

Union Calendar No. 75

105TH CONGRESS
1ST Session

H. R. 1119

[Report No. 105-132]

A BILL

To authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes.

JUNE 16, 1997

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1997

Mr. SPENCE (for himself and Mr. DELLUMS) (both by request) introduced the following bill; which was referred to the Committee on National Security

JUNE 16, 1997

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 19, 1997]

A BILL

To authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “National Defense Au-*
 3 *thorization Act for Fiscal Year 1998”.*

4 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**
 5 **CONTENTS.**

6 (a) *DIVISIONS.*—*This Act is organized into three divi-*
 7 *sions as follows:*

8 (1) *Division A—Department of Defense Author-*
 9 *izations.*

10 (2) *Division B—Military Construction Author-*
 11 *izations.*

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

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

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees defined.

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Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Reserve components.

Sec. 106. Defense Inspector General.

Sec. 107. Chemical Demilitarization Program.

Sec. 108. Defense health programs.

Sec. 109. Defense Export Loan Guarantee Program.

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Sec. 213. Tactical unmanned aerial vehicles.
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Sec. 217. Limitation on use of funds for adaption of Integrated Defensive Electronic Countermeasures (IDECM) program to F/A-18E/F aircraft and A/V-8B aircraft.
Sec. 218. Bioassay testing of veterans exposed to ionizing radiation during military service.

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Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
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- Sec. 314. Prohibition of implementation of tiered readiness system.*
- Sec. 315. Reports on transfers from high-priority readiness appropriations.*
- Sec. 316. Report on Chairman, Joint Chiefs of Staff Exercise Program and Partnership for Peace program.*
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- Sec. 562. Treatment of educational accomplishments of National Guard Challenge Program participants.*

- Sec. 563. Authority for personnel to participate in management of certain non-Federal entities.*
- Sec. 564. Crew requirements of WC-130J aircraft.*
- Sec. 565. Comptroller General study of Department of Defense civil military programs.*
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- Sec. 3305. Restrictions on disposal of certain manganese ferro.*
- Sec. 3306. Required procedures for disposal of strategic and critical materials.*

TITLE XXXIV—NAVAL PETROLEUM RESERVES

- Sec. 3401. Authorization of appropriations.*
- Sec. 3402. Price requirement on sale of certain petroleum during fiscal year 1998.*
- Sec. 3403. Termination of assignment of Navy officers to Office of Naval Petroleum and Oil Shale Reserves.*

TITLE XXXV—PANAMA CANAL COMMISSION

Subtitle A—Authorization of Expenditures From Revolving Fund

- Sec. 3501. Short title.*
- Sec. 3502. Authorization of expenditures.*
- Sec. 3503. Purchase of vehicles.*
- Sec. 3504. Expenditures only in accordance with treaties.*

Subtitle B—Facilitation of Panama Canal Transition

- Sec. 3511. Short title; references.*
- Sec. 3512. Definitions relating to Canal transition.*

*PART I—TRANSITION MATTERS RELATING TO COMMISSION OFFICERS AND
EMPLOYEES*

- Sec. 3521. Authority for the Administrator of the Commission to accept appointment as the Administrator of the Panama Canal Authority.*
- Sec. 3522. Post-Canal Transfer Personnel Authorities.*
- Sec. 3523. Enhanced authority of Commission to establish compensation of Commission officers and employees.*
- Sec. 3524. Travel, transportation, and subsistence expenses for Commission personnel no longer subject to Federal Travel Regulation.*
- Sec. 3525. Enhanced recruitment and retention authorities.*
- Sec. 3526. Transition separation incentive payments.*
- Sec. 3527. Labor-management relations.*
- Sec. 3528. Availability of Panama Canal Revolving Fund for severance pay for certain employees separated by Panama Canal Authority after Canal Transfer Date.*

*PART II—TRANSITION MATTERS RELATING TO OPERATION AND
ADMINISTRATION OF CANAL*

- Sec. 3541. Establishment of procurement system and board of contract appeals.*
- Sec. 3542. Transactions with the Panama Canal Authority.*
- Sec. 3543. Time limitations on filing of claims for damages.*
- Sec. 3544. Tolls for small vessels.*
- Sec. 3545. Date of actuarial evaluation of FECA liability.*
- Sec. 3546. Notaries public.*
- Sec. 3547. Commercial services.*
- Sec. 3548. Transfer from President to Commission of certain regulatory functions relating to employment classification appeals.*
- Sec. 3549. Enhanced printing authority.*
- Sec. 3550. Technical and conforming amendments.*

TITLE XXXVI—MARITIME ADMINISTRATION

- Sec. 3601. Authorization of appropriations for fiscal year 1998.*
- Sec. 3602. Repeal of obsolete annual report requirement concerning relative cost of shipbuilding in the various coastal districts of the United States.*
- Sec. 3603. Provisions relating to maritime security fleet program.*
- Sec. 3604. Authority to utilize replacement vessels and capacity.*
- Sec. 3605. Authority to convey national defense reserve fleet vessel.*

1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

2 *For purposes of this Act, the term “congressional de-*
3 *fense committees” means—*

- 4 *(1) the Committee on Armed Services and the*
5 *Committee on Appropriations of the Senate; and*

1 (2) *the Committee on National Security and the*
2 *Committee on Appropriations of the House of Rep-*
3 *resentatives.*

4 ***DIVISION A—DEPARTMENT OF***
5 ***DEFENSE AUTHORIZATIONS***
6 ***TITLE I—PROCUREMENT***
7 ***Subtitle A—Authorization of***
8 ***Appropriations***

9 ***SEC. 101. ARMY.***

10 *Funds are hereby authorized to be appropriated for fis-*
11 *cal year 1998 for procurement for the Army as follows:*

12 (1) *For aircraft, \$1,535,264,000.*

13 (2) *For missiles, \$1,176,516,000.*

14 (3) *For weapons and tracked combat vehicles,*
15 *\$1,519,527,000.*

16 (4) *For ammunition, \$1,093,802,000.*

17 (5) *For other procurement, \$2,640,277,000.*

18 ***SEC. 102. NAVY AND MARINE CORPS.***

19 (a) *NAVY.—Funds are hereby authorized to be appro-*
20 *priated for fiscal year 1998 for procurement for the Navy*
21 *as follows:*

22 (1) *For aircraft, \$6,172,950,000.*

23 (2) *For weapons, including missiles and tor-*
24 *pedoes, \$1,214,687,000.*

1 (3) For shipbuilding and conversion,
2 \$7,654,977,000.

3 (4) For other procurement, \$3,073,432,000.

4 (b) MARINE CORPS.—Funds are hereby authorized to
5 be appropriated for fiscal year 1998 for procurement for
6 the Marine Corps in the amount of \$442,807,000.

7 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
8 are hereby authorized to be appropriated for procurement
9 of ammunition for the Navy and the Marine Corps in the
10 amount of \$470,355,000.

11 **SEC. 103. AIR FORCE.**

12 Funds are hereby authorized to be appropriated for fis-
13 cal year 1998 for procurement for the Air Force as follows:

14 (1) For aircraft, \$6,770,900,000.

15 (2) For missiles, \$2,389,183,000.

16 (3) For ammunition, \$436,984,000.

17 (4) For other procurement, \$6,574,096,000.

18 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

19 Funds are hereby authorized to be appropriated for fis-
20 cal year 1998 for Defense-wide procurement in the amount
21 of \$1,836,989,000.

22 **SEC. 105. RESERVE COMPONENTS.**

23 Funds are hereby authorized to be appropriated for fis-
24 cal year 1998 for procurement of aircraft, vehicles, commu-

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

3 *(1) For the Army National Guard, \$102,700,000.*

4 *(2) For the Air National Guard, \$117,775,000.*

5 *(3) For the Army Reserve, \$90,400,000.*

6 *(4) For the Naval Reserve, \$118,000,000.*

7 *(5) For the Air Force Reserve, \$167,630,000.*

8 *(6) For the Marine Corps Reserve, \$98,600,000.*

9 *(7) For the Coast Guard Reserve, \$5,250,000.*

10 **SEC. 106. DEFENSE INSPECTOR GENERAL.**

11 *Funds are hereby authorized to be appropriated for fis-*
12 *cal year 1998 for procurement for the Inspector General of*
13 *the Department of Defense in the amount of \$1,800,000.*

14 **SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.**

15 *There is hereby authorized to be appropriated for fiscal*
16 *year 1998 the amount of \$610,700,000 for—*

17 *(1) the destruction of lethal chemical agents and*
18 *munitions in accordance with section 1412 of the De-*
19 *partment of Defense Authorization Act, 1986 (50*
20 *U.S.C. 1521); and*

21 *(2) the destruction of chemical warfare materiel*
22 *of the United States that is not covered by section*
23 *1412 of such Act.*

1 **SEC. 108. DEFENSE HEALTH PROGRAMS.**

2 *Funds are hereby authorized to be appropriated for fis-*
3 *cal year 1998 for the Department of Defense for procure-*
4 *ment for carrying out health care programs, projects, and*
5 *activities of the Department of Defense in the total amount*
6 *of \$279,068,000.*

7 **SEC. 109. DEFENSE EXPORT LOAN GUARANTEE PROGRAM.**

8 *Funds are hereby authorized to be appropriated for fis-*
9 *cal year 1998 for the Department of Defense for carrying*
10 *out the Defense Export Loan Guarantee Program in the*
11 *total amount of \$1,231,000.*

12 ***Subtitle B—Other Matters***

13 **SEC. 121. LIMITATION ON OBLIGATION OF FUNDS FOR THE**
14 **SEAWOLF SUBMARINE PROGRAM.**

15 *(a) LIMITATION.—The Secretary of the Navy may not*
16 *obligate more than 50 percent of the funds appropriated*
17 *for fiscal year 1998 for Shipbuilding and Conversion for*
18 *the Navy that are specified as being available for the*
19 *Seawolf submarine program until the Secretary certifies to*
20 *the congressional defense committees that the Secretary will*
21 *include in the future-years defense program accompanying*
22 *the fiscal year 1999 budget for the Department of Defense*
23 *not less than 50 percent of the amount necessary to fully*
24 *fund incorporation into each of the first four vessels in the*
25 *New Attack Submarine program the technology insertion*
26 *opportunities specified in subsection (b).*

1 (b) *TECHNOLOGY INSERTION OPPORTUNITIES.*—The
2 *technology insertion opportunities referred to in subsection*
3 *(a) are those technology insertion opportunities available*
4 *for the first four vessels in the New Attack Submarine pro-*
5 *gram that were presented by the Assistant Secretary of the*
6 *Navy (Research, Development, and Acquisition) in testi-*
7 *mony before the Procurement Subcommittee of the Commit-*
8 *tee on National Security of the House of Representatives*
9 *on March 18, 1997.*

10 **SEC. 122. REPORT ON ANNUAL BUDGET SUBMISSION RE-**
11 **GARDING THE RESERVE COMPONENTS.**

12 (a) *IN GENERAL.*—Chapter 1013 of title 10, United
13 *States Code, is amended by adding at the end the following*
14 *new section:*

15 **“§ 10544. Budget information**

16 “(a) *REPORT.*—The Secretary of Defense shall submit
17 *to the congressional committees specified in subsection (d),*
18 *at the same time that the President submits the budget for*
19 *a fiscal year under section 1105(a) of title 31, United States*
20 *Code, a report on amounts requested in that budget for the*
21 *reserve components.*

22 “(b) *CONTENT.*—The report shall include the following:

23 “(1) *A description of the anticipated effect that*
24 *the amounts requested (if approved by Congress) will*

1 *have to enhance the capabilities of each of the reserve*
2 *components.*

3 “(2) *A listing, with respect to each such compo-*
4 *nent, of each of the following:*

5 “(A) *The amount requested for each major*
6 *weapon system for which funds are requested in*
7 *the budget for that component.*

8 “(B) *The amount requested for each item of*
9 *equipment (other than a major weapon system)*
10 *for which funds are requested in the budget for*
11 *that component.*

12 “(c) *INCLUSION OF INFORMATION IN NEXT FYDP.—*
13 *The Secretary of Defense shall specifically display in the*
14 *each future-years defense program (or program revision)*
15 *submitted to Congress under section 221 of this title the*
16 *amounts programmed for procurement of equipment for*
17 *each of the reserve components.*

18 “(d) *CONGRESSIONAL COMMITTEES SPECIFIED.—The*
19 *congressional committees referred to in subsection (a) are*
20 *the following:*

21 “(1) *The Committee on Armed Services and the*
22 *Committee on Appropriations of the Senate.*

23 “(2) *The Committee on National Security and*
24 *the Committee on Appropriations of the House of*
25 *Representatives.*

1 “(e) *EXCLUSION OF COAST GUARD RESERVE.*—*In this*
 2 *section, the term ‘reserve components’ does not include the*
 3 *Coast Guard Reserve.*”.

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

 “10544. *Budget information.*”.

7 ***TITLE II—RESEARCH, DEVELOP-***
 8 ***MENT, TEST, AND EVALUA-***
 9 ***TION***

10 ***Subtitle A—Authorization of***
 11 ***Appropriations***

12 ***SEC. 201. AUTHORIZATION OF APPROPRIATIONS.***

13 *Funds are hereby authorized to be appropriated for fis-*
 14 *cal year 1998 for the use of the Department of Defense for*
 15 *research, development, test, and evaluation as follows:*

16 (1) *For the Army, \$4,752,913,000.*

17 (2) *For the Navy, \$7,946,996,000.*

18 (3) *For the Air Force, \$14,659,736,000.*

19 (4) *For Defense-wide activities, \$9,914,080,000,*

20 *of which—*

21 (A) *\$279,683,000 is authorized for the ac-*
 22 *tivities of the Director, Test and Evaluation; and*

23 (B) *\$23,384,000 is authorized for the Direc-*
 24 *tor of Operational Test and Evaluation.*

1 **SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.**

2 (a) *FISCAL YEAR 1998.*—Of the amounts authorized
3 to be appropriated by section 201, \$4,131,871,000 shall be
4 available for basic research and applied research projects.

5 (b) *BASIC RESEARCH AND APPLIED RESEARCH DE-*
6 *FINED.*—For purposes of this section, the term “basic re-
7 search and applied research” means work funded in pro-
8 gram elements for defense research and development under
9 Department of Defense category 6.1 or 6.2.

10 **SEC. 203. DUAL-USE TECHNOLOGY PROGRAM.**

11 (a) *FUNDING REQUIREMENT.*—Of the amounts appro-
12 priated pursuant to the authorizations in section 201 for
13 the Department of Defense for science and technology pro-
14 grams for each of fiscal years 1998 through 2001, at least
15 the following percentages of such amounts shall be available
16 in the applicable fiscal year only for dual-use projects of
17 the Department of Defense:

18 (1) *For fiscal year 1998, 5 percent.*

19 (2) *For fiscal year 1999, 7 percent.*

20 (3) *For fiscal year 2000, 10 percent.*

21 (4) *For fiscal year 2001, 15 percent.*

22 (b) *SENIOR OFFICIAL FOR DUAL-USE PROGRAM.*—The
23 person responsible for developing policy relating to, and en-
24 suring effective implementation of, the dual-use technology
25 program of the Department of Defense is the senior official
26 designated by the Secretary of Defense under section 203(b)

1 *of the National Defense Authorization Act for Fiscal Year*
2 *1997 (Public Law 104–201; 110 Stat. 2451).*

3 (c) *LIMITATION ON OBLIGATIONS.*—(1) *Except as pro-*
4 *vided in paragraph (2), funds made available pursuant to*
5 *subsection (a) may not be obligated until the senior official*
6 *referred to in subsection (b) approves the obligation.*

7 (2) *Paragraph (1) does not apply with respect to funds*
8 *made available pursuant to subsection (a) to the Defense*
9 *Advanced Research Projects Agency.*

10 (3) *Funds made available pursuant to subsection (a)*
11 *may be used for a dual-use project only if the contract, coop-*
12 *erative agreement, or other transaction by which the project*
13 *is carried out is entered into through the use of competitive*
14 *procedures.*

15 (d) *TRANSFER AUTHORITY.*—*In addition to the trans-*
16 *fer authority provided in section 1001, the Secretary of De-*
17 *fense may transfer funds made available pursuant to sub-*
18 *section (a) for a dual-use project from a military depart-*
19 *ment or defense agency to another military department or*
20 *defense agency to ensure efficient implementation of the*
21 *dual-use technology program. The Secretary may delegate*
22 *the authority provided in the preceding sentence to the sen-*
23 *ior official referred to in subsection (b).*

24 (e) *FEDERAL COST SHARE.*—(1) *The share contributed*
25 *by the Secretary of a military department or the head of*

1 a defense agency for the cost of a dual-use project during
2 fiscal years 1998, 1999, 2000, and 2001 may not be greater
3 than 50 percent of the cost of the project for that fiscal year.

4 (2) In calculating the share of the costs of a dual-use
5 program contributed by a military department or a non-
6 Government entity, the Secretaries of the military depart-
7 ments may not consider in-kind contributions.

8 (f) *DEFINITIONS.*—In this section, the terms “dual-use
9 technology program”, “dual-use project”, and “science and
10 technology program” have the meanings provided by section
11 203(h) of the National Defense Authorization Act for Fiscal
12 Year 1997 (Public Law 104–201; 110 Stat. 2452).

13 ***Subtitle B—Program Requirements,*** 14 ***Restrictions, and Limitations***

15 ***SEC. 211. MANUFACTURING TECHNOLOGY PROGRAM.***

16 Section 2525 of title 10, United States Code, is amend-
17 ed by adding at the end the following new subsection:

18 “(e) *FUNDING REQUIREMENT.*—(1) Subject to para-
19 graph (2), the Secretary of Defense shall make available
20 each fiscal year for the Manufacturing Technology Program
21 the greater of the following amounts:

22 “(A) 0.25 percent of the amount available for the
23 fiscal year concerned for the demonstration and vali-
24 dation, engineering and manufacturing development,
25 operational systems development, and procurement

1 *programs of the military departments and Defense*
2 *Agencies.*

3 *“(B) The amount authorized to be appropriated*
4 *by law for the fiscal year concerned for projects of the*
5 *military departments and Defense Agencies under the*
6 *Manufacturing Technology Program.*

7 *“(2) Paragraph (1) applies to fiscal years 1998, 1999,*
8 *and 2000.*

9 *“(f) TRANSFER AUTHORITY.—The Secretary of Defense*
10 *may transfer funds made available pursuant to subsection*
11 *(e) from a military department or Defense Agency to an-*
12 *other military department or Defense Agency to ensure effi-*
13 *cient implementation of the Manufacturing Technology*
14 *Program. The Secretary may delegate the authority pro-*
15 *vided in the preceding sentence to the Under Secretary of*
16 *Defense for Acquisition and Technology. Authority to trans-*
17 *fer funds under this subsection is in addition to any other*
18 *authority provided by law to transfer funds (whether en-*
19 *acted before, on, or after the date of the enactment of this*
20 *section) and is not subject to any dollar limitation or notifi-*
21 *cation requirement contained in any other such authority*
22 *to transfer funds.*

23 *“(g) REPORT.—(1) At the same time the President sub-*
24 *mits to Congress the budget for fiscal year 1999 pursuant*

1 *to section 1105(a) of title 31, the Secretary of Defense shall*
2 *submit to Congress a report that—*

3 “(A) *specifies the plans of the Secretary for ex-*
4 *penditures under the program during fiscal years*
5 *1998, 1999, and 2000; and*

6 “(B) *assesses the effectiveness of the program.*

7 “(2) *The Secretary shall submit an updated version*
8 *of such report at the same time the President submits the*
9 *budget for each fiscal year after fiscal year 1999 during*
10 *which the program is in effect shall include—*

11 “(A) *an assessment of whether the funding of the*
12 *program, as provided pursuant to the funding re-*
13 *quirement of subsection (e), is sufficient; and*

14 “(B) *any recommendations considered appro-*
15 *priate by the Secretary for changes in, or an exten-*
16 *sion of, the funding requirement of subsection (e).”.*

17 **SEC. 212. REPORT ON STRATEGIC ENVIRONMENTAL RE-**
18 **SEARCH AND DEVELOPMENT PROGRAM.**

19 “(a) *REPORT.—Not later than February 28, 1998, the*
20 *Secretary of Defense shall submit to Congress a report con-*
21 *taining, for each project or activity of the Strategic Envi-*
22 *ronmental Research and Development Program—*

23 “(1) *an explanation of why the project or activity*
24 *is not duplicative of environmentally related research,*
25 *development, and demonstration activities of other de-*

1 *partments and agencies of the Federal Government, of*
2 *State and local governments, or of other organizations*
3 *engaged in such activities; and*

4 (2) *an explanation of why the project or activity*
5 *is uniquely related to and necessary for the mission*
6 *of the Department of Defense.*

7 (b) *LIMITATION ON USE OF FUNDS PENDING SUBMIS-*
8 *SION OF REPORT.*—*Not more than 50 percent of the funds*
9 *appropriated for the Strategic Environmental Research and*
10 *Development Program pursuant to the authorization of ap-*
11 *propriations in section 201(4) may be expended until the*
12 *Secretary of Defense submits the report required under this*
13 *section.*

14 **SEC. 213. TACTICAL UNMANNED AERIAL VEHICLES.**

15 (a) *PROHIBITION ON FUNDING FOR OUTRIDER ACTD*
16 *PROGRAM.*—*No funds authorized to be appropriated under*
17 *section 201 may be obligated for the Outrider Advanced*
18 *Concept Technology Demonstration (ACTD) program.*

19 (b) *FUNDING REQUIREMENTS.*—*Of the funds author-*
20 *ized to be appropriated for tactical unmanned aerial vehi-*
21 *cles (TUAV) under section 201—*

22 (1) *\$10,000,000 shall be available to carry out a*
23 *competition for an unmanned aerial vehicle capable*
24 *of vertical takeoff and landing; and*

1 (2) \$11,500,000 shall be available to provide a
2 *Predator Unmanned Aerial Vehicle* system equipped
3 with synthetic aperture radar and associated equip-
4 ment to facilitate the development of a common Tac-
5 tical Control System for unmanned aerial vehicles.

6 **SEC. 214. REVISIONS TO MEMBERSHIP OF AND APPOINT-**
7 **MENT AUTHORITY FOR NATIONAL OCEAN RE-**
8 **SEARCH LEADERSHIP COUNCIL.**

9 (a) *MEMBERSHIP REVISIONS.*—Section 7902(b) of title
10 10, *United States Code*, is amended—

11 (1) by striking out paragraph (11); and

12 (2) in paragraph (17), by striking out “One
13 member” and inserting in lieu thereof “Not more
14 than four members”.

15 (b) *APPOINTMENT AUTHORITY REVISIONS.*—Section
16 7902 of such title is amended—

17 (1) in paragraphs (14), (15), (16), and (17) of
18 subsection (b), by striking out “chairman” each place
19 it appears and inserting in lieu thereof “President”;
20 and

21 (2) by adding at the end the following new sub-
22 section:

23 “(j) *DELEGATION OF APPOINTMENT AUTHORITY.*—The
24 President may delegate the authority to make appointments

1 *under subsection (b) to the head of a department, without*
 2 *authority to redelegate.”.*

3 (c) *CONFORMING AMENDMENTS.—(1) Section 7902 of*
 4 *such title is further amended—*

5 (A) *in subsection (b), by redesignating para-*
 6 *graphs (12), (13), (14), (15), (16), and (17) as para-*
 7 *graphs (11), (12), (13), (14), (15), and (16), respec-*
 8 *tively; and*

9 (B) *in subsection (d), by striking out “(14), (15),*
 10 *(16), or (17)” and inserting in lieu thereof “(13),*
 11 *(14), (15), or (16)”.*

12 (2) *Section 282 of the National Defense Authorization*
 13 *Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat.*
 14 *2473) is amended by striking out subsection (c).*

15 **SEC. 215. MAINTENANCE AND REPAIR OF REAL PROPERTY**

16 **AT AIR FORCE INSTALLATIONS.**

17 (a) *IN GENERAL.—Chapter 949 of title 10, United*
 18 *States Code, is amended by adding at the end the following*
 19 *new section:*

20 **“§9782. Maintenance and repair of real property**

21 *“(a) ALLOCATION OF FUNDS.—The Secretary of the*
 22 *Air Force shall allocate funds authorized to be appropriated*
 23 *by a provision described in subsection (c) and a provision*
 24 *described in subsection (d) for maintenance and repair of*
 25 *real property at military installations of the Department*

1 *of the Air Force without regard to whether the installation*
2 *is supported with funds authorized by a provision described*
3 *in subsection (c) or (d).*

4 “(b) *MIXING OF FUNDS PROHIBITED ON INDIVIDUAL*
5 *PROJECTS.—The Secretary of the Air Force may not com-*
6 *bine funds authorized to be appropriated by a provision*
7 *described in subsection (c) and funds authorized to be ap-*
8 *propriated by a provision described in subsection (d) for*
9 *an individual project for maintenance and repair of real*
10 *property at a military installation of the Department of*
11 *the Air Force.*

12 “(c) *RESEARCH, DEVELOPMENT, TEST, AND EVALUA-*
13 *TION FUNDS.—The provision described in this subsection*
14 *is a provision of a national defense authorization Act that*
15 *authorizes funds to be appropriated for a fiscal year to the*
16 *Air Force for research, development, test, and evaluation.*

17 “(d) *OPERATION AND MAINTENANCE FUNDS.—The*
18 *provision described in this subsection is a provision of a*
19 *national defense authorization Act that authorizes funds to*
20 *be appropriated for a fiscal year to the Air Force for oper-*
21 *ation and maintenance.”.*

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

“9782. *Maintenance and repair of real property.”.*

1 **SEC. 216. EXPANSION OF ELIGIBILITY FOR DEFENSE EXPER-**
2 **IMENTAL PROGRAM TO STIMULATE COMPETI-**
3 **TIVE RESEARCH.**

4 *Section 257 of the National Defense Authorization Act*
5 *for Fiscal Year 1995 (Public Law 103-337; U.S.C. 2358*
6 *note) is amended by adding at the end of subsection (d)*
7 *the following new paragraph:*

8 *“(3) In this section, the term ‘State’ means a*
9 *State of the United States, the District of Columbia,*
10 *the Commonwealth of Puerto Rico, Guam, the Virgin*
11 *Islands, American Samoa, and the Commonwealth of*
12 *the Northern Mariana Islands.”.*

13 **SEC. 217. LIMITATION ON USE OF FUNDS FOR ADAPTION OF**
14 **INTEGRATED DEFENSIVE ELECTRONIC COUN-**
15 **TERMEASURES (IDECM) PROGRAM TO F/A-18E/**
16 **F AIRCRAFT AND A/V-8B AIRCRAFT.**

17 *Not more than 50 percent of the amount authorized*
18 *to be appropriated in section 201(2) for development of the*
19 *Integrated Defensive Electronic Countermeasures (IDECM)*
20 *program for adaption to the F/A-18E/F aircraft and the*
21 *AV-8B aircraft may be obligated until the amount author-*
22 *ized in section 201(2) for development of the IDECM pro-*
23 *gram for adaption to the F/A-18C/D aircraft is obligated.*

1 **SEC. 218. BIOASSAY TESTING OF VETERANS EXPOSED TO**
2 **IONIZING RADIATION DURING MILITARY**
3 **SERVICE.**

4 *Of the amount provided in section 201(4),*
5 *\$300,000 shall be available for the Nuclear Test Personnel*
6 *Review Program conducted by the Defense Special Weapons*
7 *Agency.*

8 **Subtitle C—Ballistic Missile**
9 **Defense Programs**

10 **SEC. 231. BUDGETARY TREATMENT OF AMOUNTS RE-**
11 **QUESTED FOR PROCUREMENT FOR BALLIS-**
12 **TIC MISSILE DEFENSE PROGRAMS.**

13 *(a) REQUIREMENT FOR INCLUSION IN BUDGET OF*
14 *BMDO.—(1) Chapter 9 of title 10, United States Code, is*
15 *amended by inserting after section 222 the following new*
16 *section:*

17 **“§224. Ballistic missile defense programs: amounts**
18 **for procurement**

19 *“(a) REQUIREMENT.—Any amount in the budget sub-*
20 *mitted to Congress under section 1105 of title 31 for any*
21 *fiscal year for procurement for the National Missile Defense*
22 *program or for any system that is part of the core theater*
23 *missile defense program shall be set forth under the account*
24 *of the Department of Defense for Defense-wide procurement*
25 *and, within that account, under the subaccount (or other*

1 budget activity level) for the Ballistic Missile Defense Orga-
2 nization.

3 “(b) *CORE THEATER BALLISTIC MISSILE DEFENSE*
4 *PROGRAM.*—For purposes of this section, the core theater
5 missile defense program consists of the systems specified in
6 section 234 of the Ballistic Missile Defense Act of 1995 (10
7 U.S.C. 2431 note).”.

8 (b) *CLERICAL AMENDMENT.*—The table of sections at
9 the beginning of such chapter is amended by inserting after
10 the item relating to section 222 the following new item:

“224. Ballistic missile defense programs: amounts for procurement.”.

11 **SEC. 232. COOPERATIVE BALLISTIC MISSILE DEFENSE PRO-**
12 **GRAM.**

13 (a) *REQUIREMENT FOR NEW PROGRAM ELEMENT.*—
14 The Secretary of Defense shall establish a program element
15 for the Ballistic Missile Defense Organization, to be referred
16 to as the “Cooperative Ballistic Missile Defense Program”,
17 to support technical and analytical cooperative efforts be-
18 tween the United States and other nations that contribute
19 to United States ballistic missile defense capabilities. All
20 international cooperative ballistic missile defense programs
21 of the Department of Defense shall be budgeted and admin-
22 istered through that program element.

