) of the parcel described in that subsection, the County shall convey to the United States a parcel of real property located in the vicinity of Scott Air Force Base, Illinois. The fair market value of the real property conveyed to the United States shall be at least equal to the fair market value of the real property (including the improvements on that property) conveyed to the County under subsection (a).

(c) DETERMINATIONS OF FAIR MARKET VALUE.—The determinations of the Secretary of the Air Force regarding the fair market values of the parcels of real property to be conveyed pursuant to subsections (a) and (b) shall be final.

(d) DESCRIPTION OF PROPERTY.—The exact acreages and legal descriptions of the parcels of real property to be conveyed pursuant to subsections (a) and (b) shall be determined by surveys that are satisfactory to the Secretary of the Air Force. The cost of such surveys shall be borne by the County.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require any additional terms and conditions in connection with the conveyances under this section that the Secretary determines appropriate to protect the interests of the United States.

SEC. 2834. LAND CONVEYANCE, NEW BEDFORD, MASSACHUSETTS.

(a) CONVEYANCE.—Subject to subsection (b), the Secretary of the Army may convey to the City of New Bedford, Massachusetts (in this section referred to as the "City"), all right, title, and interest of the United States in and to the following parcels of real property:

(1) A parcel consisting of approximately 12 acres, with improvements thereon, located at Clark's Point, New Bedford, Massachusetts, and comprising the New Bedford Army Reserve Center.

(2) A parcel consisting of approximately 2,500 square feet, with improvements thereon, located at Clark's Point, New Bedford, Massachusetts.

(3) A utility easement and right of way appurtenant to the parcels referred to in paragraphs (1) and (2) running from Rodney French Boulevard (south).

(b) CONSIDERATION.—(1) In consideration for the conveyance authorized in subsection (a), the City shall—

(A) accept the parcels to be conveyed under this section in their existing condition;

(B) conduct any response actions with respect to the parcels that are necessary (as determined under the laws of the State of Massachusetts) to prevent the release or threat of release of any oil or hazardous material identified in and described as being located on the parcels in the "Phase One Limited Site Investigation United States Army Reserve Center Fort Rodman Parcel 5 New Bedford, Massachusetts", dated May 1991, and prepared by Tibbetts Engineering Corporation;

(C) agree to indemnify the United States for all costs of necessary response actions with respect to the parcels arising from the failure of the City to conduct any response action referred to in subparagraph (B); and

(D) pay to the United States the amount, if any, by which the fair market value of the parcels on the date of the conveyance of the parcels (as determined in an appraisal satisfactory to the Secretary of the Army) exceeds the cost of the response actions referred to in subparagraph (B).

(2) The cost of the appraisal referred to in paragraph (1)(D) shall be borne by the City.

(3) In this subsection, the terms "response action", "release", "threat of release", "oil", and "hazardous material" shall have the meanings given such terms in section 2 of the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (Mass. Gen. Laws Ann. ch. 21E, § 2 (West 1990)).

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property conveyed under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the City.

(d) DISPOSITION OF PROCEEDS.—The Secretary of the Army shall deposit any amount received by the Secretary under subsection (b)(1)(D) into the special account referred to in section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)).

(e) ENTRY ONTO PROPERTY.—Beginning on the date of the enactment of this Act, the Secretary of the Army shall permit authorized representatives of the City to enter upon the parcels of real property referred to in subsection (a) for the purpose of preparing the parcels for the construction of a waste water treatment plant.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyances under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2835. RELEASE OF REVERSIONARY INTEREST, BERRIEN COUNTY, MICHIGAN.

(a) IN GENERAL.—The Secretary of the Navy shall release the reversionary interest of the United States to approximately 1.7 acres of real property conveyed by the quitclaim deed described in subsection (b).

(b) DEED DESCRIPTION.—The deed referred to in subsection (a) is a quitclaim deed executed by the Secretary of the Navy, dated February 25, 1936, which conveyed to the State of Michigan approximately 1.7 acres of land in Berrien County, Michigan, situated in section 23, township 4 south, range 19 west.

(c) PROPERTY DESCRIPTION.—The exact acreage and legal description of the property that is subject to the reversionary interest to be released under this section shall be determined by surveys satisfactory to the Secretary of the Navy. The cost of any survey shall be borne by the State of Michigan.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require any additional term or condition in connection with the conveyance under this section that the Secretary determines appropriate to protect the interests of the United States.

(e) INSTRUMENT OF RELEASE.—The Secretary of the Navy shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of the reversionary interest under this section.

SEC. 2836. LAND CONVEYANCE, SANTA FE, NEW MEXICO.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary of the Army may convey to the New Mexico State Armory Board (in this section referred to as the "Board") all right, title, and interest of the United States in and to the parcel of real property consisting of approximately 5 acres, including improvements on the parcel, located at 2500 Cerrillos Road, Santa Fe, New Mexico, the location of a United States Army Reserve Center.

(b) CONSIDERATION.—In consideration for the conveyance under subsection (a) of the parcels described in that subsection, the Board shall convey to the United States all right, title, and interest of the State of New Mexico in and to a parcel of real property consisting of approximately 13 acres located in Santa Fe County, New Mexico.

(c) CONDITIONS OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) That the Board design and construct on the property conveyed pursuant to subsection (b) (on terms satisfactory to, and subject to the approval of, the Secretary of the Army) a facility suitable for use as a replacement for the United States Army Reserve Center referred to in subsection (a).

(2) That the Board permit (on terms satisfactory to the Secretary and the Board) units of the United States Army Reserve

located in New Mexico to use, at no cost to the United States, Board facilities at the headquarters complex of the New Mexico National Guard, Santa Fe, New Mexico, that are also being used by units of the New Mexico National Guard.

(d) REVERSION.—If the Secretary of the Army determines at any time that the Board is not complying with the conditions specified in subsection (c), all right, title, and interest in and to the property conveyed pursuant to subsection (a), including improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry thereon.

(e) DESCRIPTION OF PROPERTY.—The exact acreages and legal descriptions of the parcels of real property to be conveyed under subsections (a) and (b) shall be determined by surveys that are satisfactory to the Secretary of the Army. The cost of such surveys shall be borne by the Board.

(f) USE OF APPROPRIATED FUNDS.—The cost of designing and constructing the United States Army Reserve Center required under subsection (c)(1) shall be paid out of funds appropriated for the construction of such center in Public Law 101-148 (103 Stat. 920) or out of other funds appropriated for the Department of Defense for military construction and made available for such construction project.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require any additional terms and conditions in connection with the conveyances under this section that the Secretary determines appropriate to protect the interests of the United States.

SEC. 2837. REVISION OF LAND CONVEYANCE AUTHORITY, NAVAL RESERVE CENTER, BURLINGTON, VERMONT.

Section 2837(c) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1800) is amended—

(1) in paragraph (1)(A), by striking out "$1,500,000" and inserting in lieu thereof "$800,000"; and

(2) in paragraph (2), by striking out "January 1, 1992" and inserting in lieu thereof "January 1, 1993".

SEC. 2838. LEASE AND DEVELOPMENT OF CERTAIN REAL PROPERTY, NORFOLK, VIRGINIA.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Navy may lease to a private entity all or part of approximately 150 acres of real property that is located at the Naval Base, Norfolk, Virginia, and known as the Willoughby site. The lease may be for such period as the Secretary determines to be in the interests of the United States.

(b) CONSIDERATION.—(1) As consideration for the lease of real property under subsection (a), the lessee or lessees shall make available to the Secretary of the Navy such facilities or the use of such facilities, or both, as may be constructed or rehabilitated on the property by the lessee or lessees. The lessee or lessees shall be responsible for all costs of constructing, operating, maintaining, or repairing such facilities. The lease of the property shall be the only consideration required from the Secretary in exchange for obtaining or using such facilities.

(2) The value of using or obtaining the facilities under paragraph (1), or both, shall be at least equal to the fair market rental value of

the real property leased under subsection (a), as determined by the Secretary.

(c) CONDITIONS.—(1) The Secretary of the Navy shall provide that any real property leased under this section be developed in consultation with the City of Norfolk, Virginia.

(2) A lease may not be entered into under this section until 21 days after the Secretary submits a plan for the development of the real property to be leased under subsection (a) to the Committees on Armed Services of the Senate and the House of Representatives, including a justification of how the plan is more advantageous to the United States than developing the real property with Federal funds.

(3) Any lease under this section shall be awarded through publicly advertised, competitively bid, or competitively negotiated, contracting procedures as provided under chapter 137 of title 10, United States Code.

(4) The Secretary may require such additional terms and conditions in connection with the leases authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2839. LEASE AT HUNTERS POINT NAVAL SHIPYARD, SAN FRANCISCO, CALIFORNIA.

Section 2824(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1790) is amended by striking out "within one year after the date of the enactment of this Act," and inserting in lieu thereof "not later than November 5, 1992,".

SEC. 2840. LAND EXCHANGE, PEARL HARBOR, HAWAII.

(a) AUTHORITY TO CONVEY.—Subject to subsection (b), the Secretary of the Navy may convey to the City and County of Honolulu, Hawaii (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property (including improvements on the property) consisting of approximately 43.8 acres in Pearl City, Oahu, Hawaii, and known as Navy Drum Storage Area.