23 (b) *RELATIONSHIP TO OTHER PROGRAM ELE-*
24 *MENTS.*—The program element established pursuant to sub-
25 section (a) is in addition to the program elements for activi-

1 *ties of the Ballistic Missile Defense Organization required*
 2 *under section 251 of the National Defense Authorization Act*
 3 *for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 233;*
 4 *10 U.S.C. 221 note).*

5 **SEC. 233. DEPLOYMENT DATES FOR CORE THEATER MIS-**
 6 **SILE DEFENSE PROGRAMS.**

7 (a) *CHANGE IN DEPLOYMENT DATES.*—Section 234(a)
 8 *of the Ballistic Missile Defense Act of 1995 (subtitle C of*
 9 *title II of Public Law 104–106; 110 Stat. 229; 10 U.S.C.*
 10 *2431 note) is amended—*

11 (1) *in the matter preceding paragraph (1), by*
 12 *striking out “, to be carried out so as to achieve the*
 13 *specified capabilities”;*

14 (2) *in paragraph (1), by striking out “, with a*
 15 *first unit equipped (FUE) during fiscal year 1998”;*

16 (3) *in paragraph (2), by striking out “Navy*
 17 *Lower Tier (Area) system” and all that follows*
 18 *through “fiscal year 1999” and inserting in lieu*
 19 *thereof “Navy Area Defense system”;*

20 (4) *in paragraph (3)—*

21 (A) *by striking out “with a” and inserting*
 22 *in lieu thereof “to be carried out so as to achieve*
 23 *a”;* and

24 (B) *by striking out “fiscal year 1998” and*
 25 *“fiscal year 2000” and inserting in lieu thereof*

1 “fiscal year 2000” and “fiscal year 2004”, re-
2 spectively; and

3 (5) in paragraph (4), by striking out “Navy
4 Upper Tier (Theater Wide) system, with” and insert-
5 ing in lieu thereof “Navy Theater Wide system, to be
6 carried out so as to achieve”.

7 (b) *CONFORMING AMENDMENTS FOR PROGRAM ELE-*
8 *MENT NAME CHANGES.*—Section 251(a) of the National De-
9 *fense Authorization Act for Fiscal Year 1996 (Public Law*
10 *104–106; 110 Stat. 233; 10 U.S.C. 221 note) is amended—*

11 (1) in paragraph (2), by striking out “Navy
12 Lower Tier (Area) system” and inserting in lieu
13 thereof “Navy Area Defense system”; and

14 (2) in paragraph (4), by striking out “Navy
15 Upper Tier (Theater Wide) system” and inserting in
16 lieu thereof “Navy Theater Wide system”.

17 **SEC. 234. ANNUAL REPORT ON THREAT POSED TO THE**
18 **UNITED STATES BY WEAPONS OF MASS DE-**
19 **STRUCTION, BALLISTIC MISSILES, AND**
20 **CRUISE MISSILES.**

21 (a) *ANNUAL REPORT.*—The Secretary of Defense shall
22 submit to Congress by January 30 of each year a report
23 on the threats posed to the United States and allies of the
24 United States—

1 (1) *by weapons of mass destruction, ballistic*
2 *missiles, and cruise missiles; and*

3 (2) *by the proliferation of weapons of mass de-*
4 *struction, ballistic missiles, and cruise missiles.*

5 (b) *CONSULTATION.—Each report submitted under*
6 *subsection (a) shall be prepared in consultation with the*
7 *Director of Central Intelligence.*

8 (c) *MATTERS TO BE INCLUDED.—Each report submit-*
9 *ted under subsection (a) shall include the following:*

10 (1) *Identification of each foreign country and*
11 *non-State organization that possesses weapons of*
12 *mass destruction, ballistic missiles, or cruise missiles,*
13 *and a description of such weapons and missiles with*
14 *respect to each such foreign country and non-State or-*
15 *ganization.*

16 (2) *A description of the means by which any for-*
17 *ign country and non-State organization that has*
18 *achieved capability with respect to weapons of mass*
19 *destruction, ballistic missiles, or cruise missiles has*
20 *achieved that capability, including a description of*
21 *the international network of foreign countries and*
22 *private entities that provide assistance to foreign*
23 *countries and non-State organizations in achieving*
24 *that capability.*

1 (3) *An examination of the doctrines that guide*
2 *the use of weapons of mass destruction in each foreign*
3 *country that possesses such weapons.*

4 (4) *An examination of the existence and imple-*
5 *mentation of the control mechanisms that exist with*
6 *respect to nuclear weapons in each foreign country*
7 *that possesses such weapons.*

8 (5) *Identification of each foreign country and*
9 *non-State organization that seeks to acquire or de-*
10 *velop (indigenously or with foreign assistance) weap-*
11 *ons of mass destruction, ballistic missiles, or cruise*
12 *missiles, and a description of such weapons and mis-*
13 *siles with respect to each such foreign country and*
14 *non-State organization.*

15 (6) *An assessment of various possible timelines*
16 *for the achievement by foreign countries and non-*
17 *State organizations of capability with respect to*
18 *weapons of mass destruction, ballistic missiles, and*
19 *cruise missiles, taking into account the probability of*
20 *whether the Russian Federation and the People's Re-*
21 *public of China will comply with the Missile Tech-*
22 *nology Control Regime, the potential availability of*
23 *assistance from foreign technical specialists, and the*
24 *potential for independent sales by foreign private en-*

1 *tities without authorization from their national Gov-*
2 *ernments.*

3 (7) *For each foreign country or non-State orga-*
4 *nization that has not achieved the capability to target*
5 *the United States or its territories with weapons of*
6 *mass destruction, ballistic missiles, or cruise missiles*
7 *as of the date of the enactment of this Act, an esti-*
8 *mate of how far in advance the United States is likely*
9 *to be warned before such foreign country or non-State*
10 *organization achieves that capability.*

11 (8) *For each foreign country or non-State orga-*
12 *nization that has not achieved the capability to target*
13 *members of the United States Armed Forces deployed*
14 *abroad with weapons of mass destruction, ballistic*
15 *missiles, or cruise missiles as of the date of the enact-*
16 *ment of this Act, an estimate of how far in advance*
17 *the United States is likely to be warned before such*
18 *foreign country or non-State organization achieves*
19 *that capability.*

20 (d) *CLASSIFICATION.—Each report under subsection*
21 (a) *shall be submitted in classified and unclassified form.*

1 **SEC. 235. DIRECTOR OF BALLISTIC MISSILE DEFENSE OR-**
2 **GANIZATION.**

3 (a) *IN GENERAL.*—Subchapter II of chapter 8 of title
4 10, United States Code, is amended by adding at the end
5 the following new section:

6 **“§203. Director of Ballistic Missile Defense Organiza-**
7 **tion**

8 “(a) *GRADE.*—The position of Director of the Ballistic
9 Missile Defense Organization—

10 “(1) *may only be held by an officer of the armed*
11 *forces on the active-duty list; and*

12 “(2) *shall be designated under section 601 of this*
13 *title as a position of importance and responsibility to*
14 *carry the grade of general or admiral or lieutenant*
15 *general or vice admiral.*

16 “(b) *LINE OF AUTHORITY TO SECRETARY OF DE-*
17 *FENSE.*—The Director of the Ballistic Missile Defense Orga-
18 nization reports directly to the Secretary of Defense and
19 (if so directed by the Secretary) the Deputy Secretary of
20 Defense, without intervening review or approval by any
21 other officer of the Department of Defense, with respect to
22 all matters pertaining to the management of ballistic mis-
23 sile defense programs for which the Director has responsibil-
24 ity (including matters pertaining to the status of those pro-
25 grams and the budgets for those programs).”.

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

 “203. *Director of Ballistic Missile Defense Organization.*”.

4 **SEC. 236. TACTICAL HIGH ENERGY LASER PROGRAM.**

5 (a) *TRANSFER OF PROGRAM.*—*The Secretary of De-*
6 *fense shall transfer the Tactical High Energy Laser pro-*
7 *gram from the Secretary of the Army to the Director of the*
8 *Ballistic Missile Defense Organization, to be carried out*
9 *under the Cooperative Ballistic Missile Defense Program es-*
10 *tablished pursuant to section 232(a).*

11 (b) *AUTHORIZATION.*—*Of the amount authorized to be*
12 *appropriated in section 201, \$38,200,000 is authorized for*
13 *the Tactical High Energy Laser program.*

14 **TITLE III—OPERATION AND**
15 **MAINTENANCE**

16 **Subtitle A—Authorization of**
17 **Appropriations**

18 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

19 *Funds are hereby authorized to be appropriated for fis-*
20 *cal year 1998 for the use of the Armed Forces and other*
21 *activities and agencies of the Department of Defense for ex-*
22 *penses, not otherwise provided for, for operation and main-*
23 *tenance, in amounts as follows:*

24 (1) *For the Army, \$17,185,034,000.*

25 (2) *For the Navy, \$21,372,699,000.*

- 1 (3) *For the Marine Corps, \$2,381,245,000.*
- 2 (4) *For the Air Force, \$18,745,985,000.*
- 3 (5) *For Defense-wide activities, \$10,030,057,000.*
- 4 (6) *For the Army Reserve, \$1,202,891,000.*
- 5 (7) *For the Naval Reserve, \$849,711,000.*
- 6 (8) *For the Marine Corps Reserve, \$110,366,000.*
- 7 (9) *For the Air Force Reserve, \$1,629,120,000.*
- 8 (10) *For the Army National Guard,*
9 *\$2,266,432,000.*
- 10 (11) *For the Air National Guard,*
11 *\$2,985,969,000.*
- 12 (12) *For the Defense Inspector General,*
13 *\$136,580,000.*
- 14 (13) *For the United States Court of Appeals for*
15 *the Armed Forces, \$6,952,000.*
- 16 (14) *For Environmental Restoration, Army,*
17 *\$377,337,000.*
- 18 (15) *For Environmental Restoration, Navy,*
19 *\$277,500,000.*
- 20 (16) *For Environmental Restoration, Air Force,*
21 *\$378,900,000.*
- 22 (17) *For Environmental Restoration, Defense-*
23 *wide, \$27,900,000.*
- 24 (18) *For Environmental Restoration, Formerly*
25 *Used Defense Sites, \$202,300,000.*

1 (19) *For Overseas Humanitarian, Disaster, and*
2 *Civic Aid programs, \$50,000,000.*

3 (20) *For Drug Interdiction and Counter-drug*
4 *Activities, Defense-wide, \$661,671,000.*

5 (21) *For the Kaho'olawe Island Conveyance, Re-*
6 *mediation, and Environmental Restoration Trust*
7 *Fund, \$10,000,000.*

8 (22) *For Medical Programs, Defense,*
9 *\$9,975,382,000.*

10 (23) *For Cooperative Threat Reduction pro-*
11 *grams, \$284,700,000.*

12 (24) *For Overseas Contingency Operations*
13 *Transfer Fund, \$1,467,500,000.*

14 **SEC. 302. WORKING CAPITAL FUNDS.**

15 *Funds are hereby authorized to be appropriated for fis-*
16 *cal year 1998 for the use of the Armed Forces and other*
17 *activities and agencies of the Department of Defense for*
18 *providing capital for working capital and revolving funds*
19 *in amounts as follows:*

20 (1) *For the Defense Working Capital Funds,*
21 *\$971,952,000.*

22 (2) *For the National Defense Sealift Fund,*
23 *\$1,181,626,000.*

1 **SEC. 303. ARMED FORCES RETIREMENT HOME.**

2 *There is hereby authorized to be appropriated for fiscal*
3 *year 1998 from the Armed Forces Retirement Home Trust*
4 *Fund the sum of \$79,977,000 for the operation of the Armed*
5 *Forces Retirement Home, including the United States Sol-*
6 *diers' and Airmen's Home and the Naval Home.*

7 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE**
8 **TRANSACTION FUND.**

9 *(a) TRANSFER AUTHORITY.—To the extent provided in*
10 *appropriations Acts, not more than \$150,000,000 is author-*
11 *ized to be transferred from the National Defense Stockpile*
12 *Transaction Fund to operation and maintenance accounts*
13 *for fiscal year 1998 in amounts as follows:*

14 *(1) For the Army, \$50,000,000.*

15 *(2) For the Navy, \$50,000,000.*

16 *(3) For the Air Force, \$50,000,000.*

17 *(b) TREATMENT OF TRANSFERS.—Amounts trans-*
18 *ferred under this section—*

19 *(1) shall be merged with, and be available for the*
20 *same purposes and the same period as, the amounts*
21 *in the accounts to which transferred; and*

22 *(2) may not be expended for an item that has*
23 *been denied authorization of appropriations by Con-*
24 *gress.*

1 (c) *RELATIONSHIP TO OTHER TRANSFER AUTHOR-*
2 *ITY.—The transfer authority provided in this section is in*
3 *addition to the transfer authority provided in section 1001.*

4 **SEC. 305. REFURBISHMENT AND INSTALLATION OF AIR**
5 **SEARCH RADAR.**

6 *Of the amount authorized to be appropriated pursuant*
7 *to section 301(2) for operation and maintenance for the*
8 *Navy, \$6,000,000 shall be available only for the refurbish-*
9 *ment and installation of the AN/SPS-48E air search radar*
10 *for the Ship Self Defense System at the Integrated Ship*
11 *Defense Systems Engineering Center, Naval Surface War-*
12 *fare Center, Wallops Islands, Virginia.*

13 **SEC. 306. REFURBISHMENT OF M1-A1 TANKS.**

14 *Of the amount authorized to be appropriated pursuant*
15 *to section 301(1) for operation and maintenance for the*
16 *Army, \$35,000,000 shall be available only for refurbishment*
17 *of M1-A1 tanks at the Anniston Army Depot under the*
18 *AIM-XXI program if the Secretary of Defense determines*
19 *that the cost effectiveness of the pilot AIM-XXI program is*
20 *validated through user trials conducted at the National*
21 *Training Center, Fort Irwin, California.*

22 **SEC. 307. PROCUREMENT AND ELECTRONIC COMMERCE**
23 **TECHNICAL ASSISTANCE PROGRAM.**

24 (a) *AUTHORIZATION.—Subject to subsection (c), of the*
25 *amount authorized to be appropriated under section 301(5),*

1 \$15,000,000 shall be available for carrying out the provi-
2 sions of chapter 142 of title 10, United States Code.

3 (b) *PROHIBITION.*—Subject to subsection (c), the Sec-
4 retary of Defense may not obligate or expend any funds
5 available for research, development, test, and evaluation to
6 establish or operate a resource center or program to provide
7 technical assistance relating to electronic commerce.

8 (c) *LIMITATION.*—Subsections (a) and (b) apply only
9 in the event of the consolidation of the procurement tech-
10 nical assistance program and the electronic commerce re-
11 source program as a single technical assistance program
12 funded with amounts available for operation and mainte-
13 nance.

14 **SEC. 308. AVAILABILITY OF FUNDS FOR SEPARATION PAY**
15 **FOR DEFENSE ACQUISITION PERSONNEL.**

16 Of the amount authorized to be appropriated pursuant
17 to section 301(5) for operation and maintenance for De-
18 fense-wide activities, \$100,000,000 shall be available only
19 for the payment of separation pay for defense acquisition
20 personnel (other than pursuant to section 5597 of title 5,
21 United States Code).

1 **Subtitle B—Military Readiness**
2 **Issues**

3 **SEC. 311. EXPANSION OF SCOPE OF QUARTERLY READI-**
4 **NESS REPORTS.**

5 (a) *EXPANDED REPORTS REQUIRED.*—Section 482 of
6 *title 10, United States Code, is amended to read as follows:*

7 **“§482. Quarterly readiness reports**

8 “(a) *QUARTERLY REPORTS REQUIRED.*—Not later
9 *than 30 days after the end of each calendar-year quarter,*
10 *the Secretary of Defense shall submit to the Committee on*
11 *Armed Services of the Senate and the Committee on Na-*
12 *tional Security of the House of Representatives a report on*
13 *military readiness. The report for a quarter shall contain*
14 *the information required by subsections (b) (d), and (e).*

15 “(b) *READINESS PROBLEMS AND REMEDIAL AC-*
16 *TIONS.*—Each report shall specifically describe—

17 “(1) *readiness problems or deficiencies identified*
18 *using the assessments considered under subsection (c);*

19 “(2) *planned remedial actions; and*

20 “(3) *the key indicators and other relevant infor-*
21 *mation related to the identified problem or deficiency.*

22 “(c) *CONSIDERATION OF READINESS ASSESSMENTS.*—
23 *The information required under subsection (b) to be in-*
24 *cluded in the report for a quarter shall be based on readi-*
25 *ness assessments that are provided during that quarter—*

1 “(1) to any council, committee, or other body of
2 *the Department of Defense—*

3 “(A) *that has responsibility for readiness*
4 *oversight; and*

5 “(B) *whose membership includes at least*
6 *one civilian officer in the Office of the Secretary*
7 *of Defense at the level of Assistant Secretary of*
8 *Defense or higher;*

9 “(2) *by senior civilian and military officers of*
10 *the military departments and the commanders of the*
11 *unified and specified commands; and*

12 “(3) *as part of any regularly established process*
13 *of periodic readiness reviews for the Department of*
14 *Defense as a whole.*

15 “(d) *COMPREHENSIVE READINESS INDICATORS.—*
16 *Each report shall also include information regarding each*
17 *military department (and an evaluation of such informa-*
18 *tion) with respect to each of the following readiness indica-*
19 *tors:*

20 “(1) *PERSONNEL STRENGTH.—*

21 “(A) *Individual personnel status.*

22 “(B) *Historical and projected personnel*
23 *trends.*

24 “(2) *PERSONNEL TURBULENCE.—*

25 “(A) *Recruit quality.*

1 “(B) *Borrowed manpower.*

2 “(C) *Personnel stability.*

3 “(3) *OTHER PERSONNEL MATTERS.—*

4 “(A) *Personnel morale.*

5 “(B) *Medical and dental readiness.*

6 “(C) *Recruit shortfalls.*

7 “(4) *TRAINING.—*

8 “(A) *Training unit readiness and pro-*
9 *ficiency.*

10 “(B) *Operations tempo.*

11 “(C) *Training funding.*

12 “(D) *Training commitments and deploy-*
13 *ments.*

14 “(5) *LOGISTICS—EQUIPMENT FILL.—*

15 “(A) *Deployed equipment.*

16 “(B) *Equipment availability.*

17 “(C) *Equipment that is not mission capa-*
18 *ble.*

19 “(D) *Age of equipment.*

20 “(E) *Condition of nonpacing items.*

21 “(6) *LOGISTICS—EQUIPMENT MAINTENANCE.—*

22 “(A) *Maintenance backlog.*

23 “(7) *LOGISTICS—SUPPLY.—*

24 “(A) *Availability of ordnance and spares.*

1 “(e) *UNIT READINESS INDICATORS.*—Each report
2 shall also include information regarding the readiness of
3 each unit of the armed forces at the battalion, squadron,
4 or an equivalent level (or a higher level) that received a
5 readiness rating of C-3 (or below) for any month of the
6 calendar-year quarter covered by the report. With respect
7 to each such unit, the report shall separately provide the
8 following information:

9 “(1) *The unit designation and level of organiza-*
10 *tion.*

11 “(2) *The overall readiness rating for the unit for*
12 *the quarter and each month of the quarter.*

13 “(3) *The resource area or areas (personnel,*
14 *equipment and supplies on hand, equipment condi-*
15 *tion, or training) that adversely affected the unit’s*
16 *readiness rating for the quarter.*

17 “(4) *If the unit received a readiness rating below*
18 *C-1 in personnel for the quarter, the primary reason*
19 *for the lower rating, by reason code and definition.*

20 “(5) *If the unit received a readiness rating below*
21 *C-1 in equipment and supplies on hand for the quar-*
22 *ter, the primary reason for the lower rating, by rea-*
23 *son code and definition.*

24 “(6) *If the unit received a readiness rating below*
25 *C-1 in equipment condition for the quarter, the pri-*

1 *mary reason for the lower rating, by reason code and*
2 *definition.*

3 *“(7) If the unit received a readiness rating below*
4 *C–1 in training for the quarter, the primary reason*
5 *for the lower rating, by reason code and definition.*

6 *“(f) CLASSIFICATION OF REPORTS.—A report under*
7 *this section shall be submitted in unclassified form. To the*
8 *extent the Secretary of Defense determines necessary, the re-*
9 *port may also be submitted in classified form.”.*

10 *(b) IMPLEMENTATION PLAN TO EXAMINE READINESS*
11 *INDICATORS.—Not later than January 15, 1998, the Sec-*
12 *retary of Defense shall submit to the congressional defense*
13 *committees a plan—*

14 *(1) specifying the manner in which the Secretary*
15 *will implement the additional reporting requirement*
16 *of subsection (d) of section 482 of title 10, United*
17 *States Code, as added by this section; and*

18 *(2) specifying the criteria proposed to be used to*
19 *evaluate the readiness indicators identified in such*
20 *subsection (d).*

21 *(c) LIMITATION PENDING RECEIPT OF IMPLEMENTA-*
22 *TION PLAN.—Of the amount available for fiscal year 1998*
23 *for operation and support activities of the Office of the Sec-*
24 *retary of Defense, 10 percent may not be obligated until*

1 *after the date on which the implementation plan required*
2 *by subsection (b) is submitted.*

3 (d) *FIRST REPORT; TRANSITION.*—*The first report re-*
4 *quired under section 482 of title 10, United States Code,*
5 *as amended by subsection (a), shall be submitted not later*
6 *than October 31, 1997. Until the report required for the*
7 *third quarter of 1998 is submitted, the Secretary of Defense*
8 *may omit the information required by subsection (d) of such*
9 *section if the Secretary determines that it is impracticable*
10 *to comply with such subsection with regard to the preceding*
11 *reports.*

12 **SEC. 312. LIMITATION ON REALLOCATION OF FUNDS WITH-**
13 **IN OPERATION AND MAINTENANCE APPRO-**
14 **PRIATIONS.**

15 (a) *LIMITATION.*—*Whenever the Secretary of Defense*
16 *proposes to reallocate funds within an O&M budget activity*
17 *in a manner described in subsection (b), the reallocation*
18 *may be made only—*

19 (1) *after the Secretary submits to the congres-*
20 *sional defense committees notice of the proposed re-*
21 *allocation; and*

22 (2) *if the procedures generally applicable to*
23 *transfers of funds between appropriations of the De-*
24 *partment of Defense have been followed with respect*
25 *to such reallocation.*

1 (b) *COVERED REALLOCATIONS.*—Subsection (a) ap-
2 plies in the case of any reallocation of funds from a sub-
3 activity of an O&M budget activity to another subactivity
4 within the same O&M budget activity or to another O&M
5 budget activity within the same operation and maintenance
6 appropriation if the amount to be reallocated, when added
7 to any previous amounts reallocated from that subactivity
8 for that fiscal year, is in excess of \$10,000,000.

9 (c) *O&M BUDGET ACTIVITY DEFINED.*—For purposes
10 of this section, the term “O&M budget activity” means a
11 budget activity within an operation and maintenance ap-
12 propriation of the Department of Defense for a fiscal year.

13 (d) *COVERED FISCAL YEARS.*—This section applies
14 with respect to funds appropriated for fiscal years 1998,
15 1999, and 2000.

16 **SEC. 313. OPERATION OF PREPOSITIONED FLEET, NA-**
17 **TIONAL TRAINING CENTER, FORT IRWIN,**
18 **CALIFORNIA.**

19 Of the amount authorized to be appropriated pursuant
20 to section 301(1) for operation and maintenance for the
21 Army, \$60,200,000 shall be available only to pay costs asso-
22 ciated with the operation of the prepositioned fleet of equip-
23 ment during training rotations at the National Training
24 Center, Fort Irwin, California.

1 **SEC. 314. PROHIBITION OF IMPLEMENTATION OF TIERED**
2 **READINESS SYSTEM.**

3 (a) *PROHIBITION.*—*The Secretary of a military de-*
4 *partment may not implement, or be required to implement,*
5 *a readiness system for units of the Armed Forces under the*
6 *jurisdiction of that Secretary under which a military unit*
7 *would be categorized into one of several categories (or*
8 *“tiers”) according to the likelihood that the unit will be re-*
9 *quired to respond to a military conflict and the time in*
10 *which the unit will be required to respond, if that system*
11 *would have the effect of changing the methods used as of*
12 *October 1, 1996, by the Armed Forces under the jurisdiction*
13 *of that Secretary for determining the priorities for allocat-*
14 *ing to such military units funding, personnel, equipment,*
15 *equipment maintenance, and training resources, and the*
16 *associated levels of readiness of those units that result from*
17 *those priorities.*

18 (b) *REPORT TO CONGRESS REQUESTING WAIVER.*—*If*
19 *the Secretary of Defense determines that implementation,*
20 *for one or more of the Armed Forces, of a tiered readiness*
21 *system that is otherwise prohibited by subsection (a) would*
22 *be in the national security interests of the United States,*
23 *the Secretary shall submit to the Committee on Armed Serv-*
24 *ices of the Senate and the Committee on National Security*
25 *of the House of Representatives a report setting forth that*
26 *determination of the Secretary, together with the rationale*

1 *for that determination, and a request for the enactment of*
2 *legislation to allow implementation of such a system.*

3 **SEC. 315. REPORTS ON TRANSFERS FROM HIGH-PRIORITY**
4 **READINESS APPROPRIATIONS.**

5 *(a) ANNUAL AND QUARTERLY REPORTS REQUIRED.—*
6 *Chapter 23 of title 10, United States Code, is amended by*
7 *adding at the end the following new section:*

8 **“§483. Reports on transfers from high-priority readi-**
9 **ness appropriations**

10 *“(a) ANNUAL REPORTS.—Not later than the date on*
11 *which the President submits the budget for a fiscal year*
12 *to Congress pursuant to section 1105 of title 31, the Sec-*
13 *retary of Defense shall submit to the Committee on Armed*
14 *Services and the Committee on Appropriations of the Sen-*
15 *ate and the Committee on National Security and the Com-*
16 *mittee on Appropriations of the House of Representatives*
17 *a report on transfers during the preceding fiscal year from*
18 *funds available for each covered budget activity.*

19 *“(b) QUARTERLY REPORTS.—Not later than 30 days*
20 *after the end of each quarter of a fiscal year, the Secretary*
21 *of Defense shall submit to the congressional committees spec-*
22 *ified in subsection (a) a report on transfers, during that*
23 *fiscal year quarter, from funds available for each covered*
24 *budget activity.*

1 “(c) *MATTERS TO BE INCLUDED.*—In each report
2 under subsection (a) or (b), the Secretary of Defense shall
3 include for each covered budget activity the following:

4 “(1) A statement, for the period covered by the
5 report, of—

6 “(A) the total amount of transfers into
7 funds available for that activity;

8 “(B) the total amount of transfers from
9 funds available for that activity; and

10 “(C) the net amount of transfers into, or
11 out of, funds available for that activity.

12 “(2) A detailed explanation of the transfers into,
13 and out of, funds available for that activity during
14 the period covered by the report.

15 “(d) *COVERED BUDGET ACTIVITY DEFINED.*—In this
16 section, the term ‘covered budget activity’ means each of the
17 following:

18 “(1) The budget activity groups (known as ‘sub-
19 activities’) within the Operating Forces budget activ-
20 ity of the annual Operation and Maintenance, Army,
21 appropriation that are designated as follows:

22 “(A) All subactivities under the category of
23 Land Forces.

24 “(B) Land Forces Depot Maintenance.

25 “(C) Base Support.

1 “(D) Maintenance of Real Property.

2 “(2) The Air Operations budget activity groups
3 (known as ‘subactivities’) within the Operating
4 Forces budget activity of the annual Operation and
5 Maintenance, Navy, appropriation that are des-
6 ignated as follows:

7 “(A) Mission and Other Flight Operations.

8 “(B) Fleet Air Training.

9 “(C) Aircraft Depot Maintenance.

10 “(D) Base Support.

11 “(E) Maintenance of Real Property.

12 “(3) The Ship Operations budget activity groups
13 (known as ‘subactivities’) within the Operating
14 Forces budget activity of the annual Operation and
15 Maintenance, Navy, appropriation that are des-
16 ignated as follows:

17 “(A) Mission and Other Ship Operations.

18 “(B) Ship Operational Support and Train-
19 ing.

20 “(C) Ship Depot Maintenance.

21 “(D) Base Support.

22 “(E) Maintenance of Real Property.

23 “(4) The Expeditionary Forces budget activity
24 groups (known as ‘subactivities’) within the Operat-
25 ing Forces budget activity of the annual Operation

1 *and Maintenance, Marine Corps, appropriation that*
2 *are designated as follows:*

3 “(A) *Operational Forces.*

4 “(B) *Depot Maintenance.*

5 “(C) *Base Support.*

6 “(D) *Maintenance of Real Property.*

7 “(5) *The Air Operations and Combat Related*
8 *Operations budget activity groups (known as ‘sub-*
9 *activities’) within the Operating Forces budget activ-*
10 *ity of the annual Operation and Maintenance, Air*
11 *Force, appropriation that are designated as follows:*

12 “(A) *Primary Combat Forces.*

13 “(B) *Primary Combat Weapons.*

14 “(C) *Air Operations Training.*

15 “(D) *Depot Maintenance.*

16 “(E) *Base Support.*

17 “(F) *Maintenance of Real Property.*

18 “(6) *The Mobility Operations budget activity*
19 *group (known as a ‘subactivity’) within the Mobiliza-*
20 *tion budget activity of the annual Operation and*
21 *Maintenance, Air Force, appropriation that is des-*
22 *ignated as Airlift Operations.*

23 “(e) *TERMINATION.—The requirements specified in*
24 *subsections (a) and (b) shall terminate upon the submission*

1 of the annual report under subsection (a) covering fiscal
2 year 2000.”.

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

“483. *Reports on transfers from high-priority readiness appropriations.*”.

6 **SEC. 316. REPORT ON CHAIRMAN, JOINT CHIEFS OF STAFF**
7 **EXERCISE PROGRAM AND PARTNERSHIP FOR**
8 **PEACE PROGRAM.**

9 (a) *REPORT.*—*Not later than February 16, 1998, the*
10 *Secretary of Defense shall submit to the Committee on*
11 *Armed Services of the Senate and the Committee on Na-*
12 *tional Security of the House of Representatives a report on*
13 *the military exercises conducted by the Department of De-*
14 *fense during fiscal years 1995, 1996, and 1997 and the*
15 *military exercises planned to be conducted during fiscal*
16 *years 1998, 1999, and 2000, under the training exercises*
17 *program known as the “CJCS Exercise Program” and*
18 *under the training exercises program known as the Partner-*
19 *ship for Peace program.*

20 (b) *INFORMATION ON EXERCISES CONDUCTED OR TO*
21 *BE CONDUCTED.*—*The report under subsection (a) shall in-*
22 *clude the following information for each such exercise,*
23 *which shall be set forth by fiscal year and shown within*
24 *fiscal year by the sponsoring command:*

25 (1) *Name of the exercise.*

1 (2) *Type, description, duration, and objectives of*
2 *the exercise*

3 (3) *Command sponsoring the exercise.*

4 (4) *Participating units, including the number of*
5 *personnel participating in each unit.*

6 (5) *For each participating unit, the percentage*
7 *of the tasks on that unit's specification of tasks known*
8 *as a Mission Essential Task List (or comparable spec-*
9 *ification, in the case of any of the Armed Forces that*
10 *do not maintain a Mission Essential Task List des-*
11 *ignation) scheduled to be performed as part of the ex-*
12 *ercise.*

13 (6) *The cost of the exercise to the Chairman of*
14 *the Joint Chiefs of Staff and the cost to each of the*
15 *Armed Forces participating in the exercise, with a de-*
16 *scription of the categories of activities for which those*
17 *costs are incurred in each such case.*

18 (7) *The priority of the exercise in relation to all*
19 *other exercises planned by the sponsoring command to*
20 *be conducted during that fiscal year.*

21 (8) *In the case of an exercise conducted under the*
22 *Partnership for Peace program, the country with*
23 *which each the exercise was conducted.*

24 (c) *ASSESSMENT.—The report shall include—*

1 (1) *an assessment of the ability of each of the*
2 *Armed Forces to meet requirements of the CJCS Exer-*
3 *cise Program and the Partnership for Peace program*
4 *with available assets;*

5 (2) *an assessment of the training value of each*
6 *exercise covered in the report to each unit participat-*
7 *ing in the exercise, including for each such unit an*
8 *assessment of the value of the percentage under sub-*
9 *section (b)(5) as an indicator of the training value of*
10 *the exercise for that unit; and*

11 (3) *options to minimize the negative effects on*
12 *operational and personnel tempo resulting from the*
13 *CJCS Exercise Program and the Partnership for*
14 *Peace program.*

15 (d) *FUNDING LIMITATION PENDING RECEIPT OF RE-*
16 *PORT.—Of the funds available for fiscal year 1998 for the*
17 *conduct of the CJSC Exercise Program, not more than 50*
18 *percent may be expended before the report under subsection*
19 *(a) is submitted.*

20 **SEC. 317. QUARTERLY REPORTS ON EXECUTION OF OPER-**
21 **ATION AND MAINTENANCE APPROPRIATIONS.**

22 (a) *REPORT REQUIRED.—Chapter 23 of title 10, Unit-*
23 *ed States Code, is amended by inserting after section 483,*
24 *as added by section 315, the following new section:*

1 **“§484. Quarterly reports on execution of operation**
2 **and maintenance appropriations**

3 “(a) *REPORT REQUIRED.*—Not later than 60 days
4 after the end of each quarter of a fiscal year, the Secretary
5 of Defense shall submit to the Committee on Armed Services
6 and the Committee on Appropriations of the Senate and
7 the Committee on National Security and the Committee on
8 Appropriations of the House of Representatives a report
9 containing budget execution data for each budget activity
10 group (known as a ‘subactivity’) within the annual oper-
11 ation and maintenance appropriations for the period cov-
12 ered by the report. A report shall cover all preceding quar-
13 ters of the fiscal year involved.

14 “(b) *MANNER OF PRESENTING DATA.*—The budget exe-
15 cution data required under subsection (a) shall be displayed
16 for the fiscal year involved in the same manner used in
17 the operation and maintenance tables contained in the
18 budget justification document entitled ‘O–1 Exhibit’ sub-
19 mitted to Congress in support of the budget of the Depart-
20 ment of Defense, as included in the budget of the President
21 submitted under section 1105 of title 31.

22 “(c) *REQUIRED INFORMATION.*—The following infor-
23 mation shall be provided for each budget activity group:

24 “(1) *Amounts authorized to be appropriated.*

25 “(2) *Amounts appropriated.*

26 “(3) *Direct obligations.*

1 “(4) *Total obligational authority.*

2 “(5) *Amounts related to unbudgeted contingency*
3 *operations.*

4 “(6) *Direct obligations related to unbudgeted*
5 *contingency operations.*”.

6 (b) *CLERICAL AMENDMENT.—The table of sections at*
7 *the beginning of such chapter is amended by inserting after*
8 *the item relating to section 483, as added by section 315,*
9 *the following new item:*

*“484. Quarterly reports on execution of operation and maintenance appropria-
tions.”.*

10 ***Subtitle C—Civilian Personnel***

11 ***SEC. 321. PAY PRACTICES WHEN OVERSEAS TEACHERS*** 12 ***TRANSFER TO GENERAL SCHEDULE POSI-*** 13 ***TIONS.***

14 *Section 5334(d) of title 5, United States Code, is*
15 *amended by striking out “is deemed increased by 20 per-*
16 *cent” and inserting in lieu thereof “shall be increased by*
17 *such amount as may be authorized, if any, under regula-*
18 *tions issued by the Secretary of Defense, but not to exceed*
19 *20 percent,”.*

20 ***SEC. 322. USE OF APPROVED FIRE-SAFE ACCOMMODATIONS*** 21 ***BY GOVERNMENT EMPLOYEES ON OFFICIAL*** 22 ***BUSINESS.***

23 (a) *PERCENTAGE USE REQUIREMENT.—Section 5707a*
24 *of title 5, United States Code, is amended—*

1 (1) *by redesignating subsections (a) through (d)*
2 *as subsections (b) through (e), respectively; and*

3 (2) *by inserting after the section heading the fol-*
4 *lowing new subsection:*

5 “(a)(1) *For the purpose of making payments under*
6 *this chapter for lodging expenses incurred in a State, each*
7 *agency shall ensure that not less than 90 percent of the com-*
8 *mercial-lodging room nights for employees of that agency*
9 *for a fiscal year are booked in approved places of public*
10 *accommodation.*

11 “(2) *Each agency shall establish explicit procedures to*
12 *satisfy the percentage requirement of paragraph (1).”.*

13 (b) *DEFINITIONS.—Such section is further amended by*
14 *adding at the end the following new subsection:*

15 “(f) *For purposes of this section:*

16 “(1) *The term ‘agency’ does not include the gov-*
17 *ernment of the District of Columbia.*

18 “(2) *The term ‘approved places of public accom-*
19 *modation’ means hotels, motels, and other places of*
20 *public accommodation that are listed by the Federal*
21 *Emergency Management Agency as meeting the re-*
22 *quirements of the fire prevention and control guide-*
23 *lines described in section 29 of the Federal Fire Pre-*
24 *vention and Control Act of 1974 (15 U.S.C. 2225).*

1 “(3) *The term ‘State’ means any State, the Dis-*
2 *trict of Columbia, the Commonwealth of Puerto Rico,*
3 *the Commonwealth of the Northern Mariana Islands,*
4 *the Trust Territory of the Pacific Islands, the Virgin*
5 *Islands, Guam, American Samoa, or any other terri-*
6 *tory or possession of the United States.’”.*

7 (c) *CONFORMING AMENDMENTS.—Such section is fur-*
8 *ther amended—*

9 (1) *in subsection (b), as redesignated by sub-*
10 *section (a)(1)—*

11 (A) *by striking out “places of public accom-*
12 *modation that meet the requirements of the fire*
13 *prevention and control guidelines described in*
14 *section 29 of the Federal Fire Prevention and*
15 *Control Act of 1974” and inserting in lieu there-*
16 *of “approved places of public accommodation”;*
17 *and*

18 (B) *by striking out “as defined in section 4*
19 *of the Federal Fire Prevention and Control Act*
20 *of 1974”;*

21 (2) *in subsection (c), as redesignated by sub-*
22 *section (a)(1), by striking out “does not meet the re-*
23 *quirements of the fire prevention and control guide-*
24 *lines described in section 29 of the Federal Fire Pre-*
25 *vention and Control Act of 1974” and inserting in*

1 *lieu thereof “is not an approved place of public ac-*
2 *commodation”*; and

3 (3) *in subsection (e), as redesignated by sub-*
4 *section (a)(1)—*

5 (A) *by striking out “encourage” and insert-*
6 *ing in lieu thereof “facilitate the ability of”*; and

7 (B) *by striking out “places of public accom-*
8 *modation that meet the requirements of the fire*
9 *prevention and control guidelines described in*
10 *section 29 of the Federal Fire Prevention and*
11 *Control Act of 1974” and inserting in lieu there-*
12 *of “approved places of public accommodation”.*

13 (d) *REPORT ON IMPLEMENTATION.—Not later than*
14 *March 31, 1998, the Administrator of General Services,*
15 *after consultation with the agencies covered by section*
16 *5707a of title 5, United States Code, shall submit to Con-*
17 *gress a report describing the procedures established by each*
18 *agency to satisfy the percentage requirement imposed by*
19 *subsection (a) of such section, as amended by this section.*

1 ***Subtitle D—Depot-Level Activities***

2 ***SEC. 331. EXTENSION OF AUTHORITY FOR AVIATION DE-***
3 ***POTS AND NAVAL SHIPYARDS TO ENGAGE IN***
4 ***DEFENSE-RELATED PRODUCTION AND SERV-***
5 ***ICES.***

6 *Section 1425(e) of the National Defense Authorization*
7 *Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat.*
8 *1684) is amended by striking out “September 30, 1997”*
9 *and inserting in lieu thereof “September 30, 1999”.*

10 ***SEC. 332. EXCLUSION OF CERTAIN LARGE MAINTENANCE***
11 ***AND REPAIR PROJECTS FROM PERCENTAGE***
12 ***LIMITATION ON CONTRACTING FOR DEPOT-***
13 ***LEVEL MAINTENANCE.***

14 *Section 2466 of title 10, United States Code, is amend-*
15 *ed by inserting after subsection (a) the following new sub-*
16 *section:*

17 ***“(b) TREATMENT OF CERTAIN LARGE PROJECTS.—If***
18 *a maintenance or repair project concerning an aircraft car-*
19 *rier or submarine that is contracted for performance by*
20 *non-Federal Government personnel and that accounts for*
21 *five percent or more of the funds made available in a fiscal*
22 *year to a military department or a Defense Agency for*
23 *depot-level maintenance and repair workload, the project*
24 *and the funds necessary for the project shall not be consid-*
25 *ered when applying the percentage limitation specified in*

1 subsection (a) to that military department or Defense
2 Agency.”.

3 **SEC. 333. RESTRICTIONS ON CONTRACTS FOR PERFORM-**
4 **ANCE OF DEPOT-LEVEL MAINTENANCE AND**
5 **REPAIR AT CERTAIN FACILITIES.**

6 (a) *DEPOT-LEVEL MAINTENANCE AND REPAIR DE-*
7 *FINED.*—(1) Chapter 146 of title 10, United States Code,
8 is amended by inserting before section 2461 the following
9 new section:

10 **“§2460. Definition of depot-level maintenance and re-**
11 **pair**

12 “(a) *IN GENERAL.*—In this chapter, the term ‘depot-

13 level maintenance and repair’ means material maintenance

14 or repair requiring the overhaul, upgrading, or rebuilding

15 of parts, assemblies, or subassemblies, and the testing and

16 reclamation of equipment as necessary, regardless of the

17 source of funds for the maintenance or repair. The term

18 includes all aspects of software maintenance and such por-

19 tions of interim contractor support, contractor logistics sup-

20 port, or any similar contractor support for the performance

21 of services that are described in the preceding sentence.

22 “(b) *EXCEPTION.*—The term does not include the pro-

23 curement of a major weapon system modification or up-

24 grade, except where the changes to the system are primarily

1 *for safety reasons, to correct a deficiency, or to improve pro-*
2 *gram performance.”.*

3 (2) *The table of sections at the beginning of such chap-*
4 *ter is amended by inserting before the item relating to sec-*
5 *tion 2461 the following new item:*

“2460. Definition of depot-level maintenance and repair.”.

6 (b) *RESTRICTION ON CERTAIN CONTRACTS.—Section*
7 *2469 of title 10, United States Code, is amended—*

8 (1) *in subsections (a) and (b), by striking out*
9 *“or repair” and inserting in lieu thereof “and re-*
10 *pair”;* and

11 (2) *by adding at the end the following new sub-*
12 *section:*

13 “(d) *RESTRICTION ON CONTRACTS AT CERTAIN FA-*
14 *CILITIES.—*

15 “(1) *RESTRICTION.—The Secretary of Defense*
16 *may not enter into any contract for the performance*
17 *of depot-level maintenance and repair of weapon sys-*
18 *tems or other military equipment of the Department*
19 *of Defense, or for the performance of management*
20 *functions related to depot-level maintenance and re-*
21 *pair of such systems or equipment, at any military*
22 *installation where a depot-level maintenance and re-*
23 *pair facility was approved in 1995 for closure under*
24 *the Defense Base Closure and Realignment Act of*
25 *1990 (part A of title XXIX of Public Law 101–510;*

1 *10 U.S.C. 2687 note). In the preceding sentence, the*
2 *term ‘military installation’ includes a former mili-*
3 *tary installation closed under the Act that was a*
4 *military installation when it was approved for clo-*
5 *sure under the Act.*

6 “(2) *EXCEPTION.—Paragraph (1) shall not*
7 *apply with respect to an installation or former instal-*
8 *lation described in such paragraph if the Secretary of*
9 *Defense certifies to Congress, not later than 45 days*
10 *before entering into a contract for depot-level mainte-*
11 *nance and repair at the installation or former instal-*
12 *lation, that—*

13 “(A) *not less than 80 percent of the capaci-*
14 *ty at each of the depot-level maintenance and*
15 *repair activities of the military department con-*
16 *cerned is being utilized on an ongoing basis to*
17 *perform industrial operations in support of the*
18 *depot-level maintenance and repair of weapon*
19 *systems and other military equipment of the De-*
20 *partment of Defense;*

21 “(B) *the Secretary has determined, on the*
22 *basis of a detailed analysis (which the Secretary*
23 *shall submit to Congress with the certification),*
24 *that the total amount of the costs of the proposed*
25 *contract to the Government, both recurring and*

1 *nonrecurring and including any costs associated*
2 *with planning for and executing the proposed*
3 *contract, would be less than the costs that would*
4 *otherwise be incurred if the depot-level mainte-*
5 *nance and repair to be performed under the con-*
6 *tract were performed using equipment and facili-*
7 *ties of the Department of Defense;*

8 “(C) *all of the information upon which the*
9 *Secretary determined that the total costs to the*
10 *Government would be less under the contract is*
11 *available for examination; and*

12 “(D) *none of the depot-level maintenance*
13 *and repair to be performed under the contract*
14 *was considered, before July 1, 1995, to be a core*
15 *logistics capability of the military department*
16 *concerned pursuant to section 2464 of this title.*

17 “(3) *CAPACITY OF DEPOT-LEVEL ACTIVITIES.—*
18 *For purposes of paragraph (2)(A), the capacity of*
19 *depot-level maintenance and repair activities shall be*
20 *considered to be the same as the maximum potential*
21 *capacity identified by the Defense Base Closure and*
22 *Realignment Commission for purposes of the selection*
23 *in 1995 of military installations for closure or re-*
24 *alignment under the Defense Base Closure and Re-*
25 *alignment Act of 1990, without regard, after 1995, to*

1 *any limitation on the maximum number of Federal*
2 *employees (expressed as full time equivalent employees*
3 *or otherwise), Federal employment levels, or the ac-*
4 *tual availability of equipment to support depot-level*
5 *maintenance and repair.*

6 *“(4) GAO REVIEW.—At the same time that the*
7 *Secretary submits the certification and analysis to*
8 *Congress under paragraph (2), the Secretary shall*
9 *submit a copy of the certification and analysis to the*
10 *Comptroller General. The Comptroller General shall*
11 *review the analysis and the information referred to in*
12 *subparagraph (C) of paragraph (2) and, not later*
13 *than 30 days after Congress receives the certification,*
14 *submit to Congress a report containing a statement*
15 *regarding whether the Comptroller General concurs*
16 *with the determination of the Secretary included in*
17 *the certification pursuant to subparagraph (B) of that*
18 *paragraph.*

19 *“(5) APPLICATION.—This subsection shall apply*
20 *with respect to any contract described in paragraph*
21 *(1) that is entered into, or proposed to be entered*
22 *into, after January 1, 1997.”.*

1 **SEC. 334. CORE LOGISTICS FUNCTIONS OF DEPARTMENT OF**
2 **DEFENSE.**

3 *Section 2464(a) of title 10, United States Code, is*
4 *amended—*

5 *(1) in paragraph (1), by striking out “a logistics*
6 *capability (including personnel, equipment, and fa-*
7 *cilities)” and inserting in lieu thereof “a core logistics*
8 *capability that is Government-owned and Govern-*
9 *ment-operated (including Government personnel and*
10 *Government-owned and Government-operated equip-*
11 *ment and facilities)”;*

12 *(2) in paragraph (2), by striking out “the logis-*
13 *tics” and inserting in lieu thereof “the core logistics”;*
14 *and*

15 *(3) by adding at the end the following new para-*
16 *graphs:*

17 *“(3) Those core logistics activities identified under*
18 *paragraphs (1) and (2) shall include the capability, facili-*
19 *ties, and equipment to maintain and repair all types of*
20 *weapon systems and other military equipment that are*
21 *identified by the Secretary, in consultation with the Joint*
22 *Chiefs of Staff, as necessary to enable the armed forces to*
23 *fulfill the national military strategy, including the capabil-*
24 *ity and capacity to maintain and repair any new mission-*
25 *essential weapon system or materiel within four years after*

1 *the system or materiel achieves initial operational capabil-*
2 *ity.*

3 “(4) *The Secretary of Defense shall require the per-*
4 *formance of core logistics activities identified under para-*
5 *graphs (1), (2), and (3) at Government-owned, Government-*
6 *operated facilities of the Department of Defense (including*
7 *Government-owned, Government-operated facilities of a*
8 *military department) and shall assign such facilities suffi-*
9 *cient workload to ensure cost efficiency and technical pro-*
10 *ficiency in peacetime while preserving the surge capacity*
11 *and reconstitution capabilities necessary to meet the mili-*
12 *tary contingencies provided for in the national military*
13 *strategy.*”.

14 **SEC. 335. CENTERS OF INDUSTRIAL AND TECHNICAL EX-**
15 **CELLENCE.**

16 (a) *DESIGNATION AND PURPOSE.*—(1) *Chapter 146 of*
17 *title 10, United States Code, is amended by adding at the*
18 *end the following new section:*

19 **“§2474. Centers of Industrial and Technical Excel-**
20 **lence: designation; public-private partner-**
21 **ships**

22 “(a) *DESIGNATION.*—(1) *The Secretary of Defense*
23 *shall designate each depot-level activity of the military de-*
24 *partments and the Defense Agencies (other than facilities*
25 *approved for closure or major realignment under the De-*

1 *fense Base Closure and Realignment Act of 1990 (part A*
2 *of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note))*
3 *as a Center of Industrial and Technical Excellence in the*
4 *recognized core competencies of the activity.*

5 “(2) *The Secretary shall establish a policy to encourage*
6 *the Secretary of each military department and the head of*
7 *each Defense Agency to reengineer industrial processes and*
8 *adopt best-business practices at their depot-level activities*
9 *in connection with their core competency requirements, so*
10 *as to serve as recognized leaders in their core competencies*
11 *throughout the Department of Defense and in the national*
12 *technology and industrial base (as defined in section*
13 *2500(1) of this title).*

14 “(b) *PUBLIC-PRIVATE PARTNERSHIPS.—The Secretary*
15 *of Defense shall enable Centers of Industrial and Technical*
16 *Excellence to form public-private partnerships for the per-*
17 *formance of depot-level maintenance and repair and shall*
18 *encourage the use of such partnerships to maximize the uti-*
19 *lization of the capacity at such Centers.*

20 “(c) *ADDITIONAL WORK.—The policy required under*
21 *subsection (a) shall include measures to enable a private*
22 *sector entity that enters into a partnership arrangement*
23 *under subsection (b) or leases excess equipment and facili-*
24 *ties at a Center of Industrial and Technical Excellence pur-*
25 *suant to section 2471 of this title to perform additional*

1 *work at the Center, subject to the limitations outlined in*
2 *subsection (b) of such section, outside of the types of work*
3 *normally assigned to the Center.”.*

4 *(2) The table of sections at the beginning of such chap-*
5 *ter is amended by adding at the end the following new item:*

“2474. Centers of Industrial and Technical Excellence: designation; public-private
partnerships.”.

6 *(b) REPORTING REQUIREMENT.—Not later than*
7 *March 1, 1998, the Secretary of Defense shall submit to*
8 *Congress a report on the policies established by the Sec-*
9 *retary pursuant to section 2474 of title 10, United States*
10 *Code, to implement the requirements of such section. The*
11 *report shall include—*

12 *(1) the details of any public-private partnerships*
13 *entered into as of that date under subsection (b) of*
14 *such section;*

15 *(2) the details of any leases entered into as of*
16 *that date under section 2471 of such title with author-*
17 *ized entities for dual-use (military and nonmilitary)*
18 *purposes; and*

19 *(3) the effect that the partnerships and leases*
20 *had on capacity utilization, depot rate structures,*
21 *and readiness.*

1 **SEC. 336. PERSONNEL REDUCTIONS, ARMY DEPOTS PAR-**
2 **TICIPATING IN ARMY WORKLOAD AND PER-**
3 **FORMANCE SYSTEM.**

4 *The Secretary of the Army may not carry out a reduc-*
5 *tion in force of civilian employees at the five Army depots*
6 *participating in the demonstration and testing of the Army*
7 *Workload and Performance System until after the date on*
8 *which the Secretary submits to Congress a report certifying*
9 *that—*

10 *(1) the Army Workload and Performance System*
11 *is fully operational; and*

12 *(2) the manpower audits being performed by the*
13 *Comptroller General, the Army Audit Agency, and the*
14 *Inspector General of the Army as of the date of the*
15 *enactment of this Act have been completed.*

16 **Subtitle E—Environmental**
17 **Provisions**

18 **SEC. 341. REVISION OF MEMBERSHIP TERMS FOR STRATE-**
19 **GIC ENVIRONMENTAL RESEARCH AND DEVEL-**
20 **OPMENT PROGRAM SCIENTIFIC ADVISORY**
21 **BOARD.**

22 *Section 2904(b) of title 10, United States Code, is*
23 *amended in paragraph (4) by striking out “three” and in-*
24 *serting in lieu thereof “not less than two and not more than*
25 *four”.*

1 **SEC. 342. AMENDMENTS TO AUTHORITY TO ENTER INTO**
2 **AGREEMENTS WITH OTHER AGENCIES IN**
3 **SUPPORT OF ENVIRONMENTAL TECHNOLOGY**
4 **CERTIFICATION.**

5 (a) *AUTHORITY TO ENTER INTO AGREEMENTS WITH*
6 *INDIAN TRIBES.*—Section 327 of the National Defense Au-
7 thorization Act for Fiscal Year 1997 (Public Law 104–201;
8 110 Stat. 2483) is amended—

9 (1) in subsection (a), by inserting “, or with an
10 Indian tribe,” after “with an agency of a State or
11 local government”;

12 (2) by redesignating subsection (e) as subsection
13 (f); and

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

16 “(e) *DEFINITION.*—In this section, the term ‘Indian
17 tribe’ has the meaning given that term by section 101(36)
18 of the Comprehensive Environmental Response, Compensa-
19 tion, and Liability Act of 1980 (42 U.S.C. 9601(36)).”.

20 (b) *ELIMINATION OF CERTAIN LIMITATION ON AU-*
21 *THORITY.*—Subsection (b)(1) of such section is amended by
22 striking out “in carrying out its environmental restoration
23 activities”.

1 **SEC. 343. AUTHORIZATION TO PAY NEGOTIATED SETTLE-**
2 **MENT FOR ENVIRONMENTAL CLEANUP AT**
3 **FORMER DEPARTMENT OF DEFENSE SITES IN**
4 **CANADA.**

5 (a) *AUTHORIZATION.*—*To the extent provided in ap-*
6 *propriations Acts, the Secretary of Defense may pay an*
7 *amount to the Government of Canada of not more than*
8 *\$100,000,000 (in fiscal year 1996 constant dollars), for pur-*
9 *poses of implementing the October 1996 negotiated settle-*
10 *ment between the United States and Canada relating to en-*
11 *vironmental cleanup at various sites in Canada that were*
12 *formerly used by the Department of Defense.*

13 (b) *METHOD OF PAYMENT.*—*The amount authorized*
14 *by subsection (a) shall be paid in 10 annual payments, with*
15 *the first payment made in fiscal year 1998.*

16 (c) *FISCAL YEAR 1998 PAYMENT.*—*The payment*
17 *under this section for fiscal year 1998 shall be made from*
18 *amounts appropriated pursuant to section 301(5).*

19 **SEC. 344. MODIFICATIONS OF AUTHORITY TO STORE AND**
20 **DISPOSE OF NONDEFENSE TOXIC AND HAZ-**
21 **ARDOUS MATERIALS.**

22 (a) *AUTHORITY TO STORE MATERIALS OWNED BY*
23 *MEMBERS OF THE ARMED FORCES.*—*Section 2692(a) of*
24 *title 10, United States Code, is amended—*

25 (1) *by inserting “either” before “by the Depart-*
26 *ment”;* and

1 (2) *by inserting before the period at the end the*
2 *following: “or by a member of the armed forces (or a*
3 *dependent of the member) assigned to or provided*
4 *military housing on the installation”.*

5 (b) *ADDITIONAL EXCEPTION TO LIMITATION ON STOR-*
6 *AGE AND DISPOSAL.*—Section 2692(b) of such title is
7 *amended—*

8 (1) *by redesignating paragraphs (1) through (9)*
9 *as paragraphs (2) through (10), respectively; and*

10 (2) *by inserting before paragraph (2) (as so re-*
11 *designated) the following new paragraph (1):*

12 “*(1) the storage, treatment, or disposal of mate-*
13 *rials that will be or have been used in connection*
14 *with an activity of the Department of Defense or in*
15 *connection with a service to be performed on an in-*
16 *stallation of the Department for the benefit of the De-*
17 *partment;”.*

18 (c) *MODIFICATION TO EXCEPTION RELATING TO STOR-*
19 *AGE OR DISPOSAL OF EXPLOSIVES TO ASSIST LAW EN-*
20 *FORCEMENT AGENCIES.*—Section 2692(b) of such title is
21 *amended in paragraph (3) (as redesignated by subsection*
22 *(b))—*

23 (1) *by striking out “Federal law enforcement”*
24 *and inserting in lieu thereof “Federal, State, or local*
25 *law enforcement”; and*

1 (2) by striking out “Federal agency” and insert-
2 ing in lieu thereof “Federal, State, or local agency”.

3 (d) *MODIFICATION TO EXCEPTION RELATING TO STOR-*
4 *AGE OF MATERIAL IN CONNECTION WITH USE OF A DE-*
5 *FENSE FACILITY.*—Section 2692(b) of such title is amended
6 in paragraph (9) (as redesignated by subsection (b))—

7 (1) by striking out “by a private person in con-
8 nection with the authorized and compatible use by
9 that person of an industrial-type” and inserting in
10 lieu thereof “in connection with the authorized use of
11 a”; and

12 (2) by striking out “; and” at the end and in-
13 serting in lieu thereof the following: “including the
14 use of such a facility for testing materiel and training
15 personnel;”.

16 (e) *MODIFICATION TO EXCEPTION RELATING TO*
17 *TREATMENT AND DISPOSAL OF MATERIAL IN CONNECTION*
18 *WITH USE OF A DEFENSE FACILITY.*—Section 2692(b) of
19 such title is amended in paragraph (10) (as redesignated
20 by subsection (b))—

21 (1) by striking out “by a private person in con-
22 nection with the authorized and compatible commer-
23 cial use by that person of an industrial-type” and in-
24 serting in lieu thereof “in connection with the author-
25 ized use of a”;

1 (2) *by striking out “with that person” and in-*
2 *serting in lieu thereof “or agreement with the prospec-*
3 *tive user”;*

4 (3) *by striking out “for that person’s” in sub-*
5 *paragraph (B) and inserting in lieu thereof “for the*
6 *prospective user’s”;* and

7 (4) *by striking out the period at the end and in-*
8 *serting in lieu thereof “; and”.*

9 (f) *ADDITIONAL EXCEPTION RELATING TO SPACE*
10 *LAUNCH FACILITIES.—Section 2692(b) of such title is fur-*
11 *ther amended by adding at the end the following new para-*
12 *graph:*

13 *“(11) the storage of any material that is not*
14 *owned by the Department of Defense if the Secretary*
15 *of the military department concerned determines that*
16 *the material is required or generated in connection*
17 *with the use of a space launch facility located on an*
18 *installation of the Department of Defense or on other*
19 *land controlled by the United States.”.*

20 (g) *TECHNICAL AMENDMENTS.—(1) Section*
21 *2692(a)(1) of such title is amended by striking out “stor-*
22 *age” and inserting in lieu thereof “storage, treatment,”.*

23 (2) *The heading for section 2692 of such title is amend-*
24 *ed to read as follows:*

1 **“§2692. Storage, treatment, and disposal of non-**
2 **defense toxic and hazardous materials”.**

3 *(3) The item relating to section 2692 in the table of*
4 *sections at the beginning of chapter 159 of such title is*
5 *amended to read as follows:*

“2692. Storage, treatment, and disposal of nondefense toxic and hazardous mate-
rials.”.