(b) CONSIDERATION.—In consideration for the conveyance authorized by subsection (a), the City shall—

(1) convey to the United States all right, title and interest to approximately 28.3 acres of real property on Waiawa peninsula, Oahu, Hawaii, known as the former Pearl City Sewage Treatment Plant site, together with improvements on the site and associated roadway access and utility easements;

(2) pay to the United States an amount equal to the estimate (determined by the Secretary of the Navy) of the cost to demolish and dispose of sewage treatment plant improvements located on the site;

(3) pay to the United States an amount equal to the estimate (determined by the Secretary) of the cost to construct road access improvements to the site, including a replacement bridge across Waiawa Stream; and

(4) in the event that the fair market value of the land and improvements conveyed by the Secretary under subsection (a) exceeds the sum of the amount of the fair market value of the land and improvements referred to in paragraph (1) and the amounts referred to in paragraphs (2) and (3), pay to the United States an amount equal to the excess.

(c) USE OF PROCEEDS.—(1) The Secretary of the Navy may use, to the extent provided in appropriation Acts, the amounts paid by the City under subsection (b)—

(A) to carry out the demolition and disposal activities referred to in paragraph (2) of that subsection; and

(B) to construct the road access improvements referred to in paragraph (3) of that subsection.

(2) The Secretary shall deposit the unobligated balance of such amounts, if any, into the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) ENVIRONMENTAL RESTORATION.—(1) The City shall undertake such studies and appraisals as are necessary (as determined by the Secretary of the Navy and the City) to identify the type and quantity of the hazardous substances, if any, that are located on the parcels of real property conveyed pursuant to subsections (a) and (b)(1). The cost of any such studies and appraisals shall be borne by the City.

(2) Upon the completion of the studies and appraisals referred to in paragraph (1), the City and the Secretary shall carry out any remedial actions with respect to the hazardous substances located on such parcels (as identified in such studies and appraisals) that are necessary to protect human health and the environment. The cost of any such remedial actions shall be borne—

(A) by the Secretary, in the case of the parcel of real property conveyed pursuant to subsection (a); and

(B) by the City, in the case of the parcel of real property conveyed pursuant to subsection (b)(1).

(3) The conveyances of real property authorized under subsections (a) and (b)(1) may be completed in whole or in part before the completion of the remedial actions referred to in paragraph (2). The conveyance of a parcel of real property pursuant to this paragraph shall not relieve the Secretary or the City, as the case may be, from completing the remedial actions required for that property.

(e) DESCRIPTION OF PROPERTY.—The exact acreages and legal descriptions of the parcels of real property to be conveyed pursuant to subsections (a) and (b)(1) shall be determined by surveys that are satisfactory to the Secretary of the Navy.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyances under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2841. LAND CONVEYANCE, NEW LONDON, CONNECTICUT.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (b), the Secretary of the Navy may convey to the State of Connecticut the following:

(1) All right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, located adjacent to the State Pier, New London, Connecticut.

(2) The leasehold interest of the United States in and to a parcel of real property on the State Pier, including improvements thereon, located adjacent to the parcel referred to in paragraph (1).

(b) CONDITIONS OF CONVEYANCE.—The conveyances authorized under subsection (a) shall be subject to the following conditions:

(1) The State of Connecticut may not require that the Department of the Navy—

(A) pay the cost of any improvements made to the parcels of property referred to in subsection (a) after the date of the enactment of this Act;

(B) except as provided in paragraph (3), restore the portion of the State Pier subject to the leasehold interest referred to in subsection (a)(2) to its original condition; or

(C) pay to the State of Connecticut any amount of rent for the parcel referred to in subsection (a)(2) under the lease referred to in that subsection after the date of the enactment of the Act.

(2) The Department of the Navy shall pay for all costs associated with the removal of equipment of the Department from the parcels referred to in subsection (a) if such removal is agreed to by the Secretary and the State of Connecticut.

(3) The Department of the Navy shall be responsible for any environmental restoration of the parcel of the State Pier subject to the leasehold interest referred to in subsection (a)(2) that is necessary (as determined by the Secretary) as a result of the lease of the parcel by the Department of the Navy.

(4) In the event that the fair market value (as determined by the Secretary) of the parcel of real property and the leasehold interest conveyed under subsection (a) exceeds the fair market value (as so determined) of any obligations of the United States to the State of Connecticut that are released by the State of Connecticut by reason of paragraphs (1) through (3), the State of Connecticut shall pay the United States the amount of such excess.

(c) PROCEEDS.—Any funds paid to the United States under subsection (b)(4) shall be deposited into the special account established by section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) DESCRIPTION OF PROPERTY.—The exact acreages and legal descriptions of the parcels of real property subject to the conveyances referred to in subsection (a) shall be determined by surveys satisfactory to the Secretary of the Navy. The cost of the surveys shall be borne by the State of Connecticut.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyances under this section as the Secretary determines appropriate to protect the interests of the United States.

PART D—PROHIBITION ON CERTAIN CONSTRUCTION

Spain.

SEC. 2851. PROHIBITION ON CONSTRUCTION AT CROTONE, ITALY.

None of the funds available to the Department of Defense, including contributions for the North Atlantic Treaty Organization Infrastructure program pursuant to section 2806 of title 10, United States Code, may be obligated in connection with relocating functions of the Department of Defense located at Torrejon Air Force Base, Madrid, Spain, on June 15, 1989, to Crotone, Italy.

SEC. 2852. RESTRICTION ON CERTAIN DEVELOPMENT AT FORT HUNTER LIGGETT, CALIFORNIA.

(a) RESTRICTION ON DEVELOPMENT.—Subject to subsection (c), the Secretary of the Army shall prohibit above-ground construction on the real property described in subsection (b) to the extent that the

Secretary determines necessary for maintaining a viewshed buffer area for the Mission San Antonio de Padua.

(b) APPLICABILITY.—Subsection (a) applies to real property (consisting of approximately 339.86 acres) under the jurisdiction of the Secretary that is within the parcel of real property designated as Parcel A on the December 1990 record of survey that—

(1) is recorded with the County of Monterey, California, for Monterey County map location number 5562, Rancho Milpitas, Fort Hunter Liggett, County of Monterey, California;

(2) shows the restricted building zone at Mission San Antonio de Padua; and

(3) shows the exterior boundaries of the Mission San Antonio de Padua appearing on the August 1919 map of resurvey of the Mission prepared by H. F. Cozzens and William Davies.

H.F. Cozzens.
William Davies.

(c) EXCEPTION.—The prohibition in subsection (a) shall not apply in the case of any construction for the maintenance or protection of any improvements to real property that are eligible for inclusion on the National Register of Historic Places.

(d) OTHER USE.—The Secretary may permit the use of the property to which the prohibition in subsection (a) applies for any purpose that is consistent with the prohibition set out in that subsection, including use for access, training, recreation, grazing, forestry, and fire control.

PART E—MISCELLANEOUS

SEC. 2861. REVIEW OF ASSETS OF THE RESOLUTION TRUST CORPORATION BEFORE ACQUISITION OF OPTIONS ON REAL PROPERTY.

Section 2677 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) Before acquiring an option on real property under subsection (a), the Secretary of a military department shall review the most recent inventory of real property assets published by the Resolution Trust Corporation under section 21A(b)(12)(F) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(12)(F)) and determine whether any real property listed in the inventory is suitable for use by the military department for the purposes for which the real property is sought.

"(2) The requirement for the review referred to in paragraph (1) shall terminate on September 30, 1996.".

Termination date.

SEC. 2862. CLARIFICATION OF THE AUTHORITY OF THE SECRETARIES OF THE MILITARY DEPARTMENTS TO LEASE NONEXCESS PROPERTY.

(a) LEASE CONDITIONS.—Subsection (b) of section 2667 of title 10, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking out "must" and inserting in lieu thereof "shall"; and

(B) by striking out "and" at the end of that paragraph;

(2) by redesignating paragraph (4) as paragraph (5);

(3) by inserting after paragraph (3) the following new paragraph:

"(4) shall provide for the payment (in cash or in kind) by the lessee of consideration in an amount that is not less than the

fair market value of the lease interest, as determined by the Secretary; and"; and

(4) in paragraph (5) (as redesignated by paragraph (2))—

(A) by inserting "improvement," before "maintenance"; and

(B) by inserting "the payment of" before "part or all".

(b) TECHNICAL AMENDMENT.—Subsection (d)(3) of such section is amended—

(1) by striking out subparagraph (A);

(2) by striking out "(B) As part of the request for authorizations of appropriations to such Committees for each fiscal year after fiscal year 1992" and inserting in lieu thereof the following: "As part of the request for authorizations of appropriations submitted to the Committees on Armed Services of the Senate and House of Representatives for each fiscal year"; and

(3) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively.

SEC. 2863. TEST PROGRAM OF LEASES OF REAL PROPERTY FOR ACTIVITIES RELATED TO SPECIAL FORCES OPERATIONS.

(a) AUTHORITY TO LEASE.—(1) Chapter 159 of title 10, United States Code, is amended by inserting after section 2679 the following new section:

"§ 2680. Leases: land for special operations activities

"(a) AUTHORITY TO ACQUIRE LEASEHOLDS.—The Secretary of Defense may acquire a leasehold interest in real property if the Secretary determines that the acquisition of such interest is necessary in the interests of national security to facilitate special operations activities of forces of the special operations command established pursuant to section 167 of this title.

"(b) LIMITATIONS ON AUTHORITY.—(1) The Secretary may not acquire a leasehold interest in any real property under subsection (a) if the estimated annual rental cost of that real property exceeds $500,000.

"(2) The Secretary may not acquire more than five leasehold interests in real property under subsection (a) during a fiscal year.