6 **SEC. 345. REVISION OF REPORT REQUIREMENT FOR NAVY**
7 **PROGRAM TO MONITOR ECOLOGICAL EF-**
8 **FFECTS OF ORGANOTIN.**

9 *Section 333(e) of the National Defense Authorization*
10 *Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat.*
11 *2486) is amended—*

12 *(1) by striking out “June 1” and inserting in*
13 *lieu thereof “October 30”;*

14 *(2) by striking out paragraphs (1) and (2);*

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

17 *(3) by adding at the end the following new para-*
18 *graph:*

19 *“(3) A description of the present and future use,*
20 *if any, of antifouling paints containing organotin on*
21 *naval vessels.”.*

1 **SEC. 346. PARTNERSHIPS FOR INVESTMENT IN INNOVATIVE**
2 **ENVIRONMENTAL TECHNOLOGIES.**

3 (a) *AUTHORITY.*—Subject to subsection (b), the Sec-
4 retary of Defense may enter into a partnership with one
5 or more private sector entities to demonstrate and validate
6 innovative environmental technologies.

7 (b) *LIMITATIONS.*—The Secretary of Defense may enter
8 into a partnership with respect to an environmental tech-
9 nology under subsection (a)—

10 (1) subject to such terms and conditions as the
11 Secretary considers appropriate and in the national
12 interest; and

13 (2) only if the Secretary determines that the
14 technology has clear potential to be of significant
15 value to the Department of Defense in carrying out
16 its environmental activities.

17 (c) *FUNDING.*—Under a partnership entered into
18 under subsection (a), the Secretary may provide funds to
19 the partner or partners from appropriations available to
20 the Department of Defense for environmental activities, for
21 a period of up to five years.

22 (d) *REPORT.*—In the annual report required under
23 section 2706(a) of title 10, United States Code, the Sec-
24 retary of Defense shall include the following information
25 with respect to partnerships entered into under this section:

26 (1) The number of such partnerships.

1 (2) *A description of the nature of the technology*
2 *involved in each such partnership.*

3 (3) *A list of all partners in such partnerships.*

4 (e) *COORDINATION.*—*The Secretary of Defense shall*
5 *ensure that the Department of Defense coordinates with the*
6 *Administrator of the Environmental Protection Agency in*
7 *any verification sponsored by the Department of tech-*
8 *nologies demonstrated and validated by a partnership en-*
9 *tered into under this section.*

10 (f) *TERMINATION OF AUTHORITY.*—*The authority to*
11 *enter into agreements under subsection (a) shall terminate*
12 *three years after the date of the enactment of this Act.*

13 **SEC. 347. PILOT PROGRAM TO TEST AN ALTERNATIVE**
14 **TECHNOLOGY FOR ELIMINATING SOLID AND**
15 **LIQUID WASTE EMISSIONS DURING SHIP OP-**
16 **ERATIONS.**

17 (a) *DETERMINATION BY SECRETARY OF THE NAVY.*—

18 (1) *The Secretary of the Navy shall make a determination*
19 *whether the alternative technology described in paragraph*
20 (2) *has the clear potential for significant benefit to the*
21 *Navy.*

22 (2) *The technology referred to in paragraph (1) is an*
23 *alternative technology designed to thermally treat on ship-*
24 *board all kinds of liquid and solid wastes generated on an*
25 *operating ship by means of a plasma arc melter system that*

1 *is compact, stationary, and uses a high alumina refractory*
2 *hearth.*

3 (b) *PILOT PROGRAM.*—*If the determination made*
4 *under subsection (a)(1) is in the affirmative, the Secretary*
5 *shall establish a pilot program to test the alternative tech-*
6 *nology. In conducting the test, the Secretary shall seek to*
7 *demonstrate whether the technology is valid, cost-effective,*
8 *and in compliance with environmental laws and regula-*
9 *tions.*

10 (c) *FUNDING.*—*From funds appropriated pursuant to*
11 *the authorization in section 301(2), the Secretary of the*
12 *Navy may use not more than \$4,000,000 to carry out the*
13 *pilot program.*

14 (d) *REPORT.*—(1) *If the determination made under*
15 *subsection (a)(1) is in the affirmative, upon completion of*
16 *the test conducted under the pilot program the Secretary*
17 *shall submit to the Committee on Armed Services of the*
18 *Senate and the Committee on National Security of the*
19 *House of Representatives a report setting forth in detail the*
20 *results of the test. The report shall include recommendations*
21 *on whether the alternative technology merits implementa-*
22 *tion on naval vessels and such other recommendations as*
23 *the Secretary considers appropriate.*

24 (2) *If the determination made under subsection (a)(1)*
25 *is in the negative, the Secretary shall submit to the commit-*

1 *tees referred to in paragraph (1) a report containing the*
 2 *analysis and data used by the Secretary in making the de-*
 3 *termination and such other recommendations as the Sec-*
 4 *retary considers appropriate.*

5 ***Subtitle F—Commissaries and Non-***
 6 ***appropriated Fund Instrumen-***
 7 ***talities***

8 ***SEC. 361. REORGANIZATION OF LAWS REGARDING COM-***
 9 ***MISSARIES AND EXCHANGES AND OTHER MO-***
 10 ***RALE, WELFARE, AND RECREATION ACTIVI-***
 11 ***TIES.***

12 *(a) DESCRIPTION OF CHAPTER.—(1) The heading of*
 13 *chapter 147 of title 10, United States Code, is amended to*
 14 *read as follows:*

15 ***“CHAPTER 147—COMMISSARIES AND EX-***
 16 ***CHANGES AND OTHER MORALE, WEL-***
 17 ***FARE, AND RECREATION ACTIVITIES”.***

18 *(2) The tables of chapters at the beginning of subtitle*
 19 *A, and at the beginning of part IV of subtitle A, of such*
 20 *title are amended by striking out the item relating to chap-*
 21 *ter 147 and inserting in lieu thereof the following new item:*

“147. Commissaries and Exchanges and Other Morale,
Welfare, and Recreation Activities 2481”.

22 *(b) TRANSFER AND REDESIGNATION OF UNRELATED*
 23 *PROVISIONS.—(1) Section 2481 of title 10, United States*

1 *Code, is transferred to chapter 159 of such title, inserted*
2 *after section 2685, and redesignated as section 2686.*

3 (2) *Sections 2483 and 2490 of such title are transferred*
4 *to the end of subchapter III of chapter 169 of such title*
5 *and redesignated as sections 2867 and 2868, respectively.*

6 (3) *Section 2491 of such title is redesignated as section*
7 *2500.*

8 (c) *CLERICAL AMENDMENTS.—(1) The table of sections*
9 *at the beginning of chapter 147 of title 10, United States*
10 *Code, is amended by striking out the items relating to sec-*
11 *tions 2481, 2483, and 2490.*

12 (2) *The table of sections at the beginning of chapter*
13 *159 of such title is amended by inserting after the item re-*
14 *lating to section 2685 the following new item:*

“2686. Utilities and services: sale; expansion and extension of systems and facilities.”.

15 (3) *The table of sections at the beginning of subchapter*
16 *III of chapter 169 of such title is amended by adding at*
17 *the end the following new items:*

“2867. Sale of electricity from alternate energy and cogeneration production facilities.

“2868. Utility services: furnishing for certain buildings.”.

18 (4) *The table of sections at the beginning of subchapter*
19 *I of chapter 148 of such title is amended by striking out*
20 *the item relating to section 2491 and inserting in lieu there-*
21 *of the following new item:*

“2500. Definitions.”.

1 (d) *CONFORMING AMENDMENTS.—(1) Section 2534(d)*
2 *of title 10, United States Code, is amended by striking out*
3 *“section 2491(1)” both places it appears and inserting in*
4 *lieu thereof “section 2500(1)”.*

5 (2) *Section 2865(b)(2) of such title is amended by*
6 *striking out “section 2483(b)(2)” and inserting in lieu*
7 *thereof “section 2867(b)(2)”.*

8 **SEC. 362. MERCHANDISE AND PRICING REQUIREMENTS**
9 **FOR COMMISSARY STORES.**

10 (a) *AUTHORIZED COMMISSARY MERCHANDISE CAT-*
11 *EGORIES.—Subsection (b) of section 2486 of title 10, United*
12 *States Code, is amended—*

13 (1) *by striking out the matter preceding para-*
14 *graph (1) and inserting in lieu thereof the following:*
15 *“(b) AUTHORIZED COMMISSARY MERCHANDISE CAT-*
16 *EGORIES.—Merchandise sold in, at, or by commissary*
17 *stores may include items only in the following cat-*
18 *egories:”;* and

19 (2) *by striking out paragraph (11) and inserting*
20 *in lieu thereof the following new paragraph:*

21 *“(11) Subject to the congressional notification re-*
22 *quirements of subsection (f), such other merchandise*
23 *categories as the Secretary of Defense may prescribe.”.*

1 (b) *ALTERATION OF UNIFORM SALES PRICE SUR-*
2 *CHARGE OR ADJUSTMENT.*—*Subsection (c) of such section*
3 *is amended—*

4 (1) *by inserting “UNIFORM SALES PRICE SUR-*
5 *CHARGE OR ADJUSTMENT.—” after “(c)”;*

6 (2) *by striking out “in commissary stores.” and*
7 *inserting in lieu thereof “in, at, or by commissary*
8 *stores.”; and*

9 (3) *by adding at the end the following new sen-*
10 *tence: “The uniform percentage in effect on the date*
11 *of the enactment of the National Defense Authoriza-*
12 *tion Act for Fiscal Year 1998 may not be changed ex-*
13 *cept by a law enacted after such date.”.*

14 (c) *ESTABLISHMENT OF SALES PRICE.*—*Subsection*
15 *(d) of such section is amended to read as follows:*

16 “(d) *SALES PRICE ESTABLISHMENT.*—*The Secretary*
17 *of Defense shall establish the sales price of each item of mer-*
18 *chandise sold in, at, or by commissary stores at the level*
19 *that will recoup the actual product cost of the item (consist-*
20 *ent with this section and sections 2484 and 2685 of this*
21 *title).”.*

22 (d) *CONGRESSIONAL NOTIFICATION; SPECIAL*
23 *RULES.*—*Such section is further amended by adding at the*
24 *end the following new subsections:*

1 “(f) *CONGRESSIONAL NOTIFICATION.*—(1) *Any change*
2 *in the pricing policies for merchandise sold in, at, or by*
3 *commissary stores, and any addition of a merchandise cat-*
4 *egory under subsection (a)(11), shall not take effect until*
5 *the Secretary of Defense submits written notice of the pro-*
6 *posed change or addition to Congress and a period of 90*
7 *days of continuous session of Congress expires following the*
8 *date on which notice was received.*

9 “(2) *For purposes of this subsection, the continuity of*
10 *a session of Congress is broken only by an adjournment of*
11 *the Congress sine die, and the days on which either House*
12 *is not in session because of an adjournment or recess of*
13 *more than three days to a day certain are excluded in a*
14 *computation of such 90-day period.*

15 “(g) *SPECIAL RULE FOR CERTAIN MERCHANDISE.*—
16 *(1) Notwithstanding the general requirement that merchan-*
17 *dise sold in, at, or by commissary stores be commissary*
18 *store inventory, the Secretary of Defense may authorize the*
19 *sale of items in the merchandise categories specified in*
20 *paragraph (2) as noncommissary store inventory. Sub-*
21 *sections (c) and (d) shall not apply to the pricing of such*
22 *items of merchandise.*

23 “(2) *The merchandise categories referred to in para-*
24 *graph (1) are as follows:*

25 “(A) *Magazines and other periodicals.*

1 “(B) Tobacco products.”.

2 (e) *CLERICAL AND CONFORMING AMENDMENTS.*—Such
3 section is further amended—

4 (1) in subsection (a), by inserting “*IN GEN-*
5 *ERAL.*—” after “(a)”; and

6 (2) in subsection (e)—

7 (A) by inserting “*SPECIAL RULE FOR*
8 *BRAND-NAME COMMERCIAL ITEMS.*—” after
9 “(e)”; and

10 (B) by striking out “*in commissary stores*”
11 both places it appears and inserting in lieu
12 thereof “*in, at, or by commissary stores*”.

13 (f) *EFFECT OF AMENDMENT.*—(1) In the case of mer-
14 chandise categories authorized, before the date of the enact-
15 ment of this Act, for sale in, at, or by commissary stores
16 pursuant to regulations prescribed under subsection (b)(11)
17 of section 2486 of title 10, United States Code, as in effect
18 before such date, the Secretary of Defense may continue to
19 authorize the sale of such merchandise categories in, at, or
20 by commissary stores after such date notwithstanding the
21 amendment made by subsection (a)(2). However, the sale
22 in commissary store of such merchandise categories shall
23 be subject to the other requirements of such section 2486.

24 (2) Not later than 30 days after the date of the enact-
25 ment of this Act, the Secretary of Defense shall submit to

1 Congress a report specifying the commissary merchandise
2 categories covered by paragraph (1).

3 **SEC. 363. LIMITATION ON NONCOMPETITIVE PROCURE-**
4 **MENT OF BRAND-NAME COMMERCIAL ITEMS**
5 **FOR RESALE IN COMMISSARY STORES.**

6 Section 2486(e) of title 10, United States Code, as
7 amended by section 362(e)(2), is further amended by adding
8 at the end the following new sentence: “In determining
9 whether a brand name commercial item is regularly sold
10 outside of commissary stores, the Secretary shall consider
11 only sales of the item on a regional or national basis by
12 commercial grocery or other retail operations consisting of
13 multiple stores.”.

14 **SEC. 364. TRANSFER OF JURISDICTION OVER EXCHANGE,**
15 **COMMISSARY, AND MORALE, WELFARE, AND**
16 **RECREATION ACTIVITIES TO UNDER SEC-**
17 **RETARY OF DEFENSE (COMPTROLLER).**

18 (a) **COMPTROLLER JURISDICTION.**—Section 135(c) of
19 title 10, United States Code, is amended—

20 (1) by striking out “and” at the end of para-
21 graph (4);

22 (2) by striking out the period at the end of para-
23 graph (5) and inserting “; and”; and

24 (3) by adding at the end the following new para-
25 graph:

1 “(6) in the areas of exchange, commissary, and
 2 *nonappropriated fund instrumentalities regarding*
 3 *morale, welfare, and recreation activities.*”.

4 **(b) CONFORMING AMENDMENT.**—Section 136(b) of title
 5 10, *United States Code*, is amended by striking out “ex-
 6 *change, commissary, and nonappropriated fund activi-*
 7 *ties.*”.

8 **SEC. 365. PUBLIC AND PRIVATE PARTNERSHIPS TO BENE-**
 9 **FIT MORALE, WELFARE, AND RECREATION AC-**
 10 **TIVITIES.**

11 **(a) PARTNERSHIPS AUTHORIZED.**—Chapter 147 of
 12 title 10, *United States Code*, as amended by section 361,
 13 is further amended by inserting before section 2482 the fol-
 14 *lowing new section:*

15 **“§2481. Morale, welfare, and recreation activities:**
 16 **leases and other contracts to benefit**

17 **“(a) LEASES AND OTHER CONTRACTS AUTHORIZED.—**
 18 *The Secretary of Defense may authorize a nonappropriated*
 19 *fund instrumentality to enter into leases, licensing agree-*
 20 *ments, concession agreements, and other contracts with pri-*
 21 *vate persons and State or local governments involving real*
 22 *property (and related personal property) under the control*
 23 *of the nonappropriated fund instrumentality in order to fa-*
 24 *cilitate the provision of facilities, goods, or services to au-*

1 *thorized patrons of the nonappropriated fund instrumental-*
2 *ity.*

3 “(b) *CONDITIONS.—A nonappropriated fund instru-*
4 *mentality may enter into an authorized lease or other con-*
5 *tract under subsection (a) only if the nonappropriated fund*
6 *instrumentality determines, in consultation with the Sec-*
7 *retary of Defense, that—*

8 “(1) *the use of the property subject to the lease*
9 *or contract will provide appropriate space, or contrib-*
10 *ute to the provision of goods and services, for a mo-*
11 *rale, welfare, or recreation activity of the nonappro-*
12 *priated fund instrumentality;*

13 “(2) *the lease or contract will not be inconsistent*
14 *with and will not adversely affect the mission of the*
15 *Department or the nonappropriated fund instrumen-*
16 *tality; and*

17 “(3) *the lease or contract will enhance the use of*
18 *the property subject to the lease or contract.*

19 “(c) *ACCESS TO RESULTING FACILITIES, GOODS, OR*
20 *SERVICES.—The use of a lease or contract under subsection*
21 *(a) to provide facilities, goods, or services shall not be con-*
22 *strued to permit the use of the resulting facilities, goods,*
23 *or services by persons who are not authorized patrons of*
24 *the nonappropriated fund instrumentality that is a party*
25 *to the lease or contract.*

1 “(d) *LEASE AND CONTRACT TERMS.*—Subsection (b)
2 *of section 2667 of this title shall apply to a lease or contract*
3 *under subsection (a), except that references to the Secretary*
4 *concerned shall be deemed to mean the nonappropriated*
5 *fund instrumentality that is a party to the lease or con-*
6 *tract.*

7 “(e) *MONEY RENTALS.*—Money rentals received pursu-
8 *ant to a lease or contract under subsection (a) shall be treat-*
9 *ed in the same manner as other receipts of the nonappro-*
10 *priated fund instrumentality that is a party to the lease*
11 *or contract, except that use of the rentals shall be restricted*
12 *to the installation at which the property covered by the lease*
13 *or contract is located.*

14 “(f) *DEFINITION.*—In this section, the term ‘nonappro-
15 *priated fund instrumentality*’ means the Army and Air
16 *Force Exchange Service, Navy Exchange Service Command,*
17 *Marine Corps exchanges, or any other instrumentality of*
18 *the United States under the jurisdiction of the armed forces*
19 *which is conducted for the comfort, pleasure, contentment,*
20 *or physical or mental improvement of members of the armed*
21 *forces.”.*

22 “(b) *CLERICAL AMENDMENTS.*—The table of sections at
23 *the beginning of chapter 147 of such title, as amended by*
24 *section 361, is further amended by inserting before the item*
25 *relating to section 2482 the following new item:*

“2481. *Morale, welfare, and recreation activities: leases and other contracts to benefit.*”.

1 **SEC. 366. TREATMENT OF CERTAIN AMOUNTS RECEIVED BY**
2 **DEFENSE COMMISSARY AGENCY.**

3 *Section 2482 of title 10, United States Code, is amend-*
4 *ed by adding at the end the following new subsection:*

5 “(c) *TREATMENT OF CERTAIN RECEIPTS.—(1) The*
6 *Defense Commissary Agency shall deposit amounts received*
7 *from the sources specified in paragraph (2) into the same*
8 *account in which the proceeds from the adjustment of, or*
9 *surcharge on, commissary store prices authorized by sub-*
10 *section (a) of section 2685 of this title are deposited. In*
11 *such amounts as provided in appropriations Acts, the*
12 *amounts deposited under this paragraph shall be available*
13 *for the purposes described in subsection (b) of such section.*

14 “(2) *Paragraph (1) shall apply with respect to*
15 *amounts received by the Defense Commissary Agency*
16 *from—*

17 “(A) *the sale of items for recycling;*

18 “(B) *the disposal of excess property;*

19 “(C) *license fees, royalties, incentive allowances,*
20 *and management and other fees; and*

21 “(D) *a nonappropriated fund instrumentality of*
22 *the United States.*”.

1 **SEC. 367. AUTHORIZED USE OF APPROPRIATED FUNDS FOR**
2 **RELOCATION OF NAVY EXCHANGE SERVICE**
3 **COMMAND.**

4 *The Navy Exchange Service Command is not required*
5 *to reimburse the United States for appropriated funds allot-*
6 *ted to the Navy Exchange Service Command during fiscal*
7 *years 1994, 1995, and 1996 to cover costs incurred by the*
8 *Navy Exchange Service Command to relocate to Virginia*
9 *Beach, Virginia, and to lease headquarters space in Vir-*
10 *ginia Beach.*

11 **Subtitle G—Other Matters**

12 **SEC. 371. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES**
13 **THAT BENEFIT DEPENDENTS OF MEMBERS**
14 **OF THE ARMED FORCES AND DEPARTMENT**
15 **OF DEFENSE CIVILIAN EMPLOYEES.**

16 *(a) CONTINUATION OF DEPARTMENT OF DEFENSE*
17 *PROGRAM FOR FISCAL YEAR 1998.—Of the amount author-*
18 *ized to be appropriated pursuant to section 301(5) for oper-*
19 *ation and maintenance for Defense-wide activities—*

20 *(1) \$30,000,000 shall be available for providing*
21 *educational agencies assistance (as defined in sub-*
22 *section (d)(1)) to local educational agencies; and*

23 *(2) \$5,000,000 shall be available for making edu-*
24 *cational agencies payments (as defined in subsection*
25 *(d)(2)) to local educational agencies.*

1 (b) *NOTIFICATION.*—Not later than June 30, 1998, the
2 *Secretary of Defense shall—*

3 (1) *notify each local educational agency that is*
4 *eligible for educational agencies assistance for fiscal*
5 *year 1998 of that agency’s eligibility for such assist-*
6 *ance and the amount of such assistance for which that*
7 *agency is eligible; and*

8 (2) *notify each local educational agency that is*
9 *eligible for an educational agencies payment for fiscal*
10 *year 1998 of that agency’s eligibility for such pay-*
11 *ment and the amount of the payment for which that*
12 *agency is eligible.*

13 (c) *DISBURSEMENT OF FUNDS.*—*The Secretary of De-*
14 *fense shall disburse funds made available under paragraphs*
15 *(1) and (2) of subsection (a) not later than 30 days after*
16 *the date on which notification to the eligible local edu-*
17 *cational agencies is provided pursuant to subsection (b).*

18 (d) *DEFINITIONS.*—*In this section:*

19 (1) *The term “educational agencies assistance”*
20 *means assistance authorized under section 386(b) of*
21 *the National Defense Authorization Act for Fiscal*
22 *Year 1993 (Public Law 102–484; 20 U.S.C. 7703*
23 *note).*

24 (2) *The term “educational agencies payments”*
25 *means payments authorized under section 386(d) of*

1 *the National Defense Authorization Act for Fiscal*
2 *Year 1993 (Public Law 102-484; 20 U.S.C. 7703*
3 *note).*

4 (3) *The term “local educational agency” has the*
5 *meaning given that term in section 8013(9) of the El-*
6 *ementary and Secondary Education Act of 1965 (20*
7 *U.S.C. 7713(9)).*

8 (e) *TECHNICAL CORRECTION RELATING TO ORIGINAL*
9 *ASSISTANCE AUTHORITY.—Section 386(c)(1) of the Na-*
10 *tional Defense Authorization Act for Fiscal Year 1993 (Pub-*
11 *lic Law 102-484; 20 U.S.C. 7703 note) is amended—*

12 (1) *by striking out “section 8003(a)” and insert-*
13 *ing in lieu thereof “section 8003(a)(1)”;* and

14 (2) *by striking out “(20 U.S.C. 7703(a))” and*
15 *inserting in lieu thereof “(20 U.S.C. 7703(a)(1))”.*

16 **SEC. 372. CONTINUATION OF OPERATION MONGOOSE.**

17 *Section 135 of title 10, United States Code, is amended*
18 *by adding at the end the following new subsection:*

19 “(f) *The Under Secretary of Defense (Comptroller)*
20 *shall be responsible for investigating evidence of fraud,*
21 *waste, and abuse uncovered as a result of the Department*
22 *of Defense program (known as Operation Mongoose) estab-*
23 *lished to identify and prevent fraud, waste, and abuse with-*
24 *in the Department of Defense, particularly fraud, waste,*

1 *and abuse regarding finance and accounting matters. The*
2 *program shall continue through fiscal year 2003.”.*

3 **SEC. 373. INCLUSION OF AIR FORCE DEPOT MAINTENANCE**
4 **AS OPERATION AND MAINTENANCE BUDGET**
5 **ACTIVITY GROUP.**

6 *For fiscal year 1999 and each fiscal year thereafter,*
7 *Air Force depot-level maintenance of materiel shall be dis-*
8 *played as one or more budget activity groups (known as*
9 *“subactivities”) within the authorization request for Oper-*
10 *ation and Maintenance, Air Force, in the proposed budget*
11 *for that fiscal year submitted to Congress pursuant to sec-*
12 *tion 1105 of title 31, United States Code.*

13 **SEC. 374. PROGRAMS TO COMMEMORATE 50TH ANNIVER-**
14 **SARY OF MARSHALL PLAN AND KOREAN CON-**
15 **FLICT.**

16 *(a) COMMEMORATIVE PROGRAMS.—(1) The Secretary*
17 *of Defense may conduct a program to commemorate the*
18 *50th anniversary of the Marshall Plan that provided for*
19 *the reconstruction of the economies of Western Europe fol-*
20 *lowing World War II.*

21 *(2) The Secretary may conduct a program to com-*
22 *memorate the 50th anniversary of the Korean conflict.*

23 *(3) In conducting such commemorative programs, the*
24 *Secretary may coordinate, support, and facilitate other pro-*
25 *grams and activities of the Federal Government, State and*

1 *local governments, and other persons in commemoration of*
2 *the Marshall Plan or the Korean conflict.*

3 (b) *MARSHALL PLAN COMMEMORATIVE ACTIVITIES.*—

4 *The commemorative programs authorized by subsection*
5 *(a)(1) may include activities and ceremonies—*

6 (1) *to honor George C. Marshall, who developed*
7 *the Marshall Plan, for a lifetime of service to the*
8 *United States as a commissioned officer of the Army*
9 *(including service during World War II as Chief of*
10 *Staff of the Army with the rank of General of the*
11 *Army) and as Secretary of Defense and Secretary of*
12 *State at the beginning of the Cold War; and*

13 (2) *to provide the people of the United States*
14 *with a clear understanding and appreciation of the*
15 *significance of Marshall Plan.*

16 (c) *KOREAN CONFLICT COMMEMORATIVE ACTIVI-*

17 *TIES.*—*The commemorative programs authorized by sub-*
18 *section (a)(2) may include activities and ceremonies—*

19 (1) *to provide the people of the United States*
20 *with a clear understanding and appreciation of the*
21 *lessons and history of the Korean conflict;*

22 (2) *to thank and honor veterans of the Korean*
23 *conflict and their families;*

1 (3) to pay tribute to the sacrifices and contribu-
2 tions made on the home front by the people of the
3 United States during the Korean conflict;

4 (3) to highlight advances in technology, science,
5 and medicine related to military research conducted
6 during the Korean conflict;

7 (4) to recognize the contributions and sacrifices
8 made by the allies of the United States in the Korean
9 conflict; and

10 (5) to highlight the role of the Armed Forces of
11 the United States, then and now, in maintaining
12 world peace through strength.

13 (d) NAMES AND SYMBOLS.—The Secretary of Defense
14 shall have the sole and exclusive right to use the names “The
15 Department of Defense 50th Anniversary of the Marshall
16 Plan”, “50th Anniversary of the Marshall Plan”, and “The
17 Korean Conflict Commemoration”, and such seal, emblems,
18 and badges incorporating such names as the Secretary may
19 lawfully adopt. Nothing in this section may be construed
20 to supersede rights that are established or vested before the
21 date of the enactment of this Act.

22 (e) COMMEMORATIVE ACCOUNT.—(1) There is estab-
23 lished in the Treasury an account to be known as the “De-
24 partment of Defense 50th Anniversary of the Marshall Plan
25 and Korean Conflict Commemoration Account”, which shall

1 *be administered by the Secretary of Defense as a single ac-*
2 *count. There shall be deposited into the account all proceeds*
3 *derived from the Secretary's use of the exclusive rights de-*
4 *scribed in subsection (d). The Secretary may use funds in*
5 *the account only for the purpose of conducting the com-*
6 *memorative programs authorized by subsection (a).*

7 (2) *Not later than 60 days after completion of all ac-*
8 *tivities and ceremonies conducted as part of the commemo-*
9 *rative programs, the Secretary shall submit to Congress a*
10 *report containing an accounting of all the funds deposited*
11 *into and expended from the account or otherwise expended*
12 *under this section, and of any funds remaining in the ac-*
13 *count. Unobligated funds remaining in the account on that*
14 *date shall be held in the account until transferred by law.*

15 (f) *ACCEPTANCE OF VOLUNTARY SERVICES.—(1) Not-*
16 *withstanding section 1342 of title 31, United States Code,*
17 *the Secretary of Defense may accept from any person vol-*
18 *untary services to be provided in furtherance of the com-*
19 *memorative programs authorized by subsection (a).*

20 (2) *A person providing voluntary services under this*
21 *subsection shall be considered to be a Federal employee for*
22 *purposes of chapter 81 of title 5, United States Code, relat-*
23 *ing to compensation for work-related injuries. The person*
24 *shall also be considered a special governmental employee for*
25 *purposes of standards of conduct and sections 202, 203, 205,*

1 207, 208, and 209 of title 18, United states Code. A person
2 who is not otherwise employed by the Federal Government
3 shall not be considered to be a Federal employee for any
4 other purpose by reason of the provision of voluntary serv-
5 ices under this subsection.

6 (3) The Secretary may provide for reimbursement of
7 incidental expenses incurred by a person providing vol-
8 untary services under this subsection. The Secretary shall
9 determine which expenses are eligible for reimbursement
10 under this paragraph.