"(3) The term of a leasehold interest acquired under this section shall not exceed one year.

"(c) CONSTRUCTION OR MODIFICATION OF FACILITY ON LEASEHOLD.—The Secretary may provide in a lease entered into under this section for the construction or modification of any facility on the leased property in order to facilitate the activities referred to in subsection (a). The total cost of the construction or modification of such facility may not exceed $750,000 in any fiscal year.

"(d) EXPIRATION OF AUTHORITY.—The authority of the Secretary of Defense to acquire a leasehold interest in real property under this section shall expire on September 30, 1993. The expiration of that authority shall not affect the validity of any contract entered into under this section on or before that date.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2679 the following new item:

"2680. Leases: land for special operations activities.".

10 USC 2680 note.

(b) REPORTING REQUIREMENT.—Not later than March 1, 1993, and March 1, 1994, the Secretary of Defense shall submit to the Commit-

tees on Armed Services of the Senate and the House of Representatives a report that—

"(1) identifies each leasehold interest acquired during the previous fiscal year by the Secretary under subsection (a) of section 2680 of title 10, United States Code, as added by subsection (a); and

"(2) contains a discussion of each project for the construction or modification of facilities carried out pursuant to subsection (c) of such section during such fiscal year.

SEC. 2864. LAW ENFORCEMENT AUTHORITY ON THE PENTAGON RESERVATION.

Section 2674(b)(2) of title 10, United States Code, is amended to read as follows:

"(2) shall have the same powers (other than the service of civil process) as sheriffs and constables upon the property referred to in the first sentence to enforce the laws enacted for the protection of persons and property, to prevent breaches of the peace and suppress affrays or unlawful assemblies, and to enforce any rules or regulations with respect to such property prescribed by duly authorized officials.".

SEC. 2865. REPAIR OF DAMAGES AT MCCONNELL AIR FORCE BASE CAUSED BY TORNADOES. Kansas.

(a) FINDINGS.—Congress finds the following:

(1) On April 26, 1991, tornadoes caused extensive damage to McConnell Air Force Base in Wichita, Kansas.

(2) The immediate repair of the damage caused by the tornadoes is necessary to return this important military installation to its highest state of readiness and to provide the military personnel and their families stationed at this installation the necessary support facilities to assure an appropriate standard of living.

(b) REPAIR REQUIRED.—Pursuant to the authority of the Secretary of the Air Force to restore or replace damaged or destroyed facilities under section 2854 of title 10, United States Code, the Secretary shall expeditiously repair the damage to McConnell Air Force Base in Wichita, Kansas, caused by the devastating tornadoes on April 26, 1991.

SEC. 2866. STUDY OF THE NEED FOR THE CONSTRUCTION OF TORNADO SHELTERS. Reports.

Not later than April 15, 1992, the Secretary of Defense shall submit to the congressional defense committees a report regarding the advisability of constructing tornado shelters at military installations located in areas where tornadoes frequently occur. If the Secretary determines that the construction of shelters is advisable, the report shall contain a proposed schedule for the construction of such shelters.

SEC. 2867. REPORT ON REPLACEMENT BRIDGE NEAR THE NAVY HOMEPORT AT PASCAGOULA, MISSISSIPPI.

Not later than January 15, 1992, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the status of the planning and design of a replacement bridge on Highway 90 near the Navy homeport at Pascagoula, Mississippi.

10 USC 2802 note.

SEC. 2868. REPORTS RELATING TO MILITARY CONSTRUCTION FOR FACILITIES SUPPORTING NEW WEAPON SYSTEMS.

(a) REQUIREMENT.—The Secretary of Defense shall submit to Congress with the budget submitted under section 1105 of title 31, United States Code, for the fiscal year in which the first construction of a facility for the permanent basing of a new weapon system is to be authorized a report describing—

(1) the site or sites selected or planned for permanent basing of the planned force of that weapon system;

(2) the rationale for selecting such site or sites; and

(3) the military construction activities proposed for each such site.

(b) NEW WEAPON SYSTEM DEFINED.—For purposes of this section, the term "new weapon system" means any military aircraft or major naval combatant vessel for which a complete permanent basing plan has not been publicly announced before the date of the enactment of this Act.

SEC. 2869. INITIATION OF CONSTRUCTION OF PHOENIX, ARIZONA, AND VICINITY (STAGE 2) FLOOD CONTROL.

(a) IN GENERAL.—With funds appropriated for fiscal year 1992 by the Energy and Water Development Appropriations Act, 1992 (Public Law 102-104) for construction water projects, the Secretary of the Army is directed, with respect to the Phoenix, Arizona, and vicinity (Stage 2) flood control project, to initiate construction to cover the Arizona Canal Diversion Channel—

(1) for approximately 150 linear feet east of Central Avenue in Phoenix;

(2) for 1,760 feet west from 32nd Street to the property line of the Arizona Biltmore in Phoenix; and

(3) from 1,250 east of 32nd Street to the Cudia City Wash Spillway in Paradise Valley.

(b) COST SHARING.—The Federal share of the cost of construction under subsection (a) shall be 90 percent, and the non-Federal share of such cost shall be provided by the city of Phoenix and the town of Paradise Valley, Arizona, for the portions of such construction which are in such city and town, respectively.

(c) EXPEDITED CONSTRUCTION.—The Secretary is directed to take all appropriate steps to expedite construction under subsection (a).

(d) TERMS AND CONDITIONS.—Except as provided in subsection (b), the construction under subsection (a) shall be carried out under the terms and conditions set forth in the agreement dated July 21, 1977, and executed in accordance with section 221 of the Flood Control Act of 1970 (Public Law 91-611) between the Maricopa County Flood Control District and the Secretary of the Army with respect to the project referred to in subsection (a).

(e) TERMINATION OF AUTHORITY.—The authorization in this section shall expire on September 30, 1993.

SEC. 2870. TECHNICAL AMENDMENTS.

Title 10, United States Code, is amended as follows:

(1) Section 2676(d) is amended in the second sentence—

(A) by striking out "(1)"; and

(B) by striking out ", or (2)" and all that follows through "increased cost".

(2) Section 2803(b) is amended in the third sentence by striking out ", or after" and all that follows "that period".

(3) Section 2804(b) is amended in the third sentence by striking out ", or after" and all that follows through "that period".
(4) Section 2805(b)(2) is amended in the second sentence—
(A) by striking out "(A)"; and
(B) by striking out ", or (B)" and all that follows through "that period".
(5) Section 2806(c)(2)(B) is amended—
(A) by striking out "after either" and inserting in lieu thereof "after"; and
(B) by striking out "or after each" and all that follows through "increased contribution".
(6) Section 2807(c)(2) is amended—
(A) by striking out "either"; and
(B) by striking out "or after each" and all that follows through "level of activity".
(7) Section 2854(b) is amended in the second sentence—
(A) by striking out "(1)"; and
(B) by striking ", or (2)" and all that follows through "that period".

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

SEC. 3101. OPERATING EXPENSES.

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1992 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For weapons activities, $4,075,800,000 to be allocated as follows:
(A) For research and development, $1,182,600,000.
(B) For weapons testing, $457,500,000.
(C) For production and surveillance, $2,273,950,000.
(D) For program direction, $161,750,000.
(2) For defense nuclear materials production, $1,464,312,000, to be allocated as follows:
(A) For production reactor operations, $584,418,000.
(B) For processing of defense nuclear materials, including naval reactors fuel, $531,217,000.
(C) For supporting services, $305,433,000.
(D) For program direction, $43,244,000.
(3) For verification and control technology, $209,900,000.
(4) For nuclear materials safeguards and security technology development program, $88,731,000.
(5) For security investigations, $62,600,000.
(6) For Office of Security evaluations, $15,000,000.

(7) For new production reactors, $142,835,000.
(8) For naval reactors, $723,400,000, to be allocated as follows:
(A) For plant development, $93,000,000.
(B) For reactor development, $285,997,000.
(C) For reactor operation and evaluation, $205,600,000.
(D) For program direction, $15,963,000.
(E) For enriched material, operating, $122,840,000.
(9) For education, training, and technology transfer, $49,900,000, including the following:
(A) For worker protection training, $10,000,000.
(B) For scholarship and fellowship programs, $1,000,000.
(C) For the Hanford health information network, $1,554,000.
(D) For site specific health assessments, $8,000,000.

SEC. 3102. PLANT AND CAPITAL EQUIPMENT.

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1992 for plant and capital equipment (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:
(1) For weapons activities:
Project GPD-101, general plant projects, various locations, $28,800,000.
Project GPD-121, general plant projects, various locations, $34,700,000.
Project 92-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations, $6,600,000.
Project 92-D-122, health physics/environmental projects, Rocky Flats Plant, Golden, Colorado, $7,200,000.
Project 92-D-123, plant fire/security alarm systems replacement, Rocky Flats Plant, Golden, Colorado, $5,200,000.
Project 92-D-125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, $3,500,000.
Project 92-D-126, replace emergency notification systems, various locations, $4,200,000.
Project 91-D-126, health physics calibration facility, Mound Plant, Miamisburg, Ohio, $4,000,000.
Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $34,100,000.
Project 90-D-124, high explosives (HE) synthesis facility, Pantex Plant, Amarillo, Texas, $12,927,000.
Project 90-D-126, environmental, safety, and health enhancements, various locations, $1,428,000.
Project 88-D-104, safeguards and security upgrade, Phase II, Los Alamos National Laboratory, New Mexico, $1,515,000.
Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $53,608,000.

Project 88-D-122, facilities capability assurance program, various locations, $47,473,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, $30,000,000.

Project 87-D-104, safeguards and security enhancement II, Lawrence Livermore National Laboratory, California, $5,300,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Nevada, $12,027,000.

Project 85-D-121, air and water pollution control facilities, Y-12 Plant, Oak Ridge, Tennessee, $3,000,000.

(2) For materials production:

Project GPD-146, general plant projects, various locations, $40,000,000.

Project 92-D-140, F and H canyon exhaust upgrades, Savannah River, South Carolina, $12,000,000.

Project 92-D-141, reactor seismic improvement, Savannah River, South Carolina, $14,200,000.

Project 92-D-142, nuclear material processing training center, Savannah River, South Carolina, $2,500,000.

Project 92-D-143, health protection instrument calibration facility, Savannah River, South Carolina, $2,000,000.

Project 92-D-150, operations support facilities, Savannah River, South Carolina, $3,000,000.

Project 92-D-151, plant maintenance and improvements, Phase I, Savannah River, South Carolina, $4,060,000.

Project 92-D-153, engineering support facility, Savannah River, South Carolina, $8,017,000.

Project 91-D-143, increase 751-A electrical substation capacity, Phase I, Savannah River, South Carolina, $2,614,000.

Project 90-D-141, Idaho chemical processing plant fire protection, Idaho National Engineering Laboratory, Idaho, $12,000,000.

Project 90-D-149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, $39,000,000.

Project 90-D-150, reactor safety assurance, Phases I, II, and III, Savannah River, South Carolina, $14,530,000.

Project 90-D-151, engineering center, Savannah River, South Carolina, $105,000.

Project 89-D-140, additional separations safeguards, Savannah River, South Carolina, $28,150,000.

Project 89-D-148, improved reactor confinement system, Savannah River, South Carolina, $12,121,000.

Project 88-D-153, additional reactor safeguards, Savannah River, South Carolina, $6,528,000.

Project 86-D-149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations, $36,865,000.

Project 85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $82,700,000.

(3) For verification and control technology:

Project 90-D-186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, $10,000,000.

(4) For nuclear materials safeguards and security:

Project GPD-186, general plant projects, Central Training Academy, Albuquerque, New Mexico, $2,000,000.

(5) For new production reactors:

Project 92-D-300, new production reactor capacity, various locations, $359,465,000.

Project 92-D-301, new production reactor (NPR) safety center, Los Alamos National Laboratory, New Mexico, $2,000,000.

(6) For naval reactors development:

Project GPN-101, general plant projects, various locations, $8,500,000.

Project 92-D-200, laboratories facilities upgrades, various locations, $4,900,000.

Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $15,000,000.

Project 90-N-103, advanced test reactor off-gas treatment system, Idaho National Engineering Laboratory, Idaho, $2,800,000.

Project 90-N-104, facilities renovation, Knolls Atomic Power Laboratory, Niskayuna, New York, $5,000,000.

(7) For capital equipment not related to construction:

(A) For weapons activities, $252,050,000.

(B) For materials production, $92,198,000.

(C) For verification and control technology, $10,100,000.

(D) For nuclear safeguards and security, $5,269,000.

(E) For new production reactors, $11,200,000.

(F) For naval reactors development, $58,400,000.

SEC. 3103. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) AUTHORIZATION.—Funds are authorized to be appropriated to the Department of Energy for fiscal year 1992 for carrying out the environmental restoration and waste management programs necessary for national security programs as follows:

(1) For operating expenses, $3,177,142,000, to be allocated as follows:

(A) For corrective activities—environment, $27,689,000.

(B) For corrective activities—defense programs, $33,518,000.

(C) For environmental restoration, $1,074,392,000.

(D) For waste management, $1,723,796,000.

(E) For technology development, $274,778,000.

(F) For transportation management, $18,220,000.

(G) For program direction, $24,749,000.

(2) For plant projects:

Project GPD-171, general plant projects, various locations, $88,027,000.

Project 92-D-171, mixed waste receiving and storage, Los Alamos National Laboratory, Los Alamos, New Mexico, $6,640,000.

Project 92-D-172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, $2,400,000.

Project 92-D-173, NOx abatement facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $7,000,000.

Project 92-D-174, sanitary landfill, Idaho National Engineering Laboratory, Idaho, $10,000,000.

Project 92-D-176, B plant safety class ventilation upgrades, Richland, Washington, $4,400,000.

Project 92-D-177, tank 101-AZ waste retrieval system, Richland, Washington, $5,800,000.

Project 92-D-180, inter-area line upgrade, Savannah River, South Carolina, $2,100,000.

Project 92-D-181, fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $3,000,000.

Project 92-D-182, sewer system upgrade, Idaho National Engineering Laboratory, Idaho, $2,100,000.

Project 92-D-183, transportation complex, Idaho National Engineering Laboratory, Idaho, $895,000.

Project 92-D-184, Hanford infrastructure underground storage tanks, Richland, Washington, $300,000.

Project 92-D-185, road, ground, and lighting safety improvements, 300/1100 areas, Richland, Washington, $800,000.

Project 92-D-186, steam system rehabilitation, Phase II, Richland, Washington, $400,000.

Project 92-D-187, 300 area electrical distribution, conversion, and safety improvements, Phase II, Richland, Washington, $1,100,000.

Project 92-D-402, sanitary sewer system rehabilitation, Lawrence Livermore National Laboratory, California, $3,000,000.

Project 92-D-403, tank upgrades project, Lawrence Livermore National Laboratory, California, $3,500,000.

Project 91-D-171, waste receiving and processing facility module 1, Richland, Washington, $7,400,000.

Project 91-D-172, high-level waste tank farm replacement, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $30,000,000.

Project 91-D-173, hazardous low-level waste processing tanks, Savannah River, South Carolina, $10,100,000.

Project 91-D-175, 300 area electrical distribution, conversion, and safety improvements, Phase I, Richland, Washington, $4,419,000.

Project 91-E-100, environmental and molecular sciences laboratory, Richland, Washington, $17,100,000.

Project 90-D-125, steam ash disposal facility, Y-12 Plant, Oak Ridge, Tennessee, $8,122,000.

Project 90-D-126, environment, safety, and health improvements, various locations, $7,419,000.

Project 90-D-171, laboratory ventilation and electrical system upgrade, Richland, Washington, $1,116,000.

Project 90-D-172, aging waste transfer lines, Richland, Washington, $6,000,000.

Project 90-D-173, B plant canyon crane replacement, Richland, Washington, $5,800,000.

Project 90-D-174, decontamination laundry facility, Richland, Washington, $3,700,000.

Project 90-D-175, landlord program safety compliance-I, Richland, Washington, $8,840,000.

Project 90-D-176, transuranic (TRU) waste facility, Savannah River, South Carolina, $5,500,000.

Project 90-D-177, RWMC transuranic (TRU) waste treatment and storage facility, Idaho National Engineering Laboratory, Idaho, $25,000,000.

Project 90-D-178, TSA retrieval containment building, Idaho National Engineering Laboratory, Idaho, $4,490,000.

Project 89-D-122, production waste storage facilities, Y-12 Plant, Oak Ridge, Tennessee, $9,238,000.

Project 89-D-126, environment, safety, and health upgrade, Phase II, Mound Plant, Miamisburg, Ohio, $41,000.

Project 89-D-141, M-area waste disposal, Savannah River, South Carolina, $4,170,000.

Project 89-D-172, Hanford environmental compliance, Richland, Washington, $27,700,000.

Project 89-D-173, tank farm ventilation upgrade, Richland, Washington, $4,231,000.

Project 89-D-174, replacement high-level waste evaporator, Savannah River, South Carolina, $14,145,000.

Project 89-D-175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina, $4,330,000.

Project 88-D-102, sanitary wastewater systems consolidation, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,546,000.

Project 88-D-173, Hanford waste vitrification plant, Richland, Washington, $79,200,000.

Project 87-D-181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $4,697,000.

Project 86-D-103, decontamination and waste technology, Lawrence Livermore National Laboratory, Livermore, California, $5,060,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, $9,100,000.

(3) For capital equipment, $121,832,000, to be allocated as follows:

(A) For corrective activities—environment, $1,249,000.

(B) For corrective activities—defense programs, $6,520,000.

(C) For waste management, $95,913,000.

(D) For technology development, $17,500,000.

(E) For transportation management, $650,000.

(b) OTHER AUTHORIZATION.—From funds authorized to be appropriated pursuant to subsection (a) to the Department of Energy for environmental restoration and waste management activities, the Secretary of Energy may reimburse the cities of Westminster, Broomfield, Thornton, and Northglen in the State of Colorado $10,000,000 for the cost of implementing water management programs. Such reimbursement shall not be considered a major Federal action for purposes of section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

SEC. 3104. FUNDING LIMITATIONS.

(a) INERTIAL CONFINEMENT FUSION.—Of the funds appropriated to the Department of Energy for fiscal year 1992 for operating expenses and plant and capital equipment, $197,000,000 shall be available for the defense inertial confinement fusion program.

(b) W-79 PROJECTILE MODIFICATION.—None of the funds appropriated or otherwise made available for the Department of Energy

for fiscal year 1992 may be obligated for the modification of the W-79 atomic fired artillery projectile.

PART B—RECURRING GENERAL PROVISIONS

SEC. 3121. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) $10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may not be taken until— Reports.