11 **SEC. 375. PROHIBITION ON USE OF SPECIAL OPERATIONS**

12 **COMMAND BUDGET FOR BASE OPERATION**

13 **SUPPORT.**

14 Section 167(f) of title 10, United States Code, is
15 amended

16 (1) by redesignating paragraphs (1) and (2) as
17 subparagraphs (A) and (B), respectively;

18 (2) by inserting “(1)” before “In addition”; and

19 (3) by adding at the end the following new para-
20 graph:

21 “(2) Funds provided for the special operations com-
22 mand as part of the budget for the special operations com-
23 mand under paragraph (1) may not be used to cover base
24 operation support expenses incurred at a military installa-
25 tion.”.

1 **SEC. 376. CONTINUATION AND EXPANSION OF DEMONSTRATION PROGRAM TO IDENTIFY OVERPAYMENTS MADE TO VENDORS.**
2
3

4 (a) *SCOPE OF PROGRAM.*—Section 354 of the National
5 Defense Authorization Act for Fiscal Year 1996 (Public
6 Law 104–106; 110 Stat. 268; 10 U.S.C. 2461 note) is
7 amended—

8 (1) in subsection (a), by striking out the second
9 sentence; and

10 (2) in subsection (b)(1), by striking out “of the
11 Defense Logistics Agency that relate to (at least) fiscal
12 years 1993, 1994, and 1995” and inserting in lieu
13 thereof “relating to fiscal years after fiscal year 1993
14 of the working-capital funds and industrial, commercial, and support type activities managed through the
15 Defense Business Operations Fund, except the Defense
16 Logistics Agency to the extent such records have already
17 been audited”.

18 (b) *COLLECTION METHOD; CONTRACTOR PAYMENTS.*—
19 Such section is further amended by striking out subsections
20 (d) and (e) and inserting in lieu thereof the following new
21 subsections:
22

23 “(d) *COLLECTION METHOD.*—In the case of an over-
24 payment to a vendor identified under the demonstration
25 program, the Secretary shall require the use of the procedures specified in section 32.611 of the Federal Acquisition
26

1 *Regulation, regarding a setoff against existing invoices for*
2 *payment to the vendor, as the first method by which the*
3 *Department shall seek to recover the amount of the overpay-*
4 *ment (and any applicable interest and penalties) from the*
5 *vendor.*

6 “(e) *FEES FOR CONTRACTOR.*—*The Secretary shall*
7 *pay to the contractor under the contract entered into under*
8 *the demonstration program an amount not to exceed 25 per-*
9 *cent of the total amount recovered by the Department*
10 *(through the collection of overpayments and the use of*
11 *setoffs) solely on the basis of information obtained as a re-*
12 *sult of the audits performed by the contractor under the pro-*
13 *gram. When an overpayment is recovered through the use*
14 *of a setoff, amounts for the required payment to the contrac-*
15 *tor shall be derived from funds available to the working-*
16 *capital fund or industrial, commercial, or support type ac-*
17 *tivity for which the overpayment is recovered.”.*

18 **SEC. 377. APPLICABILITY OF FEDERAL PRINTING REQUIRE-**
19 **MENTS TO DEFENSE AUTOMATED PRINTING**
20 **SERVICE.**

21 (a) *Subchapter I of chapter 8 of title 10, United States*
22 *Code, is amended by adding at the end the following new*
23 *section:*

1 **“§ 195. Defense Automated Printing Service: applica-**
2 **bility of Federal printing requirements**

3 *“The Defense Automated Printing Service shall com-*
4 *ply fully with the requirements of chapter 5 of title 44 relat-*
5 *ing to the production and procurement of printing, binding,*
6 *and blank-book work.”.*

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

“195. Defense Automated Printing Service: applicability of Federal printing re-
quirements.”.

10 **SEC. 378. BASE OPERATIONS SUPPORT FOR MILITARY IN-**
11 **STALLATIONS ON GUAM.**

12 (a) *CONTRACTOR USE OF NONIMMIGRANT ALIENS.—*
13 *Each contract for base operations support to be performed*
14 *on Guam shall contain a condition that work under the*
15 *contract may not be performed by any alien who is issued*
16 *a visa or otherwise provided nonimmigrant status under*
17 *section 101(a)(15)(H)(ii) of the Immigration and National-*
18 *ity Act (8 U.S.C. 1101(a)(15)(H)(ii)).*

19 (b) *APPLICATION OF SECTION.—This section shall*
20 *apply to contracts entered into, amended, or otherwise*
21 *modified on or after the date of the enactment of this Act.*

1 **TITLE IV—PERSONNEL**
2 **AUTHORIZATIONS**
3 **Subtitle A—Active Forces**

4 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

5 *The Armed Forces are authorized strengths for active*
6 *duty personnel as of September 30, 1998, as follows:*

7 (1) *The Army, 495,000.*

8 (2) *The Navy, 395,000.*

9 (3) *The Marine Corps, 174,000.*

10 (4) *The Air Force, 381,000.*

11 **Subtitle B—Reserve Forces**

12 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

13 (a) *IN GENERAL.—The Armed Forces are authorized*
14 *strengths for Selected Reserve personnel of the reserve com-*
15 *ponents as of September 30, 1998, as follows:*

16 (1) *The Army National Guard of the United*
17 *States, 366,516.*

18 (2) *The Army Reserve, 208,000.*

19 (3) *The Naval Reserve, 94,294.*

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

21 (5) *The Air National Guard of the United*
22 *States, 107,377.*

23 (6) *The Air Force Reserve, 73,431.*

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

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

4 (c) *ADJUSTMENTS.*—*The end strengths prescribed by*
5 *subsection (a) for the Selected Reserve of any reserve compo-*
6 *nent shall be proportionately reduced by—*

7 (1) *the total authorized strength of units orga-*
8 *nized to serve as units of the Selected Reserve of such*
9 *component which are on active duty (other than for*
10 *training) at the end of the fiscal year; and*

11 (2) *the total number of individual members not*
12 *in units organized to serve as units of the Selected*
13 *Reserve of such component who are on active duty*
14 *(other than for training or for unsatisfactory partici-*
15 *pation in training) without their consent at the end*
16 *of the fiscal year.*

17 *Whenever such units or such individual members are re-*
18 *leased from active duty during any fiscal year, the end*
19 *strength prescribed for such fiscal year for the Selected Re-*
20 *serve of such reserve component shall be proportionately in-*
21 *creased by the total authorized strengths of such units and*
22 *by the total number of such individual members.*

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

3 *Within the end strengths prescribed in section 411(a),*
4 *the reserve components of the Armed Forces are authorized,*
5 *as of September 30, 1998, the following number of Reserves*
6 *to be serving on full-time active duty or full-time duty, in*
7 *the case of members of the National Guard, for the purpose*
8 *of organizing, administering, recruiting, instructing, or*
9 *training the reserve components:*

10 (1) *The Army National Guard of the United*
11 *States, 22,310.*

12 (2) *The Army Reserve, 11,500.*

13 (3) *The Naval Reserve, 16,136.*

14 (4) *The Marine Corps Reserve, 2,559.*

15 (5) *The Air National Guard of the United*
16 *States, 10,616.*

17 (6) *The Air Force Reserve, 748.*

18 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
19 **(DUAL STATUS).**

20 (a) *AUTHORIZATION FOR FISCAL YEAR 1998.—The*
21 *minimum number of military technicians (dual status) as*
22 *of the last day of fiscal year 1998 for the reserve components*
23 *of the Army and the Air Force (notwithstanding section 129*
24 *of title 10, United States Code) shall be the following:*

25 (1) *For the Army Reserve, 5,503.*

1 (2) *For the Army National Guard of the United*
 2 *States, 23,125.*

3 (3) *For the Air Force Reserve, 9,802.*

4 (4) *For the Air National Guard of the United*
 5 *States, 22,853.*

6 (b) *REQUESTS FOR FUTURE FISCAL YEARS.—Section*
 7 *115(g) of title 10, United States Code, is amended by add-*
 8 *ing at the end the following new sentence: “In each budget*
 9 *submitted by the President to Congress under section 1105*
 10 *of title 31, the end strength requested for military techni-*
 11 *cians (dual status) for each reserve component of the Army*
 12 *and Air Force shall be specifically set forth.”.*

13 **SEC. 414. INCREASE IN NUMBER OF MEMBERS IN CERTAIN**
 14 **GRADES AUTHORIZED TO SERVE ON ACTIVE**
 15 **DUTY IN SUPPORT OF THE RESERVES.**

16 (a) *OFFICERS.—The table in section 12011(a) of title*
 17 *10, United States Code, is amended to read as follows:*

<i>“Grade</i>	<i>Army</i>	<i>Navy</i>	<i>Air Force</i>	<i>Marine Corps</i>
<i>Major or Lieutenant Commander</i>	<i>3,219</i>	<i>1,071</i>	<i>673</i>	<i>140</i>
<i>Lieutenant Colonel or Commander</i>	<i>1,524</i>	<i>520</i>	<i>672</i>	<i>90</i>
<i>Colonel or Navy Captain</i>	<i>437</i>	<i>188</i>	<i>274</i>	<i>30”.</i>

18 (b) *SENIOR ENLISTED MEMBERS.—The table in sec-*
 19 *tion 12012(a) of such title is amended to read as follows:*

<i>“Grade</i>	<i>Army</i>	<i>Navy</i>	<i>Air Force</i>	<i>Marine Corps</i>
<i>E-9</i>	<i>627</i>	<i>202</i>	<i>371</i>	<i>20</i>
<i>E-8</i>	<i>2,585</i>	<i>429</i>	<i>900</i>	<i>94”.</i>

1 **Subtitle C—Authorization of**
2 **Appropriations**

3 **SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**
4 **TARY PERSONNEL.**

5 *There is hereby authorized to be appropriated to the*
6 *Department of Defense for military personnel for fiscal year*
7 *1998 a total of \$69,539,862,000. The authorization in the*
8 *preceding sentence supersedes any other authorization of*
9 *appropriations (definite or indefinite) for such purpose for*
10 *fiscal year 1998.*

11 **TITLE V—MILITARY PERSONNEL**
12 **POLICY**

13 **Subtitle A—Officer Personnel Policy**

14 **SEC. 501. LIMITATION ON NUMBER OF GENERAL AND FLAG**
15 **OFFICERS WHO MAY SERVE IN POSITIONS**
16 **OUTSIDE THEIR OWN SERVICE.**

17 *(a) IN GENERAL.—Chapter 41 of title 10, United*
18 *States Code, is amended by adding at the end the following*
19 *new section:*

20 **“§721. General and flag officers: limitation on ap-**
21 **pointments, assignments, details, and du-**
22 **ties outside an officer’s own service**

23 *“(a) LIMITATION.—An officer described in subsection*
24 *(b) may not be appointed, assigned, or detailed for a period*
25 *in excess of 90 days to a position external to that officer’s*

1 *armed force if, immediately following such appointment,*
2 *assignment, or detail, the number of officers described in*
3 *subsection (b) serving in positions external to such officers’*
4 *armed force for a period in excess of 90 days would be in*
5 *excess of 24.5 percent of the total number of such officers.*

6 “(b) *COVERED OFFICERS.—The officers covered by*
7 *subsection (a), and to be counted for the purposes of the*
8 *limitation in that subsection, are the following:*

9 “(1) *Any general or flag officer counted for pur-*
10 *poses of section 526(a) of this title.*

11 “(2) *Any general or flag officer serving in a joint*
12 *duty assignment position designated by the Chairman*
13 *of the Joint Chiefs of Staff under section 526(b) of*
14 *this title.*

15 “(3) *Any colonel or Navy captain counted for*
16 *purposes of section 777(d)(1) of this title.*

17 “(c) *EXTERNAL POSITIONS.—For purposes of this sec-*
18 *tion, the following positions shall be considered to be exter-*
19 *nal to an officer’s armed force:*

20 “(1) *Any position (including a position in joint*
21 *education) that is a joint duty assignment for pur-*
22 *poses of chapter 38 of this title.*

23 “(2) *Any position in the Office of the Secretary*
24 *of Defense, a Defense Agency, or a Department of De-*
25 *fense Field Activity.*

1 “(3) *Any position in the Joint Chiefs of Staff,*
2 *the Joint Staff, or the headquarters of a combatant*
3 *command (as defined in chapter 6 of this title).*

4 “(4) *Any position in the National Guard Bu-*
5 *reau.*

6 “(5) *Any position outside the Department of De-*
7 *fense, including any position in the headquarters of*
8 *the North Atlantic Treaty Organization or any other*
9 *international military command, any combined or*
10 *multinational command, or military mission.*

11 “(d) *ASSIGNMENTS, ETC. FOR PERIODS IN EXCESS OF*
12 *90 DAYS.—For purposes of this section, the appointment,*
13 *assignment, or detail of an officer to a position shall be*
14 *considered to be for a period in excess of 90 days unless*
15 *the appointment, assignment, or detail specifies that it is*
16 *made a period of 90 days or less.*

17 “(e) *WAIVER DURING PERIOD OF WAR OR NATIONAL*
18 *EMERGENCY.—The President may suspend the operation of*
19 *this section during any period of war or of national emer-*
20 *gency declared by Congress or the President.”.*

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

 “721. *General and flag officers: limitation on appointments, assignments, details,*
 and duties outside an officer’s own service.”.

1 **SEC. 502. EXCLUSION OF CERTAIN RETIRED OFFICERS**
2 **FROM LIMITATION ON PERIOD OF RECALL TO**
3 **ACTIVE DUTY.**

4 *Effective October 1, 1997, section 688(e) of title 10,*
5 *United States Code, is amended—*

6 *(1) by inserting “(1)” before “A member”; and*

7 *(2) adding at the end the following new para-*
8 *graph:*

9 *“(2) Paragraph (1) shall not apply to the following*
10 *officers:*

11 *“(A) A chaplain who is assigned to duty as a*
12 *chaplain for the period of active duty to which or-*
13 *dered.*

14 *“(B) A health care professional (as characterized*
15 *by the Secretary concerned) who is assigned to duty*
16 *as a health care professional for the period of active*
17 *duty to which ordered.*

18 *“(C) An officer assigned to duty with the Amer-*
19 *ican Battle Monuments Commission for the period of*
20 *active duty to which ordered.”.*

21 **SEC. 503. CLARIFICATION OF OFFICERS ELIGIBLE FOR CON-**
22 **SIDERATION BY SELECTION BOARDS.**

23 *(a) OFFICERS ON THE ACTIVE-DUTY LIST.—Section*
24 *619(d) of title 10, United States Code, is amended—*

1 (1) by striking out “grade—” in the matter pre-
2 ceding paragraph (1) and inserting in lieu thereof
3 “grade any of the following officers.”;

4 (2) in paragraph (1)—

5 (A) by striking out “an officer” and insert-
6 ing in lieu thereof “An officer”; and

7 (B) by striking out “; or” at the end and
8 inserting in lieu thereof a period; and

9 (3) by redesignating paragraph (2) as para-
10 graph (3) and in that paragraph striking out “an of-
11 ficer” and inserting in lieu thereof “An officer”; and

12 (4) by inserting after paragraph (1) the follow-
13 ing new paragraph (2):

14 “(2) An officer who is recommended for pro-
15 motion to that grade in the report of an earlier selec-
16 tion board convened under that section, in the case of
17 such a report that has not yet been approved by the
18 President.”.

19 (b) OFFICERS ON THE RESERVE ACTIVE-STATUS
20 LIST.—Section 14301(c) of such title is amended—

21 (1) by striking out “grade—” in the matter pre-
22 ceding paragraph (1) and inserting in lieu thereof
23 “grade any of the following officers.”;

1 (2) by striking out “an officer” in each of para-
2 graphs (1), (2), and (3) and inserting in lieu thereof
3 “An officer”;

4 (3) by striking out the semicolon at the end of
5 paragraph (1) and inserting in lieu thereof a period;

6 (4) by striking out “; or” at the end of para-
7 graph (2) and inserting in lieu thereof a period;

8 (5) by redesignating paragraphs (2) and (3), as
9 so amended, as paragraphs (3) and (4), respectively,
10 and in each such paragraph striking out “the next
11 higher grade” and inserting in lieu thereof “that
12 grade”; and

13 (6) by inserting after paragraph (1) the follow-
14 ing new paragraph (2):

15 “(2) An officer who is recommended for pro-
16 motion to that grade in the report of an earlier selec-
17 tion board convened under a provision referred to in
18 paragraph (1), in the case of such a report that has
19 not yet been approved by the President.”.

20 (c) CLARIFYING AMENDMENTS.—Paragraphs (3) and
21 (4) of section 14301(c) of such title, as redesignated and
22 amended by subsection (b), are each amended by inserting
23 before the period at the end the following: “, if that nomina-
24 tion is pending before the Senate”.

1 **SEC. 504. AUTHORITY TO DEFER MANDATORY RETIREMENT**
2 **FOR AGE OF OFFICERS SERVING AS CHAP-**
3 **LAINS.**

4 (a) *AUTHORITY FOR DEFERRAL OF RETIREMENT FOR*
5 *CHAPLAINS PROVIDING DIRECT SUPPORT TO UNITS OR IN-*
6 *STALLATIONS.—Subsection (c) of section 1251 of title 10,*
7 *United States Code, is amended—*

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

10 (2) *by inserting after paragraph (1) the follow-*
11 *ing new paragraph (2):*

12 “(2) *The Secretary concerned may defer the retirement*
13 *under subsection (a) of an officer who is appointed or des-*
14 *ignated as a chaplain if during the period of the deferment*
15 *the officer will be performing duties consisting primarily*
16 *of providing direct support as a chaplain to units or instal-*
17 *lations.”.*

18 (b) *AUTHORITY FOR DEFERRAL OF RETIREMENT FOR*
19 *CHIEF AND DEPUTY CHIEF OF CHAPLAINS.—Such section*
20 *is further amended by adding at the end the following new*
21 *subsection:*

22 “(d) *The Secretary concerned may defer the retirement*
23 *under subsection (a) of an officer who is the Chief of Chap-*
24 *lains or Deputy Chief of Chaplains of that officer’s armed*
25 *force. Such a deferment may not extend beyond the first*

1 *day of the month following the month in which the officer*
 2 *becomes 68 years of age.”.*

3 *(c) QUALIFICATION FOR SERVICE AS NAVY CHIEF OF*
 4 *CHAPLAINS OR DEPUTY CHIEF OF CHAPLAINS.—(1) Sec-*
 5 *tion 5142(b) of such title is amended by striking out “, who*
 6 *are not on the retired list,”.*

7 *(2) Section 5142a of such title is amended by striking*
 8 *out “, who is not on the retired list,”.*

9 ***Subtitle B—Reserve Component***
 10 ***Matters***

11 ***SEC. 511. INDIVIDUAL READY RESERVE ACTIVATION AU-***
 12 ***THORITY.***

13 *(a) IRR MEMBERS SUBJECT TO ORDER TO ACTIVE*
 14 *DUTY OTHER THAN DURING WAR OR NATIONAL EMER-*
 15 *GENCY.—Section 10144 of title 10, United States Code, is*
 16 *amended—*

17 *(1) by inserting “(a)” before “Within the Ready*
 18 *Reserve”; and*

19 *(2) by adding at the end the following new sub-*
 20 *section:*

21 *“(b)(1) Within the Individual Ready Reserve of each*
 22 *reserve component there is a category of members, as des-*
 23 *ignated by the Secretary concerned, who are subject to being*
 24 *ordered to active duty involuntarily in accordance with sec-*

1 *tion 12304 of this title. A member may not be placed in*
2 *that mobilization category unless—*

3 “(A) *the member volunteers for that category;*
4 *and*

5 “(B) *the member is selected for that category by*
6 *the Secretary concerned, based upon the needs of the*
7 *service and the grade and military skills of that mem-*
8 *ber.*

9 “(2) *A member of the Individual Ready Reserve may*
10 *not be carried in such mobilization category of members*
11 *after the end of the 24-month period beginning on the date*
12 *of the separation of the member from active service.*

13 “(3) *The Secretary shall designate the grades and mili-*
14 *tary skills or specialities of members to be eligible for place-*
15 *ment in such mobilization category.*

16 “(4) *A member in such mobilization category shall be*
17 *eligible for benefits (other than pay and training) as are*
18 *normally available to members of the Selected Reserve, as*
19 *determined by the Secretary of Defense.”.*

20 (b) *CRITERIA FOR ORDERING TO ACTIVE DUTY.—Sub-*
21 *section (a) of section 12304 of title 10, United States Code,*
22 *is amended by inserting after “of this title),” the following:*
23 *“or any member in the Individual Ready Reserve mobiliza-*
24 *tion category and designated as essential under regulations*
25 *prescribed by the Secretary concerned,”.*

1 (c) *MAXIMUM NUMBER.*—*Subsection (c) of such section*
2 *is amended—*

3 (1) *by inserting “and the Individual Ready Re-*
4 *serve” after “Selected Reserve”; and*

5 (2) *by inserting “, of whom not more than*
6 *30,000 may be members of the Individual Ready Re-*
7 *serve” before the period at the end.*

8 (d) *CONFORMING AMENDMENTS.*—*Such section is fur-*
9 *ther amended—*

10 (1) *in subsection (f), by inserting “or Individual*
11 *Ready Reserve” after “Selected Reserve”;*

12 (2) *in subsection (g), by inserting “, or member*
13 *of the Individual Ready Reserve,” after “to serve as*
14 *a unit”; and*

15 (3) *by adding at the end the following new sub-*
16 *section:*

17 “(i) *For purposes of this section, the term ‘Individual*
18 *Ready Reserve mobilization category’ means, in the case of*
19 *any reserve component, the category of the Individual*
20 *Ready Reserve described in section 10144(b) of this title.”.*

21 (e) *CLERICAL AMENDMENTS.*—(1) *The heading of such*
22 *section is amended to read as follows:*

1 **“§ 12304. Selected Reserve and certain Individual**
2 **Ready Reserve members; order to active**
3 **duty other than during war or national**
4 **emergency”.**

5 (2) *The item relating to section 12304 in the table of*
6 *sections at the beginning of chapter 1209 of such title is*
7 *amended to read as follows:*

“12304. Selected Reserve and certain Individual Ready Reserve members; order to active duty other than during war or national emergency”.

8 **SEC. 512. TERMINATION OF MOBILIZATION INCOME INSUR-**
9 **ANCE PROGRAM.**

10 (a) *IN GENERAL.*—Chapter 1214 of title 10, United
11 States Code, is amended by adding at the end the following
12 new section:

13 **“§ 12533. Termination of program**

14 *“(a) IN GENERAL.—The Secretary shall terminate the*
15 *insurance program in accordance with this section.*

16 *“(b) TERMINATION OF NEW ENROLLMENTS.—The Sec-*
17 *retary may not enroll a member of the Ready Reserve for*
18 *coverage under the insurance program after the date of the*
19 *enactment of this section.*

20 *“(c) TERMINATION OF COVERAGE.—(1) The enrollment*
21 *under the insurance program of insured members other*
22 *than insured members described in paragraph (2) is termi-*
23 *nated as of the date of the enactment of this section. The*
24 *enrollment of an insured member described in paragraph*

1 (2) is terminated as of the date of the termination of the
2 period of covered service of that member described in that
3 paragraph.

4 “(2) An insured member described in this paragraph
5 is an insured member who on the date of the enactment
6 of this section is serving on covered service for a period of
7 service, or has been issued an order directing the perform-
8 ance of covered service, that satisfies or would satisfy the
9 entitlement-to-benefits provisions of this chapter.

10 “(d) *TERMINATION OF PAYMENT OF BENEFITS.*—The
11 Secretary may not make any benefit payment under the
12 insurance program after the date of the enactment of this
13 section other than to an insured member who on that date
14 (1) is serving on an order to covered service, (2) has been
15 issued an order directing performance of covered service, or
16 (3) has served on covered service before that date for which
17 benefits under the program have not been paid to the mem-
18 ber.

19 “(e) *TERMINATION OF INSURANCE FUND.*—The Sec-
20 retary shall close the Fund not later than 60 days after
21 the date on which the last benefit payment from the Fund
22 is made. Any amount remaining in the Fund when closed
23 shall be covered into the Treasury as miscellaneous re-
24 ceipts.”.

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

 “12533. *Termination of program.*”.

4 **SEC. 513. CORRECTION OF INEQUITIES IN MEDICAL AND**
 5 **DENTAL CARE AND DEATH AND DISABILITY**
 6 **BENEFITS FOR RESERVE MEMBERS WHO**
 7 **INCUR OR AGGRAVATE AN ILLNESS IN THE**
 8 **LINE OF DUTY.**

9 (a) *MEDICAL AND DENTAL CARE FOR DEPENDENTS.*—
 10 *Section 1076(a)(2) of title 10, United States Code, is*
 11 *amended—*

12 (1) *by striking out “or” at the end of subpara-*
 13 *graph (A);*

14 (2) *by striking out the period at the end of sub-*
 15 *paragraph (B) and inserting in lieu thereof “; or”;*
 16 *and*

17 (3) *by adding at the end the following new sub-*
 18 *paragraph:*

19 “(C) *who incurs or aggravates an injury or ill-*
 20 *ness in the line of duty while serving on active duty*
 21 *for a period of 30 days or less and whose orders are*
 22 *subsequently modified to extend the period of active*
 23 *duty to a period of more than 30 days.*”.

24 (b) *MEDICAL AND DENTAL CARE.*—*Section*
 25 *1074a(a)(3) of such title is amended by inserting “while*

1 *remaining overnight immediately before the commencement*
2 *of inactive-duty training, or” after “in the line of duty”.*

3 (c) *ELIGIBILITY FOR DISABILITY RETIREMENT.*—Sec-
4 *tion 1204(2)(C) of such title is amended by inserting “while*
5 *remaining overnight immediately before the commencement*
6 *of inactive-duty training, or” after “aggravated”.*

7 (d) *ELIGIBILITY FOR DISABILITY SEPARATION.*—Sec-
8 *tion 1206 of such title is amended—*

9 (1) *by redesignating paragraphs (2), (3), and (4)*
10 *as paragraphs (3), (4), and (5) respectively; and*

11 (2) *by inserting after paragraph (1) the follow-*
12 *ing new paragraph:*

13 “(2) *the disability was incurred in the line of*
14 *duty as a result of—*

15 “(A) *performing active duty or inactive-*
16 *duty training;*

17 “(B) *traveling directly to or from the place*
18 *at which such duty is performed; or*

19 “(C) *an injury, illness, or disease incurred*
20 *or aggravated while remaining overnight imme-*
21 *diately before the commencement of inactive-duty*
22 *training, or while remaining overnight between*
23 *successive periods of inactive-duty training, at or*
24 *in the vicinity of the site of the inactive-duty*

1 *training, if the site is outside reasonable com-*
2 *muting distance of the member’s residence;”.*

3 *(e) RECOVERY, CARE, AND DISPOSITION OF RE-*
4 *MAINS.—Section 1481(a)(2)(D) of such title is amended by*
5 *inserting “remaining overnight immediately before the com-*
6 *mencement of inactive-duty training, or” after “(D)”.*

7 *(f) ENTITLEMENT TO BASIC PAY.—Section 204 of title*
8 *37, United States Code, is amended by inserting “while re-*
9 *maining overnight immediately before the commencement*
10 *of inactive-duty training, or” in subsections (g)(1)(D) and*
11 *(h)(1)(D) after “in line of duty”.*

12 *(g) COMPENSATION FOR INACTIVE-DUTY TRAINING.—*
13 *Section 206(a)(3)(C) of such title is amended by inserting*
14 *“while remaining overnight immediately before the com-*
15 *mencement of inactive-duty training, or” after “in line of*
16 *duty”.*

17 **SEC. 514. TIME-IN-GRADE REQUIREMENTS FOR RESERVE**
18 **COMMISSIONED OFFICERS RETIRED DURING**
19 **FORCE DRAWDOWN PERIOD.**

20 *(a) AUTHORITY COMPARABLE TO ACTIVE-DUTY LIST*
21 *OFFICERS.—Subsection (d)(3) of section 1370 of title 10,*
22 *United States Code, is amended by adding at the end the*
23 *following new subparagraph:*

24 *“(F) The Secretary of Defense may authorize the Sec-*
25 *retary of a military department to reduce the three-year*

1 *period specified in subparagraph (A) to a period of not less*
 2 *than two years in the case of retirements effective during*
 3 *the period beginning on the date of the enactment of this*
 4 *subparagraph and ending on September 30, 1999. The*
 5 *number of officers in an armed force in a grade for whom*
 6 *a reduction is made during any fiscal year in the period*
 7 *of service-in-grade otherwise required under this paragraph*
 8 *may not exceed the number equal to two percent of the au-*
 9 *thorized reserve active status strength for that fiscal year*
 10 *for officers of that armed force in that grade.”.*

11 *(b) TECHNICAL AMENDMENTS.—Such section is fur-*
 12 *ther amended—*

13 *(1) in subsection (a)(2)(A), by inserting “of”*
 14 *after “reduce such period to a period”; and*

15 *(2) in subsection (d)(1), by striking out “chapter*
 16 *1225” and inserting in lieu thereof “chapter 1223”.*

17 **SEC. 515. AUTHORITY TO PERMIT NON-UNIT ASSIGNED OF-**
 18 **FICERS TO BE CONSIDERED BY VACANCY**
 19 **PROMOTION BOARD TO GENERAL OFFICER**
 20 **GRADES.**

21 *(a) CONVENING OF SELECTION BOARDS.—Section*
 22 *14101(a)(2) of title 10, United States Code, is amended by*
 23 *striking out “(except in the case of a board convened to con-*
 24 *sider officers as provided in section 14301(e) of this title).”.*

1 (b) *ELIGIBILITY FOR CONSIDERATION OF CERTAIN*
2 *ARMY OFFICERS.*—Section 14301 of such title is amend-
3 *ed—*

4 (1) *by striking out subsection (e); and*

5 (2) *by redesignating subsections (f) and (g) as*
6 *subsections (e) and (f), respectively.*

7 (c) *GENERAL OFFICER PROMOTIONS.*—Section 14308
8 *of such title is amended—*

9 (1) *in subsection (e)(2), by inserting “a grade*
10 *below colonel in” after “(2) an officer in”; and*

11 (2) *in subsection (g)—*

12 (A) *by inserting “or the Air Force” in the*
13 *first sentence after “of the Army” the first place*
14 *it appears;*

15 (B) *by striking out “in that grade” in the*
16 *first sentence and all that follows through “Sec-*
17 *retary of the Army” and inserting in lieu thereof*
18 *“in the Army Reserve or the Air Force Reserve,*
19 *as the case may be, in that grade”; and*

20 (C) *by striking out the second sentence.*

21 (d) *VACANCY PROMOTIONS.*—Section 14315(b)(1) of
22 *such title is amended by striking out “the duties” in clause*
23 *(A) and all that follows through “as a unit,” and inserting*
24 *in lieu thereof “duties of a general officer of the next higher*
25 *reserve grade in the Army Reserve.”*

1 **SEC. 516. GRADE REQUIREMENT FOR OFFICERS ELIGIBLE**
2 **TO SERVE ON INVOLUNTARY SEPARATION**
3 **BOARDS.**

4 *Section 14906(a)(2) of title 10, United States Code,*
5 *is amended by striking out “a grade above lieutenant colo-*
6 *nel or commander” and inserting in lieu thereof “the grade*
7 *of lieutenant colonel or commander or a higher grade”.*

8 **SEC. 517. LIMITATION ON USE OF AIR FORCE RESERVE AGR**
9 **PERSONNEL FOR AIR FORCE BASE SECURITY**
10 **FUNCTIONS.**

11 *(a) LIMITATION.—The Secretary of the Air Force may*
12 *not use members of the Air Force Reserve who are AGR*
13 *personnel for the performance of force protection, base secu-*
14 *rity, or security police functions at an Air Force facility*
15 *in the United States until six months after the date on*
16 *which the Secretary submits to Congress a report on such*
17 *use of AGR personnel.*

18 *(b) MATTERS TO BE INCLUDED IN REPORT.—The re-*
19 *port under subsection (a) shall include the following:*

20 *(1) A statement of the planned scope, including*
21 *each planned location, of such use of AGR personnel*
22 *during the year in which the report is submitted and*
23 *each of the five subsequent years.*

24 *(2) A detailed rationale for, and evaluation of,*
25 *the cost effectiveness of the use of AGR personnel to*
26 *perform such functions at Air Force facilities in the*

1 *United States compared to the use of Department of*
 2 *Defense civilian personnel or contractor personnel for*
 3 *the performance of these functions at those facilities.*

4 (3) *A plan, including a cost estimate, for the re-*
 5 *employment, conversion to AGR status, or retirement*
 6 *of civilian employees and military technicians who*
 7 *are displaced by the use of Air Force Reserve AGR*
 8 *personnel to perform those functions.*

9 (c) *AGR PERSONNEL DEFINED.*—*For the purposes of*
 10 *this section, the term “AGR personnel” means members of*
 11 *the Air Force Reserve who are on active duty (other than*
 12 *for training) in connection with organizing, administering,*
 13 *recruiting, instructing, or training the Air Force Reserve.*

14 ***Subtitle C—Military Technicians***

15 ***SEC. 521. AUTHORITY TO RETAIN ON THE RESERVE ACTIVE-*** 16 ***STATUS LIST UNTIL AGE 60 MILITARY TECH-*** 17 ***NICIANS IN THE GRADE OF BRIGADIER GEN-*** 18 ***ERAL.***

19 (a) *RETENTION.*—*Section 14702(a) of title 10, United*
 20 *States Code, is amended—*

21 (1) *by striking out “section 14506 or 14507” and*
 22 *inserting in lieu thereof “section 14506, 14507, or*
 23 *14508”; and*

24 (2) *by striking out “or colonel” and inserting in*
 25 *lieu thereof “colonel, or brigadier general”.*

1 (b) *TECHNICAL AMENDMENT.*—Section 14508(c) of
2 such title is amended by striking out “not later than the
3 date on which the officer becomes 60 years of age” and in-
4 serting in lieu thereof “not later than the last day of the
5 month in which the officer becomes 60 years of age”.