(A) the Secretary of Energy has submitted to the congressional defense committees a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded each day on which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed $1,200,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,200,000, the Secretary shall immediately furnish a complete report to the Committees on Armed Services and to the Committees on Appropriations of the Senate and House of Representatives explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3102 or 3103 of this title, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such actions necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded each day on which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) IN GENERAL.—Funds appropriated pursuant to this title may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

(b) NUCLEAR DIRECTED ENERGY WEAPONS CONCEPTS.—The Secretary of Defense may transfer to the Secretary of Energy not more than $100,000,000 of the funds appropriated for fiscal year 1992 to the Department of Defense for research, development, test, and evaluation for the Defense Agencies for the performance of work on the Strategic Defense Initiative. Funds so transferred—

(1) may be used only for research and testing for nuclear directed energy weapons concepts, including plant and capital equipment related thereto; and

(2) shall be merged with the funds appropriated to the Department of Energy.

(c) INERTIAL CONFINEMENT FUSION PROGRAMS.—The Secretary of Defense may transfer to the Secretary of Energy not more than $12,000,000 of the funds appropriated to the Department of Defense for the inertial confinement fusion program. Funds so transferred shall be merged with funds appropriated to the Department of Energy national security programs for research and development.

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary of Energy may carry out advance planning and construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In the case of any project in which the total estimated cost for such planning and design exceeds $300,000, the Secretary shall notify the congressional defense committees in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such planning and design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—In addition to the funds authorized to be appropriated for advance planning and construction design under sections 3102 and 3103, the Secretary of Energy may use any other funds available to the Department of Energy in order to perform planning, design, and construction activities for any Department of Energy defense activity construction project that, as determined by the Secretary, must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

(b) LIMITATION.—(1) The Secretary may not exercise the authority under subsection (a) in the case of any construction project until— Reports.

(A) the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out with funds under such authority and the circumstances making such activities necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(2) In the computation of the 30-day period, there shall be excluded each day on which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses or for plant and capital equipment may remain available until expended.

PART C—MISCELLANEOUS

SEC. 3131. WORKER PROTECTION AT NUCLEAR WEAPONS FACILITIES. 42 USC 7274d.

(a) TRAINING GRANT PROGRAM.—(1) The Secretary of Energy is authorized to award grants to organizations referred to in paragraph (2) in order for such organizations—

(A) to provide training and education to persons who are or may be engaged in hazardous substance response or emergency response at Department of Energy nuclear weapons facilities; and

(B) to develop curricula for such training and education.

(2)(A) Subject to subparagraph (B), the Secretary is authorized to award grants under paragraph (1) to non-profit organizations that have demonstrated (as determined by the Secretary) capabilities in—

(i) implementing and conducting effective training and education programs relating to the general health and safety of workers; and

(ii) identifying, and involving in training, groups of workers whose duties include hazardous substance response or emergency response.

(B) The Secretary shall give preference in the award of grants under this section to employee organizations and joint labor-management training programs that are grant recipients under section 126(g) of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 9660a).

(3) An organization awarded a grant under paragraph (1) shall carry out training, education, or curricula development pursuant to Department of Energy orders relating to employee safety training, including orders numbered 5480.4 and 5480.11.

(b) ENFORCEMENT OF EMPLOYEE SAFETY STANDARDS.—(1) Subject to paragraph (2), the Secretary shall assess civil penalties against any contractor of the Department of Energy who (as determined by the Secretary)—

(A) employs individuals who are engaged in hazardous substance response or emergency response at Department of Energy nuclear weapons facilities; and

(B) fails (i) to provide for the training of such individuals to carry out such hazardous substance response or emergency response, or (ii) to certify to the Department of Energy that such employees are adequately trained for such response pursuant to orders issued by the Department of Energy relating to employee safety training (including orders numbered 5480.4 and 5480.11).

(2) Civil penalties assessed under this subsection may not exceed $5,000 for each day in which a failure referred to in paragraph (1)(B) occurs.

(c) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

(d) DEFINITIONS.—For the purposes of this section, the term "hazardous substance" includes radioactive waste and mixed radioactive and hazardous waste.

(e) FUNDING.—Of the funds authorized to be appropriated pursuant to section 3101(9)(A), $10,000,000 may be used for the purpose of carrying out this section.

42 USC 7274e.

SEC. 3132. SCHOLARSHIP AND FELLOWSHIP PROGRAM FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) ESTABLISHMENT.—The Secretary of Energy shall conduct a scholarship and fellowship program for the purpose of enabling individuals to qualify for employment in environmental restoration and waste management positions in the Department of Energy.

(b) ELIGIBILITY.—To be eligible to participate in the scholarship and fellowship program, an individual must—

(1) be accepted for enrollment or be currently enrolled as a full-time student at an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(2) be pursuing a program of education that leads to an appropriate higher education degree in a qualifying field of study, as determined by the Secretary;

(3) sign an agreement described in subsection (c);

(4) be a citizen or national of the United States or be an alien lawfully admitted to the United States for permanent residence; and

(5) meet such other requirements as the Secretary prescribes.

(c) AGREEMENT.—An agreement between the Secretary and a participant in the scholarship and fellowship program established

under this section shall be in writing, shall be signed by the participant, and shall include the following provisions:

(1) The Secretary's agreement to provide the participant with educational assistance for a specified number of school years (not exceeding 5) during which the participant is pursuing a program of education in a qualifying field of study. The assistance may include payment of tuition, fees, books, laboratory expenses, and a stipend.

(2) The participant's agreement (A) to accept such educational assistance, (B) to maintain enrollment and attendance in the program of education until completed, (C) while enrolled in such program, to maintain satisfactory academic progress as prescribed by the institution of higher education in which the participant is enrolled, and (D) after completion of the program of education, to serve as a full-time employee in an environmental restoration or waste management position in the Department of Energy for a period of 12 months for each school year or part thereof for which the participant is provided a scholarship or fellowship under the program established under this section.

(d) REPAYMENT.—(1) Any person participating in a scholarship or fellowship program established under this section shall agree to pay to the United States the total amount of educational assistance provided to the person under the program, plus interest at the rate prescribed by paragraph (4), if the person—

(A) does not complete the course of education as agreed to pursuant to subsection (c), or completes the course of education but declines to serve in a position in the Department of Energy as agreed to pursuant to subsection (c); or

(B) is voluntarily separated from service or involuntarily separated for cause from the Department of Energy before the end of the period for which the person has agreed to continue in the service of the Department of Energy.

(2) If an employee fails to fulfill his agreement to pay to the Government the total amount of educational assistance provided to the person under the program, plus interest at the rate prescribed by paragraph (4), a sum equal to the amount of the educational assistance (plus such interest) is recoverable by the Government from the person or his estate by—

(A) in the case of a person who is an employee, setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; and

(B) such other method as is provided by law for the recovery of amounts owing to the Government.

(3) The Secretary may waive in whole or in part a required repayment under this subsection if the Secretary determines the recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) For purposes of repayment under this section, the total amount of educational assistance provided to a person under the program shall bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(e) PREFERENCE FOR COOPERATIVE EDUCATION STUDENTS.—In evaluating applicants for award of scholarships and fellowships under the program, the Secretary of Energy may give a preference to an individual who is enrolled in, or accepted for enrollment in, an

educational institution that has a cooperative education program with the Department of Energy.

(f) COORDINATION OF BENEFITS.—A scholarship or fellowship awarded under this section shall be taken into account in determining the eligibility of the student for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(g) AWARD OF SCHOLARSHIPS AND FELLOWSHIPS.—(1) Subject to paragraph (2), the Secretary shall award at least 20 scholarships (for undergraduate students) and 20 fellowships (for graduate students) during fiscal year 1992.

(2) The requirement to award 20 scholarships and 20 fellowships under paragraph (1) applies only to the extent there is a sufficient number of applicants qualified for such awards.

(h) REPORT TO CONGRESS.—Not later than January 1, 1993, the Secretary of Energy shall submit to Congress a report on activities undertaken under the program and recommendations for future activities under the program.

(i) FUNDING.—Of the funds authorized to be appropriated pursuant to section 3101(9)(B), $1,000,000 may be used for the purpose of carrying out this section.

Colorado.

SEC. 3133. RESUMPTION OF PLUTONIUM OPERATIONS IN BUILDINGS AT ROCKY FLATS.

(a) RESUMPTION OF PLUTONIUM OPERATIONS.—The Secretary of Energy may not resume plutonium operations in a plutonium operations building at the Rocky Flats Plant, Golden, Colorado, until the Defense Nuclear Facilities Safety Board determines, to the satisfaction of the Board, that the Secretary's response to the Board's recommendations numbered 90-2, 90-5, and 91-1 adequately protects public health and safety with respect to the operation of such building.

(b) RESUMPTION OF PRODUCTION OF PLUTONIUM WARHEAD COMPONENTS.—The production of plutonium warhead components for any particular type of warhead may not be resumed at the Rocky Flats Plant until the later of—

(1) April 1, 1992; or

(2) 30 days after the date on which the Secretary of Defense and the Secretary of Energy certify to Congress that the production of that type of warhead is necessary in the interest of the national security of the United States.

(c) REPORTS ON WARHEAD PIT REUSE.—(1) The Defense Science Board shall prepare and submit to Congress a report on each type of warhead proposed to be produced at the Rocky Flats Plant. The report shall contain the following information:

(A) Whether the reuse of existing plutonium pits in the production of that type of warhead is feasible.