6 **SEC. 522. MILITARY TECHNICIANS (DUAL STATUS).**

7 (a) *DEFINITION.*—Subsection (a) of section 10216 of
8 title 10, United States Code, is amended to read as follows:
9 “(a) *IN GENERAL.*—(1) For purposes of this section
10 and any other provision of law, a military technician (dual
11 status) is a Federal civilian employee who—

12 “(A) is employed under section 3101 of title 5 or
13 section 709 of title 32;

14 “(B) is required as a condition of that employ-
15 ment to maintain membership in the Selected Re-
16 serve; and

17 “(C) is assigned to a position as a technician in
18 the administration and training of the Selected Re-
19 serve or in the maintenance and repair of supplies or
20 equipment issued to the Selected Reserve or the armed
21 forces.

22 “(2) Military technicians (dual status) shall be author-
23 ized and accounted for as a separate category of civilian
24 employees.”.

1 **(b) UNIT MEMBERSHIP AND DUAL-STATUS REQUIRE-**
2 *MENT.—Subsection (d) of such section is amended to read*
3 *as follows:*

4 **“(d) UNIT MEMBERSHIP REQUIREMENT.—(1) Unless**
5 *specifically exempted by law, each individual who is hired*
6 *as a military technician (dual status) after December 1,*
7 *1995, shall be required as a condition of that employment*
8 *to maintain membership in—*

9 **“(A) the unit of the Selected Reserve by which**
10 *the individual is employed as a military technician;*
11 *or*

12 **“(B) a unit of the Selected Reserve that the indi-**
13 *vidual is employed as a military technician to sup-*
14 *port.*

15 **“(2) Paragraph (1) does not apply to a military tech-**
16 *nician (dual status) who is employed by the Army Reserve*
17 *in an area other than Army Reserve troop program units.*

18 **“(e) DUAL-STATUS REQUIREMENT.—(1) Funds appro-**
19 *priated for the Department of Defense may not (except as*
20 *provided in paragraph (2)) be used for compensation as a*
21 *military technician of any individual hired as a military*
22 *technician after February 10, 1996, who is no longer a*
23 *member of the Selected Reserve.*

24 **“(2) The Secretary concerned may pay compensation**
25 *described in paragraph (1) to an individual described in*

1 *that paragraph who is no longer a member of the Selected*
2 *Reserve for a period not to exceed six months following the*
3 *individual's loss of membership in the Selected Reserve if*
4 *the Secretary determines such loss of membership was not*
5 *due to the failure of that individual to meet military stand-*
6 *ards."*

7 (c) *NATIONAL GUARD DUAL-STATUS REQUIRE-*
8 *MENT.—Section 709(b) of title 32, United States Code, is*
9 *amended by striking out "Except as prescribed by the Sec-*
10 *retary concerned, a technician" and inserting in lieu there-*
11 *of "A technician".*

12 (d) *PLAN FOR CLARIFICATION OF STATUTORY AU-*
13 *THORITY OF MILITARY TECHNICIANS.—(1) The Secretary*
14 *of Defense shall submit to Congress, as part of the budget*
15 *justification materials submitted in support of the budget*
16 *for the Department of Defense for fiscal year 1999, a legisla-*
17 *tive proposal to provide statutory authority and clarifica-*
18 *tion under title 5, United States Code—*

19 (A) *for the hiring, management, promotion, sep-*
20 *aration, and retirement of military technicians who*
21 *are employed in support of units of the Army Reserve*
22 *or Air Force Reserve; and*

23 (B) *for the transition to the competitive service*
24 *of an individual who is hired as military technician*
25 *in support of a unit of the Army Reserve or Air Force*

1 *Reserve and who (as determined by the Secretary con-*
2 *cerned) fails to maintain membership in the Selected*
3 *Reserve through no fault of the individual.*

4 (2) *The legislative proposal under paragraph (1) shall*
5 *be developed in consultation with the Director of the Office*
6 *of Personnel Management.*

7 (e) *CONFORMING REPEAL.—Section 8106 of Public*
8 *Law 104–61 (109 Stat. 654; 10 U.S.C. 10101 note) is re-*
9 *pealed.*

10 (f) *CROSS-REFERENCE CORRECTIONS.—Section*
11 *10216(c)(1) of title 10, United States Code, is amended by*
12 *striking out “subsection (a)(1)” in subparagraphs (A), (B),*
13 *(C), and (D) and inserting in lieu thereof “subsection*
14 *(b)(1)”.*

15 (g) *CONFORMING AMENDMENTS TO SECTION 10216.—*
16 *Section 10216 of title 10, United States Code, is further*
17 *amended as follows:*

18 (1) *The heading of subsection (b) is amended by*
19 *inserting “(DUAL STATUS)” after “MILITARY TECH-*
20 *NICIANS”.*

21 (2) *Subsection (b)(1) is amended—*

22 (A) *by inserting “(dual status)” after “for*
23 *military technicians”;*

1 (B) by striking out “dual status military
2 technicians” and inserting in lieu thereof “mili-
3 tary technicians (dual status)”;

4 (C) by inserting “(dual status)” after “mili-
5 tary technicians” in subparagraph (C).

6 (3) Subsection (b)(2) is amended by inserting
7 “(dual status)” after “military technicians” both
8 places it appears.

9 (4) Subsection (b)(3) is amended by inserting
10 “(dual status)” after “Military technician”.

11 (5) Subsection (c) is amended—

12 (A) in the matter preceding paragraph
13 (1)(A), by inserting “(dual status)” after “mili-
14 tary technicians”;

15 (B) in paragraph (1), by striking out “dual
16 status technicians” in subparagraphs (A), (B),
17 (C), and (D) and inserting in lieu thereof “mili-
18 tary technicians (dual status)”;

19 (C) in paragraph (2)(A), by inserting
20 “(dual status)” after “military technician”; and

21 (D) in paragraph (2)(B), by striking out
22 “delineate—” and all that follows through “or
23 other reasons” in clause (ii) and inserting in
24 lieu thereof “delineate the specific force structure
25 reductions”.

1 (h) *CLERICAL AMENDMENTS.—(1) The heading of sec-*
 2 *tion 10216 of such title is amended to read as follows:*

3 **“§ 10216. Military technicians (dual status)”.**

4 (2) *The item relating to such section in the table of*
 5 *sections at the beginning of chapter 1007 of such title is*
 6 *amended to read as follows:*

“10216. Military technicians (dual status).”.

7 (i) *OTHER CONFORMING AMENDMENTS.—(1) Section*
 8 *115(g) of such title is amended by inserting “(dual status)”*
 9 *in the first sentence after “military technicians” and in the*
 10 *second sentence after “military technician”.*

11 (2) *Section 115a(h) of such title is amended—*

12 (A) *by inserting “(displayed in the aggregate*
 13 *and separately for military technicians (dual status)*
 14 *and non-dual status military technicians)” in the*
 15 *matter preceding paragraph (1) after “of the follow-*
 16 *ing”; and*

17 (B) *by striking out paragraph (3).*

18 **SEC. 523. NON-DUAL STATUS MILITARY TECHNICIANS.**

19 (a) *IN GENERAL.—(1) Chapter 1007 of title 10, United*
 20 *States Code, is amended by adding at the end the following*
 21 *new section:*

22 **“§ 10217. Non-dual status military technicians**

23 “(a) *DEFINITION.—For the purposes of this section*
 24 *and any other provision of law, a non-dual status military*

1 technician is a civilian employee of the Department of De-
2 fense who—

3 “(1) was hired as a military technician before
4 the date of the enactment of the National Defense Au-
5 thorization Act for Fiscal Year 1998 under any of the
6 authorities specified in subsection (d); and

7 “(2) as of the date of the enactment of that Act
8 is not a member of the Selected Reserve or after such
9 date ceases to be a member of the Selected Reserve.

10 “(b) FISCAL YEAR 1998 LIMITATION.—As of Septem-
11 ber 30 1998, the number of civilian employees of a military
12 department who are non-dual status military technicians
13 may not exceed the following:

14 “(1) For the Army Reserve, 1,200.

15 “(2) For the Army National Guard of the United
16 States, 2,260.

17 “(3) For the Air Force Reserve, 0.

18 “(4) For the Air National Guard of the United
19 States, 395.

20 “(c) REDUCTIONS FOR FUTURE YEARS.—For each of
21 the 10 fiscal years beginning with fiscal year 1999, the Sec-
22 retary of the military department concerned shall reduce
23 the number of non-dual status military technicians under
24 the jurisdiction of that Secretary, as of the end of that fiscal

1 year, from the authorized number for the preceding fiscal
2 year by not less—

3 “(1) 120, for the Army Reserve;

4 “(2) 226, for the Army National Guard of the
5 United States; and

6 “(3) 39, for the Air National Guard of the Unit-
7 ed States.

8 “(d) EMPLOYMENT AUTHORITIES.—The authorities re-
9 ferred to in subsection (a) are the following:

10 “(1) Section 10216 of this title.

11 “(2) Section 709 of title 32.

12 “(3) The requirements referred to in section 8401
13 of title 5.

14 “(4) Section 8016 of the Department of Defense
15 Appropriations Act, 1996 (Public Law 104–61; 109
16 Stat. 654), and any comparable provision provided
17 on an annual basis in the Department of Defense Ap-
18 propriations Acts for fiscal years 1984 through 1995.

19 “(5) Any memorandum of agreement between the
20 Department of Defense and the Office of Personnel
21 Management providing for the hiring of military
22 technicians.”.

23 (2) The table of sections at the beginning of such chap-
24 ter is amended by adding at the end the following new item:

“10217. Non-dual status military technicians.”.

1 **(b) PLAN FOR NON-DUAL STATUS TECHNICIANS.**—Not
2 later than March 31, 1998, the Secretary of Defense shall
3 submit to Congress a report setting forth recommendations
4 of the Secretary (including proposals for such legislative
5 changes as may be necessary to implement the recommenda-
6 tions of the Secretary) for eliminating non-dual status mili-
7 tary technician positions. In developing the plan, the Sec-
8 retary shall consider (among other alternatives) the feasibil-
9 ity and cost of each of the following:

10 (1) *Elimination or consolidation of functions*
11 *and positions.*

12 (2) *Contracting for performance by contractor*
13 *personnel of functions currently performed by person-*
14 *nel in those positions.*

15 (3) *Conversion of those technicians and posi-*
16 *tions, in the case of technicians of the Army National*
17 *Guard of the United States or the Air National*
18 *Guard of the United States, to State employment and*
19 *positions or competitive service employment positions*
20 *under title 5, United States Code.*

21 (4) *Conversion of those technicians or positions*
22 *to employment and positions in the competitive serv-*
23 *ice under title 5, United States Code, in the case of*
24 *technicians of the Army Reserve.*

1 (5) *Use of incentives to facilitate the reductions*
2 *required under subsection (c) of section 10217 of title*
3 *10, United States Code, as added by subsection (a).*

4 ***Subtitle D—Measures To Improve***
5 ***Recruit Quality and Reduce Re-***
6 ***cruit Attrition***

7 ***SEC. 531. REFORM OF MILITARY RECRUITING SYSTEMS.***

8 (a) *IN GENERAL.*—*The Secretary of Defense shall*
9 *carry out reforms in the recruiting systems of the Army,*
10 *Navy, Air Force, and Marine Corps in order to improve*
11 *the quality of new recruits and to reduce attrition among*
12 *recruits.*

13 (b) *SPECIFIC REFORMS.*—*As part of the reforms in*
14 *military recruiting systems to be undertaken under sub-*
15 *section (a), the Secretary shall take the following steps:*

16 (1) *Improve the system of separation codes used*
17 *for recruits who are separated during recruit training*
18 *by (A) revising and updating those codes to allow*
19 *more accurate and useful data collection about those*
20 *separations, and (B) prescribing regulations to ensure*
21 *that those codes are interpreted in a uniform manner*
22 *by the military services.*

23 (2) *Develop a reliable database for (A) analyzing*
24 *service-wide data on reasons for attrition of new re-*

1 *recruits, and (B) undertaking service-wide measures to*
2 *control and manage such attrition.*

3 (3) *Require that the Secretary of each military*
4 *department (A) adopt or strengthen incentives for re-*
5 *cruiters to thoroughly prescreen potential candidates*
6 *for recruitment, and (B) link incentives for recruiters,*
7 *in part, to the ability of a recruiter to screen out un-*
8 *qualified candidates before enlistment.*

9 (4) *Require that the Secretary of each military*
10 *department include as a measurement of recruiter*
11 *performance the percentage of persons enlisted by a*
12 *recruiter who complete initial combat training or*
13 *basic training.*

14 (5) *Assess trends in the number and use of waiv-*
15 *ers over the 1991–1997 period that were issued to per-*
16 *mit applicants to enlist with medical or other condi-*
17 *tions that would otherwise be disqualifying.*

18 (6) *Require the Secretary of each military de-*
19 *partment to implement policies and procedures (A) to*
20 *ensure the prompt separation of recruits who are un-*
21 *able to successfully complete basic training, and (B)*
22 *to remove those recruits from the training environ-*
23 *ment while separation proceedings are pending.*

24 (c) *REPORT.—The Secretary shall submit to Congress*
25 *a report of the trends assessed under subsection (b)(5). The*

1 *information on those trends provided in the report shall be*
2 *shown by armed force and by category of waiver. The report*
3 *shall include recommendations of the Secretary for chang-*
4 *ing, revising, or limiting the use of waivers referred to in*
5 *that subsection and shall be submitted not later than March*
6 *31, 1998.*

7 **SEC. 532. IMPROVEMENTS IN MEDICAL PRESCREENING OF**
8 **APPLICANTS FOR MILITARY SERVICE.**

9 (a) *IN GENERAL.*—*The Secretary of Defense shall im-*
10 *prove the medical prescreening of applicants for entrance*
11 *into the Army, Navy, Air Force, or Marine Corps.*

12 (b) *SPECIFIC STEPS.*—*As part of those improvements,*
13 *the Secretary shall take the following steps:*

14 (1) *Require that each applicant for service in the*
15 *Army, Navy, Air Force, or Marine Corps (A) provide*
16 *to the Secretary the name of the applicant's medical*
17 *insurer and the names of past medical providers, and*
18 *(B) sign a release allowing the Secretary to request*
19 *and obtain medical records of the applicant.*

20 (2) *Require that the forms and procedures for*
21 *medical prescreening of applicants that are used by*
22 *recruiters and by Military Entrance Processing Com-*
23 *mands be revised so as to ensure that medical ques-*
24 *tions are specific, unambiguous, and tied directly to*

1 *the types of medical separations most common for re-*
2 *recruits during basic training and follow-on training.*

3 (3) *Add medical screening tests to the examina-*
4 *tions of recruits carried out by Military Entrance*
5 *Processing Station, provide more thorough medical*
6 *examinations to selected groups of applicants, or both,*
7 *to the extent that the Secretary determines that to do*
8 *so could be cost effective in reducing attrition at basic*
9 *training.*

10 (4) *Assign the responsibility for evaluating medi-*
11 *cal conditions of a recruit that are missed during ac-*
12 *cession processing to an agency or contractor other*
13 *than the Military Entrance Processing Command*
14 *which carried out the accession processing of that re-*
15 *cruit (such command being the organization respon-*
16 *sible for accession medical exams).*

17 (5) *Require that the Secretary of each military*
18 *department test an applicant for entrance into the*
19 *Armed Forces for use of illegal drugs at the Military*
20 *Entrance Processing Station which carries out the ac-*
21 *cession processing of that recruit (in addition to any*
22 *subsequent drug testing that may be required).*

1 **SEC. 533. IMPROVEMENTS IN PHYSICAL FITNESS OF RE-**
2 **CRUITS.**

3 (a) *IN GENERAL.*—*The Secretary of Defense shall take*
4 *steps to improve the physical fitness of recruits before they*
5 *enter basic training.*

6 (b) *SPECIFIC STEPS.*—*As part of those improvements,*
7 *the Secretary shall take the following steps:*

8 (1) *Direct the Secretary of each military depart-*
9 *ment to implement programs under which new re-*
10 *cruits who are in the Delayed Entry Program are en-*
11 *couraged to participate in physical fitness activities*
12 *before reporting to basic training.*

13 (2) *Develop a range of incentives for new re-*
14 *cruits to participate in physical fitness programs, as*
15 *well as for those recruits who improve their level of*
16 *fitness while in the Delayed Entry Program, which*
17 *may include the use of monetary or other incentives,*
18 *access to Department of Defense military fitness fa-*
19 *cilities, and access to military medical facilities in*
20 *the case of a recruit who is injured while participat-*
21 *ing in physical activities with recruiters or other*
22 *military personnel.*

23 (3) *Evaluate whether partnerships between re-*
24 *cruiters and reserve components, or other innovative*
25 *arrangements, could provide a pool of qualified per-*
26 *sonnel to assist in the conduct of physical training*

1 *programs for new recruits in the Delayed Entry Pro-*
2 *gram.*

3 ***Subtitle E—Military Education and***
4 ***Training***

5 ***SEC. 541. INDEPENDENT PANEL TO REVIEW MILITARY***
6 ***BASIC TRAINING.***

7 *(a) ESTABLISHMENT.—There is hereby established a*
8 *panel to review the basic training programs of the Army,*
9 *Navy, Air Force, and Marine Corps and to make rec-*
10 *ommendations on improvements to those programs.*

11 *(b) COMPOSITION.—(1) The panel shall be composed*
12 *of seven members, appointed as follows:*

13 *(A) Three members shall be appointed jointly by*
14 *the chairman and ranking minority party member of*
15 *the Committee on National Security of the House of*
16 *Representatives.*

17 *(B) Three members shall be appointed jointly by*
18 *the chairman and ranking minority party member of*
19 *the Committee on Armed Services of the Senate.*

20 *(C) One member shall be appointed by the Sec-*
21 *retary of Defense.*

22 *(2) The members of the panel shall choose one of the*
23 *members to chair the panel.*

1 (c) *QUALIFICATIONS.*—Members of the panel shall be
2 appointed from among private United States citizens with
3 knowledge and expertise in one or more of the following:

4 (1) *Training of military personnel.*

5 (2) *Social and cultural matters affecting en-*
6 *trance into the Armed Forces and affecting military*
7 *service, military training, and military readiness,*
8 *such knowledge and expertise to have been gained*
9 *through recognized research, policy making and prac-*
10 *tical experience, as demonstrated by retired military*
11 *personnel, representatives from educational organiza-*
12 *tions, and leaders from civilian industry and other*
13 *Government agencies.*

14 (3) *Factors that define appropriate military job*
15 *qualifications, including physical, mental, and edu-*
16 *cational factors.*

17 (4) *Combat or other theater of war operations.*

18 (d) *PANEL FUNCTIONS RELATING TO BASIC TRAINING*
19 *PROGRAMS GENERALLY.*—The panel shall review the course
20 objectives, structure, and length of the basic training pro-
21 grams of the Army, Navy, Air Force, and Marine Corps.
22 As part of that review, the panel shall (with respect to each
23 of those services) take the following measures:

1 (1) *Determine the current end-state objectives es-*
2 *tablished for graduates of basic training, particularly*
3 *in regard to—*

4 (A) *physical conditioning;*

5 (B) *technical and physical skills pro-*
6 *ficiency;*

7 (C) *knowledge;*

8 (D) *military socialization, including the in-*
9 *culcation of service values and attitudes; and*

10 (E) *basic combat operational requirements.*

11 (2) *Assess whether those current end-state objec-*
12 *tives, and basic training itself, should be modified (in*
13 *structure, length, focus, program of instruction, train-*
14 *ing methods or otherwise) based, in part, on the fol-*
15 *lowing:*

16 (A) *An assessment of the perspectives of*
17 *operational units on the quality and qualifica-*
18 *tions of the initial entry training graduates*
19 *being assigned to those units, considering in par-*
20 *ticular whether the basic training system pro-*
21 *duces graduates who arrive in operational units*
22 *with an appropriate level of skills, physical con-*
23 *ditioning, and degree of military socialization to*
24 *meet unit requirements and needs.*

1 (B) *An assessment of the demographics,*
2 *backgrounds, attitudes, experience, and physical*
3 *fitness of new recruits entering basic training,*
4 *considering in particular the question of wheth-*
5 *er, given the entry level demographics, education,*
6 *and background of new recruits, the basic train-*
7 *ing systems and objectives are most efficiently*
8 *and effectively structured and conducted to*
9 *produce graduates who meet service needs.*

10 (C) *An assessment of the perspectives of per-*
11 *sonnel who conduct basic training with regard to*
12 *measures required to improve basic training.*

13 (e) *PANEL FUNCTIONS RELATING TO GENDER-INTE-*
14 *GRATED AND GENDER-SEGREGATED BASIC TRAINING.—*

15 *The panel shall review the basic training policies of each*
16 *of the Army, Navy, Air Force, and Marine Corps with re-*
17 *gard to gender-integrated and gender-segregated basic*
18 *training. As part of that review, the panel shall (with re-*
19 *spect to each of those services) take the following measures:*

20 (1) *Determine the historical rationales for the es-*
21 *tablishment and disestablishment of gender-integrated*
22 *or gender-segregated basic training.*

23 (2) *Examine the current rationales for the use of*
24 *gender-integrated or gender-segregated basic training*
25 *and, as part of such examination, evaluate whether at*

1 *the time any of the services made a decision to inte-*
2 *grate, or to segregate, basic training by gender, the*
3 *Secretary of the military department concerned had*
4 *substantive reason to believe, or has since developed*
5 *data to support, any of the following:*

6 *(A) That gender-integrated basic training,*
7 *or gender-segregated basic training, improves the*
8 *readiness or performance of operational units*

9 *(B) That the entry level of new recruits*
10 *with regard to physical condition, attitudes, and*
11 *values is so different from that required and ex-*
12 *pected in the military services in general, and in*
13 *operational units in particular, that an intense*
14 *period of focused training is required, free from*
15 *the additional challenges of training males and*
16 *females together.*

17 *(C) That a significant percentage of women*
18 *entering basic training experienced sexual abuse*
19 *or assault before entering military service and*
20 *that gender-segregated basic training (with*
21 *same-sex drill instructors) provides the best op-*
22 *portunity for such women to have positive mili-*
23 *tary female role models as mentors and to enter*
24 *gender-integrated operational forces from a posi-*
25 *tion of confidence, strength, and knowledge.*

1 (3) *Assess whether the concept of “training as*
2 *you will fight” is a valid rationale for gender-inte-*
3 *grated basic training or whether the training require-*
4 *ments and objectives for basic training are suffi-*
5 *ciently different from those of operational unit so that*
6 *such concept, when balanced against other factors re-*
7 *lating to basic training, might not be a sufficient ra-*
8 *tionale for gender-integrated basic training.*

9 (4) *Assess the degree to which different standards*
10 *have been established, or if not established are in fact*
11 *being implemented, for males and females in basic*
12 *training for matters such as physical fitness, physical*
13 *performance (such as confidence and obstacle courses),*
14 *military skills (such as marksmanship and hand-gre-*
15 *nade qualifications), and nonphysical tasks required*
16 *of individuals and, to the degree that differing stand-*
17 *ards exist or are in fact being implemented, assess the*
18 *effect of the use of those differing standards.*

19 (5) *Assess the degree to which performance*
20 *standards in basic training are based on military*
21 *readiness.*

22 (6) *Review Department of Defense and military*
23 *department efforts to objectively measure or evaluate*
24 *the effectiveness of gender-integrated basic training, as*
25 *compared to gender-segregated basic training, par-*

1 *ticularly with regard to the adequacy and scope of the*
2 *efforts and with regard to the relevancy of findings to*
3 *operational unit requirements.*

4 (7) *Compare the pattern of attrition in gender-*
5 *integrated basic training units with the pattern of at-*
6 *trition in gender-segregated basic training units and*
7 *assess the relevancy of the findings of such compari-*
8 *son.*

9 (8) *Compare the level of readiness and morale of*
10 *gender-integrated basic training units with the level*
11 *of readiness and morale of gender-segregated units*
12 *and assess the relevancy of the findings of such com-*
13 *parison.*

14 (f) *RECOMMENDATIONS.—The panel shall prepare—*

15 (1) *an evaluation of gender-integrated and gen-*
16 *der-segregated basic training programs, based upon*
17 *the review under subsection (e); and*

18 (2) *recommendations for such changes to the cur-*
19 *rent system of basic training as the panel considers*
20 *warranted.*

21 (g) *REPORTS.—(1) Not later than six months after the*
22 *members of the panel are appointed, the panel shall submit*
23 *an interim report on its findings and conclusions to the*
24 *Secretary of Defense.*

1 (2) *Not later than one year after establishment of the*
2 *panel, the panel shall submit a final report to the Secretary*
3 *of Defense. The final report shall include recommendations*
4 *for legislative and administrative changes to basic training*
5 *programs to improve the readiness and performance of ini-*
6 *tial entry training graduates and to reduce attrition, both*
7 *during training and in the first term of enlistment.*

8 (h) *SUBMISSION OF REPORTS TO CONGRESS.—Not*
9 *later than one month after receipt of the panel's interim*
10 *report and one month after receipt of the panel's final re-*
11 *port, the Secretary of Defense shall submit the report to*
12 *Congress together with the views of the Secretary regarding*
13 *the report and the matter covered in the report.*

14 (i) *PAY AND EXPENSES OF MEMBERS.—(1) Each*
15 *member of the panel who is not an employee of the Govern-*
16 *ment shall be paid at a rate equal to the daily equivalent*
17 *of the annual rate of basic pay payable for level IV of the*
18 *Executive Schedule under section 5315 of title 5, United*
19 *States Code, for each day (including travel time) during*
20 *which the member is engaged in the performance of the du-*
21 *ties of the panel.*

22 (2) *The members of the panel shall be allowed travel*
23 *expenses, including per diem in lieu of subsistence, at rates*
24 *authorized for employees of agencies under subchapter I of*
25 *chapter 57 of title 5, United States Code, while away from*

1 *their homes or regular places of business in the performance*
2 *of services for the panel.*