(B) If such reuse is feasible, the approximate cost and date on which it is feasible to begin the production of warheads of that type using such pits.

(C) What modifications (if any) to the warhead, the weapon system for the warhead, or production facilities are necessary to permit the reuse of plutonium pits for the production of warheads of that type, and where (in the case of the warhead or the weapon system) such modifications would be made.

(D) Whether and how the performance of the warheads would be diminished or altered, if at all, by reason of the reuse of such pits for the production of those warheads.

(E) The impact of pit reuse on worker exposure rates, and the amount of waste generated by pit reuse in comparison to new pit production.

(F) Such other matters as the Defense Science Board finds appropriate.

(2) In each instance that the Defense Science Board prepares a report under this subsection, the Board shall submit such report to the Secretary of Defense and the Secretary of Energy at least 30 days before submitting such report to Congress.

(3) In each instance that the Defense Science Board submits a report under this subsection to Congress, the Secretary of Defense and the Secretary of Energy shall jointly submit a report to Congress containing comments on the Board's report and any related matters.

(4) The Defense Science Board shall submit a report to Congress under this subsection with respect to warhead type W-88 not later than March 1, 1992.

(d) FORM OF REPORTS.—Each report submitted pursuant to this section shall be submitted in an unclassified form. Classified information may be submitted in a classified appendix.

(e) DEFINITION.—For purposes of this section, the term "plutonium operations building" means the building numbered 371, 559, 707, 771, 776, 777, or 779 at the Rocky Flats Nuclear Weapons Plant, Golden, Colorado, or any other building at such Plant in which plutonium operations are conducted.

SEC. 3134. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT ACCOUNT. 42 USC 7274f.

(a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States for the Department of Energy an account to be known as the "Defense Environmental Restoration and Waste Management Account" (hereafter in this section referred to as the "Account").

(b) AMOUNTS IN ACCOUNT.—All sums appropriated to the Department of Energy for environmental restoration and waste management at defense nuclear facilities shall be credited to the Account. Such appropriations shall be authorized annually by law. To the extent provided in appropriations Acts, amounts in the Account shall remain available until expended.

SEC. 3135. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT FIVE-YEAR PLAN AND BUDGET REPORTS. 42 USC 7274g.

(a) FIVE-YEAR PLAN.—(1) Not later than September 1 of each year, the Secretary of Energy shall issue a plan for environmental restoration and waste management activities to be conducted, during the five-year period beginning on October 1 of the next calendar year, at (A) defense nuclear facilities and (B) all other facilities owned or operated by the Department of Energy. The plan also shall contain a description of environmental restoration and waste management activities conducted during the fiscal year in which the plan is submitted and of such activities to be conducted during the fiscal year beginning on October 1 of the same calendar year. Such five-year plan shall be designed to complete environmental restora-

tion at all Department of Energy facilities not later than the year 2019.

(2) The Secretary shall prepare each annual five-year plan in a preliminary form at least four months before the date on which that plan is required to be issued under paragraph (1). The preliminary plan shall contain the matters referred to in paragraph (4) (other than the matters referred to in subparagraph (J) of that paragraph). The Secretary shall provide the preliminary plan to the Governors and Attorneys General of affected States, appropriate representatives of affected Indian tribes, and the public for coordination, review, and comment.

Federal Register, publication.

(3) At the same time the Secretary issues an annual five-year plan under paragraph (1), the Secretary shall submit the plan to the President and Congress, publish a notice of the issuance of the plan in the Federal Register, and make the plan available to the Governors and Attorneys General of affected States, appropriate representatives of affected Indian tribes, and the public.

(4) The annual five-year plan, and the actions and other matters contained in the plan, shall be in accordance with all laws, regulations, permits, orders, and agreements. The plan shall contain the following matters:

(A) A description of the actions, including identification of specific projects, necessary to maintain or achieve compliance with Federal, State, or local environmental laws, regulations, permits, orders, and agreements.

(B) A description of the actions, including identification of specific projects, to be taken at each Department of Energy facility in order to implement environmental restoration activities planned for each such facility.

(C) A description of research and development activities for the expeditious and efficient environmental restoration of such facilities.

(D) A description of the technologies and facilities necessary to carry out the environmental restoration activities.

(E) A description of the waste management activities, including identification of specific projects, necessary to continue to operate the Department of Energy facilities or to decontaminate and decommission the facilities, as the case may be.

(F) A description of research and development activities for waste management.

(G) A description of the technologies and facilities necessary to carry out the waste management activities.

(H) A description of activities and practices that the Secretary is undertaking or plans to undertake to minimize the generation of waste.

(I) The estimated costs of, and personnel required for, each project, action, or activity contained in the plan.

(J) A description of the respects in which the plan differs from the preliminary form of that plan issued pursuant to paragraph (2), together with the reasons for any differences.

(K) A discussion of the implementation of the preceding annual five-year plan.

(L) Such other matters as the Secretary finds appropriate and in the public interest.

(5) The Secretary shall consult with the Administrator of the Environmental Protection Agency, Governors and Attorneys General of affected States, and appropriate representatives of affected

Indian tribes in the preparation of the plan and the preliminary form of the plan pursuant to paragraphs (1) and (2). The Secretary shall include as an appendix to the plan (A) all comments submitted on the preliminary form of the plan by the Administrator, Governors and Attorneys General of affected States, and affected Indian tribes, and (B) a summary of comments submitted by the public.

(6) The Secretary shall include in the annual five-year plan issued in 1992 a discussion of the feasibility and need, if any, for the establishment of a contingency fund in the Department of Energy to provide funds necessary to meet the requirements in environmental laws, to remove an immediate threat to worker or public health and safety, to prevent or improve a condition where postponement of activity would lead to deterioration of the environment, and to undertake additional environmental restoration activities at Department of Energy defense nuclear facilities that are not provided for in the budgets for fiscal years in which it is necessary to meet such requirements or undertake such activities.

(7) The first annual five-year plan issued pursuant to this section shall be issued in 1992.

(b) TREATMENT OF PLANS UNDER NEPA.—The development and adoption of any part of any plan (including any preliminary form of any such plan) under subsection (a) shall not be considered a major Federal action for the purposes of subparagraph (C), (E), or (F) of section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)). Nothing in this subsection shall affect the Department of Energy's ongoing preparation of a programmatic environmental impact statement on environmental restoration and waste management.

(c) GRANTS.—The Secretary of Energy is authorized to award grants to, and enter into cooperative agreements with, affected States and affected Indian tribes to assist such States and tribes in participating in the development of the annual five-year plan (including the preliminary form of such plan).

(d) FUNDING.—Of the funds authorized to be appropriated pursuant to section 3103, $20,000,000 may be used for the purpose of carrying out subsection (c).

(e) BUDGET REPORTS.—Each year, at the same time the President submits to Congress the budget for a fiscal year (pursuant to section 1105 of title 31, United States Code), the President shall submit to Congress a description of proposed activities and funding levels contained in the annual five-year plan (issued, pursuant to subsection (a)(1), in the year preceding the year in which the budget is submitted to Congress) that are not included in the budget or are included in the budget in a different form or at a different funding level, together with the reasons for such differences.

SEC. 3136. CRITICAL TECHNOLOGY PARTNERSHIPS. 42 USC 2123.

(a) PARTNERSHIPS.—For the purpose of facilitating the transfer of technology, the Secretary of Energy shall ensure, to the maximum extent practicable, that atomic energy defense activities research on, and development of, any dual-use critical technology is conducted through cooperative research and development agreements, or other arrangements, that involve laboratories of the Department of Energy and other entities.

(b) DEFINITIONS.—In this section:

(1) The term "dual-use critical technology" means a technology—

(A) that is critical to atomic energy defense activities, as determined by the Secretary of Energy;

(B) that has military applications and nonmilitary applications; and

(C) that either—

(i)(I) appears on the list of national critical technologies contained in a biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)); and

(II) has not been expressly deleted from such list by such a report subsequently submitted to Congress by the President; or

(ii)(I) appears on the list of critical technologies contained in an annual defense critical technologies plan submitted to Congress by the Secretary of Defense pursuant to section 2522 of title 10, United States Code; and

(II) has not been expressly deleted from such list by such a plan subsequently submitted to Congress by the Secretary.

(2) The term "cooperative research and development agreement" has the meaning given that term by section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)).

(3) The term "other entities" means—

(A) firms, or a consortium of firms, that are eligible to participate in a partnership or other arrangement with a laboratory of the Department of Energy, as determined in accordance with applicable law and regulations; or

(B) firms, or a consortium of firms, described in subparagraph (A) in combination with one or more of the following:

(i) Institutions of higher education in the United States.

(ii) Departments and agencies of the Federal Government other than the Department of Energy.

(iii) Agencies of State Governments.

(iv) Any other persons or entities that may be eligible and appropriate, as determined in accordance with applicable laws and regulations.

(4) The term "atomic energy defense activities" does not include activities covered by Executive Order No. 12344, dated February 1, 1982, pertaining to the Naval nuclear propulsion program.

New Mexico.
42 USC 7142.

SEC. 3137. NATIONAL ATOMIC MUSEUM.

(a) RECOGNITION AND STATUS.—The museum operated by the Department of Energy and currently located at Building 20358 on Wyoming Avenue South near the corner of M street within the confines of the Kirtland Air Force Base (East), Albuquerque, New Mexico—

(1) is recognized as the official atomic museum of the United States;

(2) shall be known as the "National Atomic Museum"; and

(3) shall have the sole right throughout the United States and its possessions to have and use the name "National Atomic Museum".

(b) VOLUNTEERS.—(1) In operating the National Atomic Museum, the Secretary of Energy may—

(A) recruit, train, and accept the services of individuals without compensation as volunteers for, or in aid of, interpretive functions or other services or activities of and related to the museum; and

(B) provide to volunteers incidental expenses, such as nominal awards, uniforms, and transportation.

(2) Except as provided in paragraphs (3) and (4), a volunteer who is not otherwise employed by the Federal Government is not subject to laws relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, because of service as a volunteer under this subsection.

(3) For purposes of chapter 171 of title 28 of the United States Code (relating to tort claims), a volunteer under this subsection is considered a Federal employee.

(4) For the purposes of subchapter I of chapter 81 of title 5 of the United States Code (relating to compensation for work-related injuries), a volunteer under this subsection is considered an employee of the United States.

(c) AUTHORITY.—(1) In operating the National Atomic Museum, the Secretary of Energy, may—

(A) accept and use donations of money or gifts pursuant to section 652 of the Department of Energy Organization Act (42 U.S.C. 7262), if such gifts or money are designated in a written document signed by the donor as intended for the museum, and such donations or gifts are determined by the Secretary to be suitable and beneficial for use by the museum;

(B) operate a retail outlet on the premises of the museum for the purpose of selling or distributing mementos, replicas of memorabilia, literature, materials, and other items of an informative, educational, and tasteful nature relevant to the contents of the museum; and

(C) exhibit, perform, display, and publish information and materials concerning museum mementos, items, memorabilia, and replicas thereof in any media or place anywhere in the world, at reasonable fees or charges where feasible and appropriate, to substantially cover costs.

(2) The net proceeds of activities authorized under subparagraphs (B) and (C) of paragraph (1) may be used by the National Atomic Museum for activities of the museum.

SEC. 3138. REVISION OF WAIVER OF POST-EMPLOYMENT RESTRICTIONS APPLICABLE TO EMPLOYEES OF CERTAIN NATIONAL LABORATORIES.

(a) REVISION.—Subparagraph (B) of section 207(k)(1) of title 18, United States Code, is amended—

(1) by inserting "(i)" after "(B)"; and

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

"(ii) Notwithstanding clause (i), a waiver granted under this paragraph to any person who was an officer or employee of Lawrence Livermore National Laboratory, Los Alamos National Laboratory, or Sandia National Laboratory immediately before the person's

Federal Government employment began shall apply to that person's employment by any such national laboratory after the person's employment by the Federal Government is terminated.".

18 USC 207 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to persons granted waivers under section 207(k)(1) of title 18, United States Code, on or after that date.

SEC. 3139. SENSE OF CONGRESS REGARDING DESIGNATION OF SITE FOR NEW PRODUCTION REACTOR AT SAVANNAH RIVER SITE, SOUTH CAROLINA.

(a) FINDINGS.—The Congress finds that the longstanding role of the Savannah River Site, South Carolina, in the production of tritium and other nuclear materials, the infrastructure in place at the Savannah River Site for processing tritium, and the role planned for the Savannah River Site in the nuclear weapons production complex in the future all indicate that the Savannah River Site would be the best site for construction of the new production reactor.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Energy should select the Savannah River Site for the site of the new production reactor.

(c) NOTICE AND WAIT PROVISION.—If the Secretary of Energy selects, in the Record of Decision of the environmental impact statement for the new production reactor, a site for the new production reactor other than the Savannah River Site, the Secretary—

(1) may not obligate any funds for site-specific activities or procurement until the expiration of the 90-day period beginning on the date of the issuance of the Record of Decision, or until Congress approves the site selected, whichever is earlier; and

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(2) shall submit to Congress, on the date of issuance of the Record of Decision, a report describing the reasons for selecting a site other than the Savannah River Site.

SEC. 3140. REPORT ON SCHEDULE FOR RESUMPTION OF NUCLEAR TESTING TALKS AND TEST BAN READINESS PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States and the Soviet Union share a special responsibility to resume the Nuclear Testing Talks to continue negotiations toward additional limitations on nuclear weapons testing.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to Congress a report containing a proposed schedule for resumption of the Nuclear Testing Talks and identifying the goals to be pursued in those talks.

(c) NUCLEAR TEST BAN READINESS PROGRAM.—Of the funds appropriated to the Department of Energy for fiscal year 1992 for weapons activities, $20,000,000 shall be available to conduct the nuclear test ban readiness program established pursuant to section 1436 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 42 U.S.C. 2121 note).

SEC. 3141. WARHEAD DISMANTLEMENT AND MATERIAL DISPOSAL.

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

(1) On September 27, 1991, the President announced as part of a unilateral initiative designed to "enhance stability and reduce the risk of nuclear war," that the United States should explore with the Soviet Union "joint technical cooperation on the safe

and environmentally responsible storage, transportation, dismantling, and destruction of nuclear weapons".

(2) On October 5, 1991, the President of the Soviet Union stated in response that "We hereby stress readiness to embark on a specific dialogue with the United States on the elaboration of safe and ecologically responsible technologies for the storage and transportation of nuclear warheads and nuclear charges, and to design jointly measures to enhance nuclear safety".

(3) The President's initiative and the Soviet response hold out the prospect of enhancing stability and reducing the risk of nuclear war.

(b) CONGRESSIONAL ENDORSEMENT.—Congress strongly endorses the initiative proposed by the President and the Soviet response and looks forward—

(1) to hearing the proposed initiatives of the President during the congressional review of the President's proposed budget for fiscal year 1993; and

(2) to helping facilitate such initiatives through appropriate legislative measures which are requested by the President.

(c) WARHEAD DISMANTLEMENT.—Of the funds appropriated to the Department of Energy for fiscal year 1992 for weapons activities, $10,000,000 shall be available to conduct a program to develop and demonstrate a means for verifiable dismantlement of nuclear warheads.

SEC. 3142. REPORT ON NUCLEAR WEAPONS MATTERS. President.

(a) REPORT.—Not later than April 1, 1992, the President shall submit to the congressional defense committees a report containing the following:

(1) Information on the national security requirements of each of the following items, for the period beginning on September 30, 1991, and ending on September 30, 2001:

(A) The planned stockpile of nuclear weapons.

(B) The amount of tritium necessary to maintain the planned stockpile, including—

(i) the amount of tritium available from inventory;

(ii) the amount of tritium that must be produced and when; and

(iii) an assessment of the need for and duration of operation of the K-reactor, located at the Savannah River Site in South Carolina.

(C) The feasibility and desirability of use of W-76 warheads in place of W-88 warheads in the Trident II missiles carried by Trident Fleet Ballistic Missile submarines.

(D) The need for and duration of operation of the Rocky Flats Plant facilities (other than Building 559) located at Golden, Colorado, for the purposes of—

(i) production of W-88 warheads; and

(ii) plutonium operations other than warhead production.

(E) The earliest practicable date for the commencement of operation of facilities that replace the K-reactor and the Rocky Flats Plant, including an assessment of the effect of a delay (beyond the second quarter of fiscal year 1992) in the selection of the site and the technology for the new production reactor.

(2) A plan for assistance to the workforce at Rocky Flats and the K-reactor, including retraining for new employment opportunities at the sites, that could be provided in the event that either facility ceases production.

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in classified and unclassified form.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1992 $12,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. POWERS AND FUNCTIONS OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

(a) POWERS.—(1) Subsection (b)(1)(A) of section 313 of the Atomic Energy Act of 1954 (42 U.S.C. 2286b) is amended by striking out "100" and inserting in lieu thereof "150".

(2) Subsection (g) of such section is amended by striking out "The Board" and inserting in lieu thereof "Notwithstanding any other provision of law relating to the use of competitive procedures, the Board".

(b) EXPANSION AND CLARIFICATION OF AUTHORITY RELATING TO ATOMIC WEAPONS.—(1) Section 318(1)(B) of such Act (42 U.S.C. 2286g(1)(B)) is amended by striking out "with the assembly or testing of nuclear explosives or".

(2) Section 312 of such Act (42 U.S.C. 2286a) is amended—

(A) by inserting "(a) IN GENERAL.—" before "The Board shall perform"; and

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

"(b) EXCLUDED FUNCTIONS.—The functions of the Board under this chapter do not include functions relating to the safety of atomic weapons. However, the Board shall have access to any information on atomic weapons that is within the Department of Energy and is necessary to carry out the functions of the Board.".

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

PART A—CHANGES IN STOCKPILE AMOUNTS

SEC. 3301. AUTHORIZATION OF DISPOSALS.

50 USC 98d note.

(a) AUTHORITY.—During fiscal years 1992 and 1993, the National Defense Stockpile Manager may dispose of materials in the National Defense Stockpile in accordance with this section. The value of materials disposed of may not exceed $150,000,000 during each of such fiscal years. Such disposal may be made only as specified in subsection (b).