3 (j) *ADMINISTRATIVE SUPPORT.—(1) Upon the request*
4 *of the chairman of the panel, the Secretary of Defense may*
5 *detail to the panel, on a nonreimbursable basis, personnel*
6 *of the Department of Defense to assist the panel in carrying*
7 *out its duties.*

8 (2) *The Secretary of Defense shall furnish to the panel*
9 *such administrative and support services as may be re-*
10 *quested by the chairman of the panel.*

11 (k) *FUNDING.—The Secretary of Defense shall, upon*
12 *the request of the panel, make available to the panel such*
13 *amounts as the panel may require to carry out its duties*
14 *under this title.*

15 (l) *TERMINATION OF THE PANEL.—The panel shall*
16 *terminate 60 days after the date on which it submits its*
17 *final report under subsection (g).*

18 (m) *SUBSEQUENT CONSIDERATION BY CONGRESS.—*
19 *After submission of the final report of the panel to Congress,*
20 *the Congress shall, based upon the results of the study (and*
21 *such other matters as Congress considers appropriate), con-*
22 *sider whether to require by law that the Secretaries of the*
23 *military departments conduct basic training on a gender-*
24 *segregated basis.*

1 **SEC. 542. REFORM OF ARMY DRILL SERGEANT SELECTION**
2 **AND TRAINING PROCESS.**

3 (a) *IN GENERAL.*—*The Secretary of the Army shall re-*
4 *form the process for selection and training of drill sergeants*
5 *for the Army.*

6 (b) *MEASURES TO BE TAKEN.*—*As part of such re-*
7 *form, the Secretary shall undertake the following measures*
8 *(unless, in the case of any such measure, the Secretary de-*
9 *termines that that measure would not result in improved*
10 *effectiveness and efficiency in the drill sergeant selection*
11 *and training process):*

12 (1) *Review the overall process used by the De-*
13 *partment of the Army for selection of drill sergeants*
14 *to determine—*

15 (A) *if that process is providing drill ser-*
16 *geant candidates in sufficient quantity and qual-*
17 *ity to meet the needs of the training system; and*

18 (B) *whether duty as a drill sergeant is a ca-*
19 *reer-enhancing assignment (or is seen by poten-*
20 *tial drill sergeant candidates as a career-enhanc-*
21 *ing assignment) and what steps could be taken*
22 *to ensure that such duty is in fact a career-en-*
23 *hancing assignment.*

24 (2) *Incorporate into the selection process for all*
25 *drill sergeants the views and recommendations of the*
26 *officers and senior noncommissioned officers in the*

1 *chain of command of each candidate for selection*
2 *(particularly those of senior noncommissioned offi-*
3 *cers) regarding the candidate's suitability and quali-*
4 *fications to be a drill sergeant.*

5 *(3) Establish a requirement for psychological*
6 *screening for each drill sergeant candidate.*

7 *(4) Reform the psychological screening process*
8 *for drill sergeant candidates to improve the quality,*
9 *depth, and rigor of that screening process.*

10 *(5) Revise the evaluation system for drill ser-*
11 *geants in training to provide for a so-called "whole*
12 *person" assessment that gives insight into the quali-*
13 *fications and suitability of a drill sergeant candidate*
14 *beyond the candidate's ability to accomplish required*
15 *performance tasks.*

16 *(6) Revise the Army military personnel records*
17 *system so that, under specified conditions and cir-*
18 *cumstances, a drill sergeant trainee who fails to com-*
19 *plete the training to be a drill sergeant and is denied*
20 *graduation will not have the fact of that failure re-*
21 *corded in those records. The conditions and cir-*
22 *cumstances under which the authority provided in the*
23 *preceding sentence may be shall be prescribed by the*
24 *Secretary in regulations.*

1 (7) *Provide each drill sergeant in training with*
2 *the opportunity, before or during that training, to*
3 *work with new recruits in initial entry training and*
4 *to be evaluated on that opportunity.*

5 (c) *REPORT.—Not later than March 31, 1998, the Sec-*
6 *retary shall submit to the Committee on National Security*
7 *of the House of Representatives and the Committee on*
8 *Armed Services of the Senate a report of the reforms adopt-*
9 *ed pursuant to this section or, in the case of any measure*
10 *specified in any of paragraphs (1) through (7) of subsection*
11 *(b) that was not adopted, the rationale why that measure*
12 *was not adopted.*

13 **SEC. 543. REQUIREMENT FOR CANDIDATES FOR ADMISSION**
14 **TO UNITED STATES NAVAL ACADEMY TO**
15 **TAKE OATH OF ALLEGIANCE.**

16 (a) *REQUIREMENT.—Section 6958 of title 10, United*
17 *States Code, is amended by adding at the end the following*
18 *new subsection:*

19 “(d) *To be admitted to the Naval Academy, an ap-*
20 *pointee must take and subscribe to an oath prescribed by*
21 *the Secretary of the Navy. If a candidate for admission re-*
22 *fuses to take and subscribe to the prescribed oath, the can-*
23 *didate’s appointment is terminated.”.*

1 (b) *EXCEPTION FOR MIDSHIPMEN FROM FOREIGN*
 2 *COUNTRIES.*—Section 6957 of such title is amended by add-
 3 *ing at the end the following new subsection:*

4 “(d) *A person receiving instruction under this section*
 5 *is not subject to section 6958(d) of this title.*”.

6 **SEC. 544. REIMBURSEMENT OF EXPENSES INCURRED FOR**
 7 **INSTRUCTION AT SERVICE ACADEMIES OF**
 8 **PERSONS FROM FOREIGN COUNTRIES.**

9 (a) *UNITED STATES MILITARY ACADEMY.*—Section
 10 *4344(b) of title 10, United States Code, is amended—*

11 (1) *in paragraph (2), by striking out the period*
 12 *at the end and inserting in lieu thereof the following:*

13 “, *except that the reimbursement rates may not be less*
 14 *than the cost to the United States of providing such*
 15 *instruction, including pay, allowances, and emolu-*
 16 *ments, to a cadet appointed from the United States.*”;

17 *and*

18 (2) *by adding at the end the following new para-*
 19 *graph:*

20 “(3) *The amount of reimbursement waived under*
 21 *paragraph (2) may not exceed 25 percent of the per-person*
 22 *reimbursement amount otherwise required to be paid by a*
 23 *foreign country under such paragraph, except in the case*
 24 *of not more than five persons receiving instruction at the*
 25 *Academy under this section at any one time.*”.

1 (b) *NAVAL ACADEMY*.—Section 6957(b) of such title is
2 amended—

3 (1) in paragraph (2), by striking out the period
4 at the end and inserting in lieu thereof the following:
5 “; except that the reimbursement rates may not be less
6 than the cost to the United States of providing such
7 instruction, including pay, allowances, and emolu-
8 ments, to a midshipman appointed from the United
9 States.”; and

10 (2) by adding at the end the following new para-
11 graph:

12 “(3) The amount of reimbursement waived under
13 paragraph (2) may not exceed 25 percent of the per-person
14 reimbursement amount otherwise required to be paid by a
15 foreign country under such paragraph, except in the case
16 of not more than five persons receiving instruction at the
17 Naval Academy under this section at any one time.”.

18 (c) *AIR FORCE ACADEMY*.—Section 9344(b) of such
19 title is amended—

20 (1) in paragraph (2), by striking out the period
21 at the end and inserting in lieu thereof the following:
22 “; except that the reimbursement rates may not be less
23 than the cost to the United States of providing such
24 instruction, including pay, allowances, and emolu-

1 *ments, to a cadet appointed from the United States.”;*

2 *and*

3 *(2) by adding at the end the following new para-*

4 *graph:*

5 *“(3) The amount of reimbursement waived under*

6 *paragraph (2) may not exceed 25 percent of the per-person*

7 *reimbursement amount otherwise required to be paid by a*

8 *foreign country under such paragraph, except in the case*

9 *of not more than five persons receiving instruction at the*

10 *Academy under this section at any one time.”.*

11 **SEC. 545. UNITED STATES NAVAL POSTGRADUATE SCHOOL.**

12 *(a) AUTHORITY TO ADMIT ENLISTED MEMBERS AS*

13 *STUDENTS.—Section 7045 of title 10, United States Code,*

14 *is amended—*

15 *(1) in subsection (a)—*

16 *(A) by inserting “(1)” after “(a)”;* and

17 *(B) by adding at the end the following new*

18 *paragraph:*

19 *“(2) The Secretary may permit an enlisted member*

20 *of the armed forces who is assigned to the Naval Post-*

21 *graduate School or to a nearby command to receive instruc-*

22 *tion at the Naval Postgraduate School. Admission of en-*

23 *listed members for instruction under this paragraph shall*

24 *be on a space-available basis.”;*

25 *(2) in subsection (b)—*

1 (A) by striking out “the students” and in-
2 serting in lieu thereof “officers”; and

3 (B) by adding at the end the following new
4 sentence: “In the case of an enlisted member per-
5 mitted to receive instruction at the Postgraduate
6 School, the Secretary of the Navy shall charge
7 that member only for such costs and fees as the
8 Secretary considers appropriate (taking into
9 consideration the admission of enlisted members
10 on a space-available basis).”; and

11 (3) in subsection (c)—

12 (A) by striking out “officers” both places it
13 appears and inserting in lieu thereof “members”;
14 and

15 (B) by striking out “the same regulations”
16 and inserting in lieu thereof “regulations, as de-
17 termined appropriate by the Secretary of the
18 Navy,”.

19 (b) *EXPANSION OF AUTHORITY TO ADMIT CIVILIANS*
20 *AS STUDENTS.*—Section 7047 of such title is amended to
21 *read as follows:*

22 “**§7047. Civilian students at institutions of higher**
23 **education: admission**

24 “(a) *ADMISSION ON TUITION-FREE, EXCHANGE*
25 *BASIS.*—(1) *The Secretary of the Navy may enter into an*

1 *agreement with an accredited institution of higher edu-*
2 *cation (or a consortium of such institutions) under which*
3 *students described in subsection (c) who are enrolled at that*
4 *institution (or an institution in such consortium) are per-*
5 *mitted to receive instruction at the Naval Postgraduate*
6 *School on a space-available, tuition-free basis in exchange*
7 *for which the institution of higher education (or each insti-*
8 *tution in the consortium) agrees to enroll, on a tuition-free*
9 *basis, officers of the armed forces or other persons properly*
10 *admitted for instruction at the Naval Postgraduate School.*

11 “(2) *Exchange of students under paragraph (1) need*
12 *not be on a one-for-one basis.*

13 “(3) *An exchange under such an agreement shall be*
14 *on the basis of in-kind reimbursement, with the total value*
15 *of the instruction provided during a year by the Naval Post-*
16 *graduate School to civilian students from the institutions*
17 *that are parties to the agreement being at least as great*
18 *as the value of instruction provided by those institutions*
19 *to students from the Naval Postgraduate School.*

20 “(4) *In determining the value of the in-kind reim-*
21 *bursement for the instruction provided by the Naval Post-*
22 *graduate School, the Secretary shall use the same amount*
23 *charged by the Secretary for the provision of the same in-*
24 *struction to a Federal employee who is not a Department*
25 *of Defense employee.*

1 “(5) *The authority of the Secretary to accept an offer*
2 *of in-kind reimbursement under this subsection may not be*
3 *delegated below the level of Assistant Secretary of the Navy.*

4 “(b) *ADMISSION ON COST-REIMBURSABLE BASIS.—(1)*
5 *The Secretary of the Navy may permit a student described*
6 *in subsection (c) who is enrolled at an accredited institution*
7 *of higher education that is a party to an agreement under*
8 *subsection (a) to receive instruction at the Naval Post-*
9 *graduate School on a cost-reimbursable, space-available*
10 *basis.*

11 “(2) *The Secretary shall ensure that the value of any*
12 *reimbursement received under this subsection in the case of*
13 *any such student is not less than the amount charged by*
14 *the Secretary for the provision of the same instruction to*
15 *a Federal employee who is not a Department of Defense*
16 *employee.*

17 “(c) *ELIGIBLE STUDENTS.—A student enrolled at an*
18 *accredited institution of higher education that is party to*
19 *an agreement under subsection (a) may be admitted to the*
20 *Naval Postgraduate School under subsection (a) or (b) if*
21 *the student—*

22 “(1) *is a citizen of the United States or is law-*
23 *fully admitted for permanent residence in the United*
24 *States;*

1 “(2) *has a demonstrated ability, as determined*
2 *by the Secretary of the Navy, in a field of study des-*
3 *ignated by the Secretary as related to naval warfare,*
4 *armed conflict, or national security; and*

5 “(3) *meets the academic requirements for the*
6 *course or courses for which the student seeks admis-*
7 *sion to the Naval Postgraduate School.*

8 “(d) *STANDARDS OF CONDUCT.—Except as the Sec-*
9 *retary of the Navy otherwise determines necessary, a person*
10 *receiving instruction under this section is subject to the*
11 *same regulations governing attendance, discipline, dismis-*
12 *sal, and standards of study as apply to students who are*
13 *officers of the naval service.*

14 “(e) *RETENTION OF FUNDS RECEIVED.—Amounts re-*
15 *ceived under subsection (b) to reimburse the Naval Post-*
16 *graduate School for the costs of providing instruction to stu-*
17 *dents permitted to attend the Naval Postgraduate School*
18 *under this section shall be credited to the current appro-*
19 *priation supporting the operation and maintenance of the*
20 *Naval Postgraduate School.”.*

21 “(c) *CLERICAL AMENDMENTS.—(1) The heading of sec-*
22 *tion 7045 of such title is amended to read as follows:*

1 **“§ 7045. Officers of the other armed forces; enlisted**
 2 **members: admission”.**

3 (2) *The table of sections at the beginning of chapter*
 4 *605 of such title is amended—*

5 (A) *by striking out the item relating to section*
 6 *7045 and inserting in lieu thereof the following:*

“7045. Officers of the other armed forces; enlisted members: admission.”;

7 *and*

8 (B) *by striking out the item relating to section*
 9 *7047 and inserting in lieu thereof the following:*

“7047. Civilian students at institutions of higher education: admission.”.

10 (d) *AMENDMENT TO REFLECT REVISED CIVIL SERV-*
 11 *ICE GRADE STRUCTURE.—Section 7043(b) of such title is*
 12 *amended by striking out “grade GS–18 of the General*
 13 *Schedule under section 5332 of title 5” and inserting in*
 14 *lieu thereof “level IV of the Executive Schedule”.*

15 **SEC. 546. AIR FORCE ACADEMY CADET FOREIGN EXCHANGE**
 16 **PROGRAM.**

17 (a) *EXCHANGE PROGRAM AUTHORIZED.—Chapter 903*
 18 *of title 10, United States Code, is amended by inserting*
 19 *after section 9344 the following new section:*

20 **“§9345. Exchange program with foreign military**
 21 **academies**

22 *“(a) EXCHANGE PROGRAM AUTHORIZED.—The Sec-*
 23 *retary of the Air Force may permit a student enrolled at*
 24 *a military academy of a foreign country to receive instruc-*

1 *tion at the Air Force Academy in exchange for an Air Force*
2 *cadet receiving instruction at that foreign military acad-*
3 *emy pursuant to an exchange agreement entered into be-*
4 *tween the Secretary and appropriate officials of the foreign*
5 *country. Students receiving instruction at the Academy*
6 *under the exchange program shall be in addition to persons*
7 *receiving instruction at the Academy under section 9344*
8 *of this title.*

9 “(b) *LIMITATIONS ON NUMBER AND DURATION OF EX-*
10 *CHANGES.—An exchange agreement under this section be-*
11 *tween the Secretary and a foreign country shall provide for*
12 *the exchange of students on a one-for-one basis each fiscal*
13 *year. Not more than 10 Air Force cadets and a comparable*
14 *number of students from all foreign military academies*
15 *participating in the exchange program may be exchanged*
16 *during any fiscal year. The duration of an exchange may*
17 *not exceed the equivalent of one academic semester at the*
18 *Air Force Academy.*

19 “(c) *COSTS AND EXPENSES.—(1) A student from a*
20 *military academy of a foreign country is not entitled to*
21 *the pay, allowances, and emoluments of an Air Force cadet*
22 *by reason of attendance at the Air Force Academy under*
23 *the exchange program, and the Department of Defense may*
24 *not incur any cost of international travel required for*

1 *transportation of such a student to and from the sponsoring*
2 *foreign country.*

3 “(2) *The Secretary may provide a student from a for-*
4 *foreign country under the exchange program, during the pe-*
5 *riod of the exchange, with subsistence, transportation with-*
6 *in the continental United States, clothing, health care, and*
7 *other services to the same extent that the foreign country*
8 *provides comparable support and services to the exchanged*
9 *Air Force cadet in that foreign country.*

10 “(3) *The Air Force Academy shall bear all costs of the*
11 *exchange program from funds appropriated for the Acad-*
12 *emy. Expenditures in support of the exchange program may*
13 *not exceed \$50,000 during any fiscal year.*

14 “(d) *APPLICATION OF OTHER LAWS.—Subsections (c)*
15 *and (d) of section 9344 of this title shall apply with respect*
16 *to a student enrolled at a military academy of a foreign*
17 *country while attending the Air Force Academy under the*
18 *exchange program.*

19 “(e) *REGULATIONS.—The Secretary shall prescribe*
20 *regulations to implement this section. Such regulations may*
21 *include qualification criteria and methods of selection for*
22 *students of foreign military academies to participate in the*
23 *exchange program.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
2 *the beginning of such chapter is amended by inserting after*
3 *the item relating to section 9344 the following new item:*

“9345. Exchange program with foreign military academies.”.

4 (c) *REPEAL OF OBSOLETE LIMITATION.*—*Section*
5 *9353(a) of such title is amended by striking out “After the*
6 *date of the accrediting of the Academy, the” and inserting*
7 *in lieu thereof “The”.*

8 **SEC. 547. TRAINING IN HUMAN RELATIONS MATTERS FOR**
9 **ARMY DRILL SERGEANT TRAINEES.**

10 (a) *HUMAN RELATIONS TRAINING REQUIRED.*—*The*
11 *Secretary of the Army shall include as part of the training*
12 *program for drill sergeants a course in human relations.*
13 *The course shall be a minimum of two days in duration.*

14 (b) *RESOURCES.*—*In developing a human relations*
15 *course under this section, the Secretary shall use the capa-*
16 *bilities and expertise of the Defense Equal Opportunity*
17 *Management Institute (DEOMI).*

18 (c) *EFFECTIVE DATE.*—*This section shall apply with*
19 *respect drill sergeant trainee classes that begin after the end*
20 *of the 90-day period beginning on the date of the enactment*
21 *of this Act.*

22 **SEC. 548. STUDY OF FEASIBILITY OF GENDER-SEGREGATED**
23 **BASIC TRAINING.**

24 *Not later than 180 days after the date of the enactment*
25 *of this Act, the Secretary of each military department shall*

1 *submit to Congress a report on gender-segregated basic*
2 *training. Each report shall give the views of the Secretary—*

3 (1) *on the feasibility and implications of con-*
4 *ducting basic training (or equivalent training) at the*
5 *company level and below through separate units for*
6 *male and female recruits, including the costs and*
7 *other resource commitments required to implement*
8 *and conduct basic training in such a manner and the*
9 *implications for readiness and unit cohesion; and*

10 (2) *assuming that basic training were to be con-*
11 *ducted as described in paragraph (1), on the feasibil-*
12 *ity and implications of requiring drill instructors for*
13 *basic training units to be of the same sex as the re-*
14 *cruits in those units.*

15 ***Subtitle F—Military Decorations***
16 ***and Awards***

17 ***SEC. 551. STUDY OF NEW DECORATIONS FOR INJURY OR***
18 ***DEATH IN LINE OF DUTY.***

19 (a) *DETERMINATION OF CRITERIA FOR NEW DECORA-*
20 *TION.—(1) The Secretary of Defense shall determine the ap-*
21 *propriate name, policy, award criteria, and design for two*
22 *possible new decorations.*

23 (2) *The first such decoration would, if implemented,*
24 *be awarded to members of the Armed Forces who, while*
25 *servng under competent authority in any capacity with*

1 *the Armed Forces, are killed or injured in the line of duty*
2 *as a result of noncombat circumstances occurring—*

3 *(A) as a result of an international terrorist at-*
4 *tack against the United States or a foreign nation*
5 *friendly to the United States;*

6 *(B) while engaged in, training for, or traveling*
7 *to or from a peacetime or contingency operation; or*

8 *(C) while engaged in, training for, or traveling*
9 *to or from service outside the territory of the United*
10 *States as part of a peacekeeping force.*

11 *(3) The second such decoration would, if implemented,*
12 *be awarded to civilian nationals of the United States who,*
13 *while serving under competent authority in any capacity*
14 *with the Armed Forces, are killed or injured in the line*
15 *of duty under circumstances which, if they were members*
16 *of the Armed Forces, would qualify them for award of the*
17 *Purple Heart or the medal described in paragraph (2).*

18 *(b) LIMITATION ON IMPLEMENTATION.—Any such*
19 *decoration may only be implemented as provided by a law*
20 *enacted after the date of the enactment of this Act.*

21 *(c) RECOMMENDATION TO CONGRESS.—Not later than*
22 *July 31, 1998, the Secretary shall submit to Congress a leg-*
23 *islative proposal that would, if enacted, establish the new*
24 *decorations developed pursuant to subsection (a). The Sec-*
25 *retary shall include with that proposal the Secretary's rec-*

1 *ommendation concerning the need for, and propriety of,*
2 *each of the decorations.*

3 (d) *COORDINATION.*—*The Secretary shall carry out*
4 *this section in coordination with the Secretaries of the mili-*
5 *tary departments and the Secretary of Transportation with*
6 *regard to the Coast Guard.*

7 **SEC. 552. PURPLE HEART TO BE AWARDED ONLY TO MEM-**
8 **BERS OF THE ARMED FORCES.**

9 (a) *IN GENERAL.*—(1) *Chapter 57 of title 10, United*
10 *States Code, is amended by adding at the end the following*
11 *new section:*

12 **“§1131. Purple Heart: limitation to members of the**
13 **armed forces**

14 *“The decoration known as the Purple Heart (author-*
15 *ized to be awarded pursuant to Executive Order 11016)*
16 *may only be awarded to a person who is a member of the*
17 *armed forces at the time the person is killed or wounded*
18 *under circumstances otherwise qualifying that person for*
19 *award of the Purple Heart.”.*

20 (2) *The table of sections at the beginning of such chap-*
21 *ter is amended by adding at the end the following new item:*

“1131. Purple Heart: limitation to members of the armed forces.”.

22 (b) *EFFECTIVE DATE.*—*Section 1131 of title 10, Unit-*
23 *ed States Code, as added by subsection (a), shall apply with*
24 *respect to persons who are killed or wounded after the end*

1 *of the 180-day period beginning on the date of the enact-*
2 *ment of this Act.*

3 **SEC. 553. ELIGIBILITY FOR ARMED FORCES EXPEDITION-**
4 **ARY MEDAL FOR PARTICIPATION IN OPER-**
5 **ATION JOINT ENDEAVOR OR OPERATION**
6 **JOINT GUARD.**

7 (a) *INCLUSION OF OPERATIONS.*—*For the purpose of*
8 *determining the eligibility of members and former members*
9 *of the Armed Forces for the Armed Forces Expeditionary*
10 *Medal, the Secretary of Defense shall designate participa-*
11 *tion in Operation Joint Endeavor or Operation Joint*
12 *Guard in the Republic of Bosnia and Herzegovina, and in*
13 *such other areas in the region as the Secretary considers*
14 *appropriate, as service in an area that meets the general*
15 *requirements for the award of that medal.*

16 (b) *INDIVIDUAL DETERMINATION.*—*The Secretary of*
17 *the military department concerned shall determine whether*
18 *individual members or former members of the Armed Forces*
19 *who participated in Operation Joint Endeavor or Oper-*
20 *ation Joint Guard meet the individual service requirements*
21 *for award of the Armed Forces Expeditionary Medal as es-*
22 *tablished in applicable regulations. A member or former*
23 *member shall be considered to have participated in Oper-*
24 *ation Joint Endeavor or Operation Joint Guard if the*
25 *member—*

1 (1) *was deployed in the Republic of Bosnia and*
2 *Herzegovina, or in such other area in the region as*
3 *the Secretary of Defense considers appropriate, in di-*
4 *rect support of one or both of the operations;*

5 (2) *served on board a United States naval vessel*
6 *operating in the Adriatic Sea in direct support of one*
7 *or both of the operations; or*

8 (3) *operated in airspace above the Republic of*
9 *Bosnia and Herzegovina, or in such other area in the*
10 *region as the Secretary of Defense considers appro-*
11 *priate, while the operations were in effect.*

12 (c) *OPERATIONS DEFINED.—For purposes of this sec-*
13 *tion:*

14 (1) *The term “Operation Joint Endeavor” means*
15 *operations of the United States Armed Forces con-*
16 *ducted in the Republic of Bosnia and Herzegovina*
17 *during the period beginning on November 20, 1995,*
18 *and ending on December 20, 1996, to assist in imple-*
19 *menting the General Framework Agreement and Asso-*
20 *ciated Annexes, initialed on November 21, 1995, in*
21 *Dayton, Ohio.*

22 (2) *The term “Operation Joint Guard” means*
23 *operations of the United States Armed Forces con-*
24 *ducted in the Republic of Bosnia and Herzegovina as*
25 *a successor to Operation Joint Endeavor during the*

1 *period beginning on December 20, 1996, and ending*
2 *on such date as the Secretary of Defense may des-*
3 *ignate.*

4 **SEC. 554. WAIVER OF TIME LIMITATIONS FOR AWARD OF**
5 **CERTAIN DECORATIONS TO SPECIFIED PER-**
6 **SONS.**

7 (a) *WAIVER OF TIME LIMITATION.*—*Any limitation es-*
8 *tablished by law or policy for the time within which a rec-*
9 *ommendation for the award of a military decoration or*
10 *award must be submitted shall not apply in the case of*
11 *awards of decorations described in subsections (b), (c), and*
12 *(d), the award of each such decoration having been deter-*
13 *mined by the Secretary of the military department con-*
14 *cerned to be warranted in accordance with section 1130 of*
15 *title 10, United States Code.*

16 (b) *SILVER STAR MEDAL.*—*Subsection (a) applies to*
17 *the award of the Silver Star Medal as follows:*

18 (1) *To Joseph M. Moll, Jr. of Milford, New Jer-*
19 *sey, for service during World War II.*

20 (2) *To Philip Yolinsky of Hollywood, Florida,*
21 *for service during the Korean Conflict.*

22 (c) *NAVY AND MARINE CORPS MEDAL.*—*Subsection (a)*
23 *applies to the award of the Navy and Marine Corps Medal*
24 *to Gary A. Gruenwald of Damascus, Maryland, for service*
25 *in Tunisia in October 1977.*

1 (d) *DISTINGUISHED FLYING CROSS*.—Subsection (a)
2 *applies to awards of the Distinguished Flying Cross for*
3 *service during World War II or Korea (including multiple*
4 *awards to the same individual) in the case of each individ-*
5 *ual concerning whom the Secretary of the Navy (or an offi-*
6 *cer of the Navy acting on behalf of the Secretary) submitted*
7 *to the Committee on National Security of the House of Rep-*
8 *resentatives and the Committee on Armed Services of the*
9 *Senate, before the date of the enactment of this Act, a notice*
10 *as provided in section 1130(b) of title 10, United States*
11 *Code, that the award of the Distinguished Flying Cross to*
12 *that individual is warranted and that a waiver of time re-*
13 *strictions prescribed by law for recommendation for such*
14 *award is recommended.*

15 ***Subtitle G—Other Matters***

16 ***SEC. 561. SUSPENSION OF TEMPORARY EARLY RETIREMENT***

17 ***AUTHORITY.***

18 *Notwithstanding subsection (i) of section 4403 of the*
19 *National Defense Authorization Act for Fiscal Year 1993*
20 *(Public Law 102–484; 10 U.S.C. 1293 note), the Secretary*
21 *of a military department may not use the authority pro-*
22 *vided under such section to retire a member of the Armed*
23 *Forces during fiscal year 1998.*

1 **SEC. 562. TREATMENT OF EDUCATIONAL ACCOMPLISH-**
2 **MENTS OF NATIONAL GUARD CHALLENGE**
3 **PROGRAM PARTICIPANTS.**

4 *Section 509 of title 32, United States Code, as added*
5 *by section 1057, is amended by adding at the end of sub-*
6 *section (f) the following new paragraph:*

7 *“(3) In the case of a person who is selected for training*
8 *in a State program conducted under the National Guard*
9 *Challenge Program and who obtains a general education*
10 *diploma in connection with such training, the general edu-*
11 *cation diploma shall be treated as equivalent to a high*
12 *school diploma for purposes of determining the eligibility*
13 *of the person for enlistment in the armed forces.”.*

14 **SEC. 563. AUTHORITY FOR PERSONNEL TO PARTICIPATE IN**
15 **MANAGEMENT OF CERTAIN NON-FEDERAL**
16 **ENTITIES.**

17 *(a) MILITARY PERSONNEL.—(1) Chapter 53 of title 10,*
18 *United States Code, is amended by inserting after section*
19 *1032 the following new section:*

20 **“§1033. Participation in management of specified**
21 **non-Federal entities: authorized activities**

22 *“(a) AUTHORIZATION.—The Secretary concerned may*
23 *authorize a member of the armed forces under the Sec-*
24 *retary’s jurisdiction, as part of that member’s official du-*
25 *ties, to serve without compensation as a director, officer,*
26 *or trustee, or to otherwise participate, in the management*

1 of an entity designated under subsection (b). Any such au-
2 thorization shall be made on a case-by-case basis, for a par-
3 ticular member to participate in a specific capacity with
4 a specific designated entity. Such authorization may be
5 made only for the purpose of providing oversight and advice
6 to, and coordination with, the designated entity, and par-
7 ticipation of the member in the activities of the designated
8 entity may not extend to participation in the day-to-day
9 operations of the entity.