(b) MATERIALS AUTHORIZED TO BE DISPOSED.—Any disposal under subsection (a) shall be made—

(1) from quantities of materials in the National Defense Stockpile previously authorized for disposal by law, including the materials authorized for disposal in accordance with the table contained in section 3302(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1686); or

(2) in the case of materials in the National Defense Stockpile that have been determined to be excess to the current requirements of the stockpile, in accordance with the following table:

Material	Unit	Quantities
Bismuth	LB	500,000
Diamond, industrial, crushing bort	KT	10,000,000
Fluorspar, metallurgical grade	SDT	20,000
Graphite, Malagasy	ST	3,635
Manganese, battery grade	SDT	25,000
Manganese, chemical grade	SDT	173,000
Mercury	FL	15,000
Mica, muscovite block	LB	2,700,000
Mica, muscovite splittings	LB	1,100,000
Tin	MT	15,000

(c) ADDITIONAL AUTHORITY.—The disposal authority provided in subsection (a) is in addition to any other disposal authority provided by law.

(d) LIMITATION ON DISPOSALS.—The National Defense Stockpile Manager may dispose of materials under this section during fiscal years 1992 and 1993 only to the extent that the total amount received (or to be received) from such disposals for each of such fiscal years does not exceed the amount obligated from the National Defense Stockpile Transaction Fund during such fiscal year for the purposes authorized under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

SEC. 3302. AUTHORIZATION OF ACQUISITIONS.

(a) ACQUISITIONS.—During each of the fiscal years 1992 and 1993, the National Defense Stockpile Manager shall obligate $150,000,000 out of funds of the National Defense Stockpile Transaction Fund (subject to such limitations as may be provided in appropriations Acts) for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

(b) RESEARCH AND DEVELOPMENT PROGRAMS.—Of the amount specified in subsection (a), $25,000,000 may be obligated during each of such fiscal years for materials development and research under clause (G) of such section.

PART B—PROGRAMMATIC CHANGES

SEC. 3311. MATERIALS DEVELOPMENT AND RESEARCH.

(a) AVAILABILITY OF NATIONAL DEFENSE STOCKPILE TRANSACTION FUND FOR DEVELOPMENT AND RESEARCH.—Section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)) is amended by adding at the end the following new subparagraph:

"(G) Contracting under competitive procedures for materials development and research to—

"(i) improve the quality and availability of materials stockpiled from time to time in the stockpile; and

"(ii) develop new materials for the stockpile.".

(b) MATTERS TO BE DISCUSSED IN ANNUAL MATERIALS PLAN.—Section 11(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-2(b)) is amended—

(1) by designating the first, second, and third sentences as paragraphs (1), (2), and (3), respectively, and adjusting the margins of those paragraphs; and

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(2) by adding at the end of paragraph (2), as so designated, the following new sentences: "Each such report shall also contain details regarding the materials development and research projects to be conducted under section 9(b)(2)(G) during the fiscal years covered by the report. With respect to each development and research project, the report shall specify the amount planned to be expended from the fund, the material intended to be developed, the potential military or defense industrial applications for that material, and the development and research methodologies to be used.".

SEC. 3312. ROTATION OF STOCKPILE MATERIALS FOR BETTER MATERIALS.

Section 6(a)(4) of the Strategic and Critical Materials Stockpiling Act (50 U.S.C. 98e(a)(4)) is amended by inserting before the semicolon the following: "or better material".

SEC. 3313. INCREASED INTERVALS BETWEEN REPORTS TO CONGRESS.

(a) REPORT ON STOCKPILE OPERATIONS.—Section 11(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-2(a)) is amended—

(1) in the first sentence—

(A) by striking out "The President" and inserting in lieu thereof "Not later than January 15 of each year, the President"; and

(B) by striking out "every six months a" and inserting in lieu thereof "an annual";

(2) in paragraph (1), by striking out "6-month period" and inserting in lieu thereof "fiscal year";

(3) in paragraph (2), by striking out "period" and inserting in lieu thereof "fiscal year"; and

(4) in paragraph (5), by striking out "next fiscal year" and inserting in lieu thereof "current fiscal year".

(b) REPORT ON STOCKPILE REQUIREMENTS.—(1) Subsection (a) of section 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-5) is amended—

(A) by striking out "The Secretary" in the first sentence and inserting in lieu thereof "Not later than January 15 of every other year, the Secretary";

(B) by striking out "an annual report" in the first sentence and inserting in lieu thereof "a report"; and

(C) by striking out "shall be submitted with the annual report submitted under section 11(b) and" in the second sentence.

(2) The heading of such section is amended by striking out "ANNUAL" and inserting in lieu thereof "BIENNIAL".

(3) The first report required by section 14(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-5(a)), as amended by paragraph (1) shall be submitted not later than January 15, 1993. 50 USC 98h-5 note.

SEC. 3314. CONTINUATION OF DISPOSAL AUTHORITY DURING PERIODS OF VACANCY IN THE POSITION OF STOCKPILE MANAGER OR DEFICIENCY IN DELEGATION OF AUTHORITY TO THE STOCKPILE MANAGER.

Section 16 of the Strategic and Critical Materials Stockpiling Act (50 U.S.C. 98h-7) is amended by striking out subsection (d).

TITLE XXXIV—CIVIL DEFENSE

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.), as follows:

(1) For fiscal year 1992, $148,628,000.

(2) For fiscal year 1993, $137,728,000.

Panama Canal Commission Authorization Act for Fiscal Year 1992.

TITLE XXXV—PANAMA CANAL COMMISSION

SEC. 3501. SHORT TITLE.

This title may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1992".

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, without regard to fiscal year limitations, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1992.

(b) LIMITATION ON RECEPTION AND REPRESENTATION EXPENSES.—Of amounts available to the Panama Canal Commission for fiscal year 1992, not more than $52,000 may be used for official reception and representation expenses, of which—

(1) not more than $12,000 may be used for expenses of the Supervisory Board of the Commission;

(2) not more than $6,000 may be used for expenses of the Secretary of the Commission; and

(3) not more than $34,000 for fiscal year 1992 may be used for expenses of the Administrator of the Commission.

(c) PURCHASE OF PASSENGER MOTOR VEHICLES.—Funds available to the Panama Canal Commission for fiscal year 1992 may be used for the purchase of passenger motor vehicles (including large heavy-duty vehicles) used to transport personnel of the Commission across the Isthmus of Panama. Such vehicles may be purchased without regard to price limitations prescribed by law or regulation.

SEC. 3503. GENERAL PROVISIONS.

(a) PAY INCREASES.—Notwithstanding section 1341 of title 31, United States Code, funds available for use by the Panama Canal Commission for fiscal year 1992 may be obligated to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law which are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the United States in comparable positions.

(b) EXPENSES IN ACCORDANCE WITH LAW.—Expenditures authorized under this Act may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

SEC. 3504. REVISION OF EXECUTIVE PAY SCHEDULE FOR THE ADMINISTRATOR OF THE PANAMA CANAL COMMISSION.

(a) REVISION.—Section 5315 of title 5, United States Code, is amended by inserting at the end the following:

"Administrator of the Panama Canal Commission.".

(b) CONFORMING AMENDMENT.—Section 5316 of such title is amended by striking out "Administrator of the Panama Canal Commission.".

SEC. 3505. POLICY ON MILITARY BASE RIGHTS IN PANAMA.

(a) FINDINGS.—The Congress finds that—

(1) the Panama Canal is a vital strategic asset to the United States and its allies;

(2) the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal and the Panama Canal Treaty, both signed on September 7, 1977, mandate that (A) no United States troops are to remain in Panama after December 31, 1999; (B) the Canal Zone is to be incorporated into Panama; (C) United States Panama-based communications facilities are to be phased out; (D) all United States training in Panama of Latin American soldiers is to be halted; and (E) management and operational control of the Canal is to be turned over to Panamanian authorities;

(3) the government of President Guillermo Endara has demonstrated its determination to restore democracy to Panama by quickly moving to implement changes in the nation's political, economic, and judicial systems;

(4) friendly cooperative relations currently exist between the United States and the Republic of Panama;

(5) the region has a history of unstable governments which pose a threat to the future operation of the Panama Canal, and the United States must have the discretion and the means to defend the Canal and ensure its continuous operation and availability to the military and commercial shipping of the United States and its allies in times of crisis;

(6) the Panama Canal is vulnerable to disruption and closure by unforeseen events in Panama, by terrorist attack, and by air strikes or other attack by foreign powers;

(7) the United States fleet depends upon the Panama Canal for rapid transit ocean to ocean in times of emergency, as demonstrated during World War II, the Korean Conflict, the Vietnam Conflict, the Cuban Missile Crisis, and the Persian Gulf Conflict, thereby saving 13,000 miles and three weeks steaming effort around Cape Horn;

(8) the presence of the United States Armed Forces offers a viable defense against sabotage or other threat to the Panama Canal; and

(9) the 10,000 United States military personnel now based in Panama, including the headquarters of the United States Southern Command, cannot remain there beyond December 31, 1999, without a new agreement with Panama.

(b) POLICY.—It is the sense of the Congress that the President—

(1) should begin negotiations with the Government of

Panama, at a mutually acceptable time, to consider whether the two Governments should allow the permanent stationing of United States military forces in Panama beyond December 31, 1999; and

(2) should consult with the Congress throughout those negotiations.

Approved December 5, 1991.

LEGISLATIVE HISTORY—H.R. 2100 (S. 1507):

HOUSE REPORTS: Nos. 102-60 (Comm. on Armed Services) and 102-311 (Comm. of Conference).
SENATE REPORTS: No. 102-113 accompanying S. 1507 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 137 (1991):
May 20-22, considered and passed House.
July 31-Aug. 2, S. 1507 considered and passed Senate; H.R. 2100, amended, passed in lieu.
Nov. 18, House agreed to conference report.
Nov. 21, 22, Senate considered and agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Dec. 5, Presidential statement.