10 “(b) *DESIGNATED ENTITIES.*—(1) *The Secretary of*
11 *Defense, and the Secretary of Transportation in the case*
12 *of the Coast Guard when it is not operating as a service*
13 *in the Navy, shall designate those entities for which author-*
14 *ization under subsection (a) may be provided. The list of*
15 *entities so designated may not be revised more frequently*
16 *than semiannually. In making such designations, the Sec-*
17 *retary shall designate each military welfare society and*
18 *may designate any other entity described in paragraph (3).*
19 *No other entities may be designated.*

20 “(2) *In this section, the term ‘military welfare society’*
21 *means the following:*

22 “(A) *Army Emergency Relief.*

23 “(B) *Air Force Aid Society, Inc.*

24 “(C) *Navy-Marine Corps Relief Society.*

25 “(D) *Coast Guard Mutual Assistance.*

1 “(3) *An entity described in this paragraph is an entity*
2 *that—*

3 “(A) *regulates and supports the athletic pro-*
4 *grams of the service academies (including athletic*
5 *conferences);*

6 “(B) *regulates international athletic competi-*
7 *tions;*

8 “(C) *accredits service academies and other*
9 *schools of the armed forces (including regional accred-*
10 *iting agencies); or*

11 “(D)(i) *regulates the performance, standards,*
12 *and policies of military health care (including health*
13 *care associations and professional societies), and (ii)*
14 *has designated the position or capacity in that entity*
15 *in which a member of the armed forces may serve if*
16 *authorized under subsection (a).*

17 “(c) *PUBLICATION OF DESIGNATED ENTITIES AND OF*
18 *AUTHORIZED PERSONS.—A designation of an entity under*
19 *subsection (b), and an authorization under subsection (a)*
20 *of a member of the armed forces to participate in the man-*
21 *agement of such an entity, shall be published in the Federal*
22 *Register.*

23 “(d) *REGULATIONS.—The Secretary of Defense, and*
24 *the Secretary of Transportation in the case of the Coast*

1 *Guard when it is not operating as a service in the Navy,*
2 *shall prescribe regulations to carry out this section.”.*

3 (2) *The table of sections at the beginning of such chap-*
4 *ter is amended by inserting after the item relating to section*
5 *1032 the following new item:*

“1033. Participation in management of specified non-Federal entities: authorized activities.”.

6 (b) *CIVILIAN PERSONNEL.—(1) Chapter 81 of such*
7 *title is amended by inserting after section 1588 the follow-*
8 *ing new section:*

9 **“§1589. Participation in management of specified**
10 ***non-Federal entities: authorized activities***

11 *“(a) AUTHORIZATION.—(1) The Secretary concerned*
12 *may authorize an employee described in paragraph (2), as*
13 *part of that employee’s official duties, to serve without com-*
14 *pensation as a director, officer, or trustee, or to otherwise*
15 *participate, in the management of an entity designated*
16 *under subsection (b). Any such authorization shall be made*
17 *on a case-by-case basis, for a particular employee to par-*
18 *ticipate in a specific capacity with a specific designated*
19 *entity. Such authorization may be made only for the pur-*
20 *pose of providing oversight and advice to, and coordination*
21 *with, the designated entity, and participation of the em-*
22 *ployee in the activities of the designated entity may not*
23 *extend to participation in the day-to-day operations of the*
24 *entity.*

1 “(2) Paragraph (1) applies to any employee of the De-
2 partment of Defense or, in the case of the Coast Guard when
3 not operating as a service in the Navy, of the Department
4 of Transportation. For purposes of this section, the term
5 ‘employee’ includes a civilian officer.

6 “(b) *DESIGNATED ENTITIES*.—(1) The Secretary of
7 Defense, and the Secretary of Transportation in the case
8 of the Coast Guard when it is not operating as a service
9 in the Navy, shall designate those entities for which author-
10 ization under subsection (a) may be provided. The list of
11 entities so designated may not be revised more frequently
12 than semiannually. In making such designations, the Sec-
13 retary shall designate each military welfare society and
14 may designate any other entity described in paragraph (3).
15 No other entities may be designated.

16 “(2) In this section, the term ‘military welfare society’
17 means the following:

18 “(A) *Army Emergency Relief*.

19 “(B) *Air Force Aid Society, Inc.*

20 “(C) *Navy-Marine Corps Relief Society*.

21 “(D) *Coast Guard Mutual Assistance*.

22 “(3) An entity described in this paragraph is an entity
23 that—

1 “(A) regulates and supports the athletic pro-
2 grams of the service academies (including athletic
3 conferences);

4 “(B) regulates international athletic competi-
5 tions;

6 “(C) accredits service academies and other
7 schools of the armed forces (including regional accred-
8 iting agencies); or

9 “(D)(i) regulates the performance, standards,
10 and policies of military health care (including health
11 care associations and professional societies), and (ii)
12 has designated the position or capacity in that entity
13 in which a Federal employee described in subsection
14 (a)(2) may serve if authorized under subsection (a).

15 “(c) *PUBLICATION OF DESIGNATED ENTITIES AND OF*
16 *AUTHORIZED PERSONS.*—A designation of an entity under
17 subsection (b), and an authorization under subsection (a)
18 of an employee to participate in the management of such
19 an entity, shall be published in the Federal Register.

20 “(d) *CIVILIANS OUTSIDE THE MILITARY DEPART-*
21 *MENTS.*—In this section, the term ‘Secretary concerned’ in-
22 cludes the Secretary of Defense with respect to employees
23 of the Department of Defense who are not employees of a
24 military department.

1 “(e) *REGULATIONS.*—*The Secretary of Defense, and*
2 *the Secretary of Transportation in the case of the Coast*
3 *Guard when it is not operating as a service in the Navy,*
4 *shall prescribe regulations to carry out this section.”.*

5 (2) *The table of sections at the beginning of such chap-*
6 *ter is amended by inserting after the item relating to section*
7 *1588 the following new item:*

“1589. Participation in management of specified non-Federal entities: authorized activities.”.

8 **SEC. 564. CREW REQUIREMENTS OF WC-130J AIRCRAFT.**

9 (a) *STUDY.*—*The Secretary of the Air Force shall con-*
10 *duct a study of the crew requirements for WC-130J aircraft*
11 *engaged in the aerial weather reconnaissance mission in-*
12 *volving the eyewall penetration of tropical cyclones. The*
13 *study shall involve the operation of WC-130J aircraft in*
14 *weather reconnaissance missions configured to carry five*
15 *crewmembers, including a navigator. The study shall in-*
16 *clude the participation of members of the Armed Forces as-*
17 *signed to units currently engaged in weather reconnaissance*
18 *operations.*

19 (b) *REPORT.*—*The Secretary shall submit to Congress*
20 *a report on the results of the study. The report shall include*
21 *the views of members of the Armed Forces assigned to units*
22 *currently engaged in weather reconnaissance operations*
23 *who participated in the study.*

1 (c) *LIMITATION ON REVISION TO PERSONNEL RE-*
2 *QUIREMENTS.*—*The Secretary of the Air Force may not re-*
3 *duce the personnel requirement levels of units that, as of*
4 *the date of the enactment of this Act, are engaged in weather*
5 *reconnaissance operations involving the eyewall penetration*
6 *of tropical cyclones, including requirements for navigators,*
7 *below the requirements established for those units as of Octo-*
8 *ber 1, 1997, until the end of the six-month period beginning*
9 *on the date on which the report required under subsection*
10 *(b) is submitted to Congress.*

11 **SEC. 565. COMPTROLLER GENERAL STUDY OF DEPARTMENT**
12 **OF DEFENSE CIVIL MILITARY PROGRAMS.**

13 (a) *STUDY REQUIRED.*—*The Comptroller General*
14 *shall conduct a study to evaluate the following:*

15 (1) *The nature, extent, and cost to the Depart-*
16 *ment of Defense of the support and services being pro-*
17 *vided by units and members of the Armed Forces to*
18 *non-Department of Defense organizations and activi-*
19 *ties under the authority of section 2012 of title 10,*
20 *United States Code.*

21 (2) *The degree to which the Armed Forces are in*
22 *compliance with the requirements of such section in*
23 *the provision of such support and services, especially*
24 *the requirements that the assistance meet specific re-*
25 *quirements relative to military training and that the*

1 assistance provided be incidental to military train-
2 ing.

3 (3) The degree to which the regulations and pro-
4 cedures for implementing such section, as required by
5 subsection (f) of such section, are consistent with the
6 requirements of such section.

7 (4) The effectiveness of the Secretary of Defense
8 and the Secretaries of the military departments in
9 conducting oversight of the implementation of such
10 section, and the provision of such support and serv-
11 ices under such section, to ensure compliance with the
12 requirements of such section.

13 (b) *SUBMISSION OF REPORT.*—Not later than March
14 31, 1998, the Comptroller General shall submit to Congress
15 a report containing the results of the study required by sub-
16 section (a).

17 **SEC. 566. TREATMENT OF PARTICIPATION OF MEMBERS IN**
18 **DEPARTMENT OF DEFENSE CIVIL MILITARY**
19 **PROGRAMS.**

20 Section 2012 of title 10, United States Code, is amend-
21 ed—

22 (1) by redesignating subsections (g) and (h) as
23 subsections (h) and (i), respectively; and

24 (2) by inserting after subsection (f) the following
25 new subsection:

1 “(g) *TREATMENT OF MEMBER’S PARTICIPATION IN*
2 *PROVISION OF SUPPORT OR SERVICES.—(1) The Secretary*
3 *of a military department may not require or request a*
4 *member of the armed forces to submit for consideration by*
5 *a selection board (including a promotion board, command*
6 *selection board, or any other kind of selection board) evi-*
7 *dence of the member’s participation in the provision of sup-*
8 *port and services to non-Department of Defense organiza-*
9 *tions and activities under this section or the member’s in-*
10 *volvement in, or support of, other community relations and*
11 *public affairs activities of the armed forces. A selection*
12 *board may not evaluate a member on the basis of the mem-*
13 *ber’s participation or involvement in, or support of, such*
14 *support, services, or activities.*

15 “(2) *Paragraph (1) shall not apply with respect to the*
16 *following members:*

17 “(A) *A member who is in a public affairs career*
18 *field.*

19 “(B) *A member who is not in a public affairs*
20 *career field, but who is serving, at the time the mem-*
21 *ber is considered by a selection board, in a public af-*
22 *airs position specified in service authorization docu-*
23 *ments or who served in such a position within three*
24 *years before being considered by a selection board.”.*

1 **SEC. 567. CONTINUATION OF SUPPORT TO SENIOR MILI-**
2 **TARY COLLEGES.**

3 (a) *DEFINITION OF SENIOR MILITARY COLLEGES.*—
4 *For purposes of this section, the term “senior military col-*
5 *leges” means the following:*

6 (1) *Texas A&M University.*

7 (2) *Norwich University.*

8 (3) *The Virginia Military Institute.*

9 (4) *The Citadel.*

10 (5) *Virginia Polytechnic Institute and State*
11 *University.*

12 (6) *North Georgia College and State University.*

13 (b) *FINDINGS.*—*Congress finds the following:*

14 (1) *The senior military colleges consistently have*
15 *provided substantial numbers of highly qualified,*
16 *long-serving leaders to the Armed Forces.*

17 (2) *The quality of the military leaders produced*
18 *by the senior military colleges is, in part, the result*
19 *of the rigorous military environment imposed on stu-*
20 *dents attending the senior military colleges by the col-*
21 *leges, as well as the result of the long-standing close*
22 *support relationship between the Corps of Cadets at*
23 *each college and the Reserve Officer Training Corps*
24 *personnel at the colleges who serve as effective leader-*
25 *ship role models and mentors.*

1 (3) *In recognition of the quality of the young*
2 *leaders produced by the senior military colleges, the*
3 *Department of Defense and the military services have*
4 *traditionally maintained special relationships with*
5 *the colleges, including the policy to grant active duty*
6 *service in the Army to graduates of the colleges who*
7 *desire such service and who are recommended for such*
8 *service by their ROTC professors of military science.*

9 (4) *Each of the senior military colleges has dem-*
10 *onstrated an ability to adapt its systems and oper-*
11 *ations to changing conditions in, and requirements of,*
12 *the Armed Forces without compromising the quality*
13 *of leaders produced and without interruption of the*
14 *close relationship between the colleges and the Depart-*
15 *ment of Defense.*

16 (c) *SENSE OF CONGRESS.—In light of the findings in*
17 *subsection (b), it is the sense of Congress that—*

18 (1) *the proposed initiative of the Secretary of the*
19 *Army to end the commitment to active duty service*
20 *for all graduates of senior military colleges who desire*
21 *such service and who are recommended for such serv-*
22 *ice by their ROTC professors of military science is*
23 *short-sighted and contrary to the long-term interests*
24 *of the Army;*

1 (2) *as they have in the past, the senior military*
2 *colleges can and will continue to accommodate to*
3 *changing military requirements to ensure that future*
4 *graduates entering military service continue to be of-*
5 *icers of superb quality who are quickly assimilated*
6 *by the Armed Forces and fully prepared to make sig-*
7 *nificant contributions to the Armed Forces through*
8 *extended military careers; and*

9 (3) *decisions of the Secretary of Defense or the*
10 *Secretary of a military department that fundamen-*
11 *tally and unilaterally change the long-standing rela-*
12 *tionship of the Armed Forces with the senior military*
13 *colleges are not in the best interests of the Department*
14 *of Defense or the Armed Forces and are patently un-*
15 *fair to students who made decisions to enroll in the*
16 *senior military colleges on the basis of existing De-*
17 *partment and Armed Forces policy.*

18 (d) *CONTINUATION OF SUPPORT FOR SENIOR MILI-*
19 *TARY COLLEGES.—Section 2111a of title 10, United States*
20 *Code, is amended—*

21 (1) *by redesignating subsection (d) as subsection*
22 *(g); and*

23 (2) *by inserting after subsection (c) the following*
24 *new subsections:*

1 “(d) *ADDITIONAL SUPPORT.—(1) The Secretaries of*
2 *the military departments shall ensure that each unit of the*
3 *Senior Reserve Officers’ Training Corps at a senior mili-*
4 *tary college provides support to the Corps of Cadets at the*
5 *college over and above the level of support associated with*
6 *the conduct of the formal Senior Reserve Officers’ Training*
7 *Corps course of instruction.*

8 “(2) *This additional support shall include the follow-*
9 *ing:*

10 “(A) *Mentoring, teaching, coaching, counseling*
11 *and advising cadets and cadet leaders in the areas of*
12 *leadership, military, and academic performance.*

13 “(B) *Involvement in cadet leadership training,*
14 *development, and evaluation, as well as drill, cere-*
15 *monies, parades, and inspections.*

16 “(3) *This additional support may include the follow-*
17 *ing:*

18 “(A) *Advising cadet teams, clubs, and organiza-*
19 *tions.*

20 “(B) *Involvement in matters of discipline and*
21 *administration of the Corps of Cadets so long as such*
22 *involvement does not interfere with the conduct of the*
23 *formal Senior Reserve Officers’ Training Corps course*
24 *of instruction or the support required by paragraph*
25 *(2).*

1 “(e) *TERMINATION OR REDUCTION OF PROGRAM PRO-*
2 *HIBITED.*—*The Secretary of Defense and the Secretaries of*
3 *the military departments may not take or authorize any*
4 *action to terminate or reduce a unit of the Senior Reserve*
5 *Officers’ Training Corps at a senior military college unless*
6 *the termination or reduction is specifically requested by the*
7 *college.*

8 “(f) *ASSIGNMENT TO ACTIVE DUTY.*—(1) *The Sec-*
9 *retary of the Army shall ensure that a graduate of a senior*
10 *military college who desires to serve as a commissioned offi-*
11 *cer on active duty upon graduation from the college, who*
12 *is medically and physically qualified for active duty, and*
13 *who is recommended for such duty by the professor of mili-*
14 *tary science at the college, shall be assigned to active duty.*
15 *This paragraph shall apply to a member of the program*
16 *at a senior military college who graduates from the college*
17 *after March 31, 1997.*

18 “(2) *Nothing in this section shall be construed to pro-*
19 *hibit the Secretary of the Army from requiring a member*
20 *of the program who graduates from a senior military college*
21 *to serve on active duty.”.*

22 “(e) *TECHNICAL CORRECTIONS.*—*Subsection (g) of such*
23 *section, as redesignated by subsection (d)(1), is amended—*

24 (1) *in paragraph (2), by striking out “College”*
25 *and inserting in lieu thereof “University”; and*

1 (2) *in paragraph (6), by inserting before the pe-*
 2 *riod the following: “and State University”.*

3 (f) *CLERICAL AMENDMENTS.—(1) The heading of such*
 4 *section is amended to read as follows:*

5 **“§2111a. Support for senior military colleges”.**

6 (2) *The item relating to such section in the table of*
 7 *sections at the beginning of chapter 103 of title 10, United*
 8 *States Code, is amended to read as follows:*

“2111a. Support for senior military colleges.”.

9 **SEC. 568. RESTORATION OF MISSING PERSONS AUTHORI-**
 10 **TIES APPLICABLE TO DEPARTMENT OF DE-**
 11 **FENSE AS IN EFFECT BEFORE ENACTMENT OF**
 12 **NATIONAL DEFENSE AUTHORIZATION ACT**
 13 **FOR FISCAL YEAR 1997.**

14 (a) *APPLICABILITY TO DEPARTMENT OF DEFENSE CI-*
 15 *VILIAN EMPLOYEES AND CONTRACTOR EMPLOYEES.—(1)*
 16 *Section 1501 of title 10, United States Code, is amended—*

17 (A) *by striking out subsection (c) and inserting*
 18 *in lieu thereof the following:*

19 “(c) *COVERED PERSONS.—Section 1502 of this title*
 20 *applies in the case of the following persons:*

21 “(1) *Any member of the armed forces on active*
 22 *duty who becomes involuntarily absent as a result of*
 23 *a hostile action, or under circumstances suggesting*
 24 *that the involuntary absence is a result of a hostile*

1 *action, and whose status is undetermined or who is*
2 *unaccounted for.*

3 “(2) *Any civilian employee of the Department of*
4 *Defense, and any employee of a contractor of the De-*
5 *partment of Defense, who serves with or accompanies*
6 *the armed forces in the field under orders who be-*
7 *comes involuntarily absent as a result of a hostile ac-*
8 *tion, or under circumstances suggesting that the in-*
9 *voluntary absence is a result of a hostile action, and*
10 *whose status is undetermined or who is unaccounted*
11 *for.”, and*

12 *(B) by adding at the end the following new sub-*
13 *section:*

14 “(f) *SECRETARY CONCERNED.—In this chapter, the*
15 *term ‘Secretary concerned’ includes, in the case of a civilian*
16 *employee of the Department of Defense or contractor of the*
17 *Department of Defense, the Secretary of the military de-*
18 *partment or head of the element of the Department of De-*
19 *fense employing the employee or contracting with the con-*
20 *tractor, as the case may be.”.*

21 *(2) Section 1503(c) of such title is amended—*

22 *(A) in paragraph (1), by striking out “one mili-*
23 *tary officer” and inserting in lieu thereof “one indi-*
24 *vidual described in paragraph (2)”;*

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

3 (C) by inserting after paragraph (1) the follow-
4 ing new paragraph (2):

5 “(2) An individual referred to in paragraph (1) is the
6 following:

7 “(A) A military officer, in the case of an inquiry
8 with respect to a member of the armed forces.

9 “(B) A civilian, in the case of an inquiry with
10 respect to a civilian employee of the Department of
11 Defense or of a contractor of the Department of De-
12 fense.”.

13 (3) Section 1504(d) of such title is amended—

14 (A) in paragraph (1), by striking out “who are
15 and all the follows in that paragraph and inserting
16 in lieu thereof “as follows:

17 “(A) In the case of a board that will inquire into
18 the whereabouts and status of one or more members
19 of the armed forces (and no civilians described in sub-
20 paragraph (B)), the board shall be composed of offi-
21 cers having the grade of major or lieutenant com-
22 mander or above.

23 “(B) In the case of a board that will inquire into
24 the whereabouts and status of one or more civilian
25 employees of the Department of Defense or contractors

1 of the Department of Defense (and no members of the
2 armed forces), the board shall be composed of—

3 “(i) not less than three employees of the De-
4 partment of Defense whose rate of annual pay is
5 equal to or greater than the rate of annual pay
6 payable for grade GS-13 of the General Schedule
7 under section 5332 of title 5; and

8 “(ii) such members of the armed forces as
9 the Secretary considers advisable.

10 “(C) In the case of a board that will inquire into
11 the whereabouts and status of both one or more mem-
12 bers of the armed forces and one or more civilians de-
13 scribed in subparagraph (B)—

14 “(i) the board shall include at least one offi-
15 cer described in subparagraph (A) and at least
16 one employee of the Department of Defense de-
17 scribed in subparagraph (B)(i); and

18 “(ii) the ratio of such officers to such em-
19 ployees on the board shall be roughly propor-
20 tional to the ratio of the number of members of
21 the armed forces who are subjects of the board’s
22 inquiry to the number of civilians who are sub-
23 jects of the board’s inquiry.”; and

1 (B) in paragraph (4), by striking out “section
2 1503(c)(3)” and inserting in lieu thereof “section
3 1503(c)(4)”.

4 (4) Paragraph (1) of section 1513 of such title is
5 amended to read as follows:

6 “(1) The term ‘missing person’ means—

7 “(A) a member of the armed forces on active
8 duty who is in a missing status; or

9 “(B) a civilian employee of the Department
10 of Defense or an employee of a contractor of the
11 Department of Defense who serves with or ac-
12 companies the armed forces in the field under or-
13 ders and who is in a missing status.”.

14 (b) *REPORT ON PRELIMINARY ASSESSMENT OF STA-*
15 *TUS.—(1) Section 1502 of such title is amended—*

16 (A) in subsection (a)(2)—

17 (i) by striking out “10 days” and inserting
18 in lieu thereof “48 hours”; and

19 (ii) by striking out “Secretary concerned”
20 and inserting in lieu thereof “theater component
21 commander with jurisdiction over the missing
22 person”;

23 (B) by redesignating subsection (b) as subsection
24 (c);

1 (C) by inserting after subsection (a) the follow-
2 ing new subsection (b):

3 “(b) *TRANSMISSION THROUGH THEATER COMPONENT*
4 *COMMANDER.*—Upon reviewing a report under subsection
5 (a) recommending that a person be placed in a missing
6 status, the theater component commander shall ensure that
7 all necessary actions are being taken, and all appropriate
8 assets are being used, to resolve the status of the missing
9 person. Not later than 14 days after receiving the report,
10 the theater component commander shall forward the report
11 to the Secretary of Defense or the Secretary concerned in
12 accordance with procedures prescribed under section
13 1501(b) of this title. The theater component commander
14 shall include with such report a certification that all nec-
15 essary actions are being taken, and all appropriate assets
16 are being used, to resolve the status of the missing person.”;
17 and

18 (D) in subsection (c), as redesignated by sub-
19 paragraph (B), by adding at the end the following
20 new sentence: “The theater component commander
21 through whom the report with respect to the missing
22 person is transmitted under subsection (b) shall en-
23 sure that all pertinent information relating to the
24 whereabouts and status of the missing person that re-
25 sults from the preliminary assessment or from actions

1 *taken to locate the person is properly safeguarded to*
2 *avoid loss, damage, or modification.”.*

3 (2) *Section 1503(a) of such title is amended by strik-*
4 *ing out “section 1502(a)”, and inserting in lieu thereof*
5 *“section 1502(b)”.*

6 (3) *Section 1513 of such title is amended by adding*
7 *at the end the following new paragraph:*

8 *“(8) The term ‘theater component commander’*
9 *means, with respect to any of the combatant com-*
10 *mands, an officer of any of the armed forces who (A)*
11 *is commander of all forces of that armed force as-*
12 *signed to that combatant command, and (B) is di-*
13 *rectly subordinate to the commander of the combatant*
14 *command.”.*

15 (c) *FREQUENCY OF SUBSEQUENT REVIEWS.—Sub-*
16 *section (b) of section 1505 of such title is amended to read*
17 *as follows:*

18 *“(b) FREQUENCY OF SUBSEQUENT REVIEWS.—(1) In*
19 *the case of a missing person who was last known to be alive*
20 *or who was last suspected of being alive, the Secretary shall*
21 *appoint a board to conduct an inquiry with respect to a*
22 *person under this subsection—*

23 *“(A) on or about three years after the date of the*
24 *initial report of the disappearance of the person*
25 *under section 1502(a) of this title; and*

1 “(B) not later than every three years thereafter.

2 “(2) In addition to appointment of boards under para-
3 graph (1), the Secretary shall appoint a board to conduct
4 an inquiry with respect to a missing person under this sub-
5 section upon receipt of information that could result in a
6 change of status of the missing person. When the Secretary
7 appoints a board under this paragraph, the time for subse-
8 quent appointments of a board under paragraph (1)(B)
9 shall be determined from the date of the receipt of such in-
10 formation.

11 “(3) The Secretary is not required to appoint a board
12 under paragraph (1) with respect to the disappearance of
13 any person—

14 “(A) more than 30 years after the initial report
15 of the disappearance of the missing person required
16 by section 1502 of this title; or

17 “(B) if, before the end of such 30-year period, the
18 missing person is accounted for.”.

19 (d) *PENALTIES FOR WRONGFUL WITHHOLDING OF IN-*
20 *FORMATION.*—Section 1506 of such title is amended—

21 (1) by redesignating subsection (e) as subsection
22 (f); and

23 (2) by inserting after subsection (d) the following
24 new subsection (e):

1 “(e) *WRONGFUL WITHHOLDING.*—*Except as provided*
2 *in subsections (a) through (d), any person who knowingly*
3 *and willfully withholds from the personnel file of a missing*
4 *person any information relating to the disappearance or*
5 *whereabouts and status of a missing person shall be fined*
6 *as provided in title 18 or imprisoned not more than one*
7 *year, or both.*”.

8 (e) *INFORMATION TO ACCOMPANY RECOMMENDATION*
9 *OF STATUS OF DEATH.*—*Section 1507(b) of such title is*
10 *amended adding at the end the following new paragraphs:*

11 “(3) *A description of the location of the body, if*
12 *recovered.*

13 “(4) *If the body has been recovered and is not*
14 *identifiable through visual means, a certification by*
15 *a practitioner of an appropriate forensic science that*
16 *the body recovered is that of the missing person.*”.

17 (f) *SCOPE OF PREENACTMENT REVIEW.*—(1) *Section*
18 *1509 of such title is amended—*

19 (A) *by redesignating subsection (c) as subsection*
20 *(d); and*

21 (B) *by inserting after subsection (b) the follow-*
22 *ing new subsection (c):*

23 “(c) *SPECIAL RULE FOR PERSONS CLASSIFIED AS*
24 *‘KLA/BNR’.*—*In the case of a person described in sub-*
25 *section (b) who was classified as ‘killed in action/body not*

1 recovered', the case of that person may be reviewed under
 2 this section only if the new information referred to in sub-
 3 section (a) is compelling.”.

4 (2)(A) The heading of such section is amended by in-
 5 serting “, **special interest**” after “**Preenactment**”.

6 (B) The item relating to such section in the table of
 7 sections at the beginning of chapter 76 of such title is
 8 amended by inserting “, special interest” after
 9 “Preenactment”.

10 **SEC. 569. ESTABLISHMENT OF SENTENCE OF CONFINEMENT FOR LIFE WITHOUT ELIGIBILITY FOR**
 11 **PAROLE.**

13 (a) *ESTABLISHMENT OF SENTENCE.*—(1) Chapter 47
 14 of title 10, United States Code (the Uniform Code of Mili-
 15 tary Justice), is amended by inserting after section 856 (ar-
 16 ticle 56) the following new section (article):

17 “**§856a. Art. 56a. Sentence of confinement for life**
 18 **without eligibility for parole**

19 “(a) For any offense for which a sentence of confine-
 20 ment for life may be adjudged, a court-martial may adjudge
 21 a sentence of confinement for life without eligibility for pa-
 22 role.

23 “(b) An accused who is sentenced to confinement for
 24 life without eligibility for parole shall be confined for the
 25 remainder of the accused’s life unless—

1 “(1) *the sentence is set aside or otherwise modi-*
2 *fied as a result of—*

3 “(A) *action taken by the convening author-*
4 *ity, the Secretary concerned, or another person*
5 *authorized to act under section 860 of this title*
6 *(article 60); or*

7 “(B) *any other action taken during post-*
8 *trial procedure and review under any other pro-*
9 *vision of subchapter IX;*

10 “(2) *the sentence is set aside or otherwise modi-*
11 *fied as a result of action taken by a Court of Crimi-*
12 *nal Appeals, the Court of Appeals for the Armed*
13 *Forces, or the Supreme Court; or*

14 “(3) *the accused is pardoned.*”.

15 (2) *The table of sections at the beginning of subchapter*
16 *VIII of such chapter is amended by inserting after the item*
17 *relating to section 856 (article 56) the following new item:*

 “856a. 56a. *Sentence of confinement for life without eligibility for parole.*”.

18 (b) *EFFECTIVE DATE.—Section 856a of title 10, Unit-*
19 *ed States Code (article 56a of the Uniform Code of Military*
20 *Justice), as added by subsection (a), shall be applicable only*
21 *with respect to an offense committed after the date of the*
22 *enactment of this Act.*

1 **SEC. 570. LIMITATION ON APPEAL OF DENIAL OF PAROLE**
2 **FOR OFFENDERS SERVING LIFE SENTENCE.**

3 (a) *EXCLUSIVE AUTHORITY TO GRANT PAROLE ON*
4 *APPEAL OF DENIAL.*—Section 952 of title 10, United States
5 Code, is amended—

6 (1) by inserting “(a)” before “The Secretary”;

7 and

8 (2) by adding at the end the following new sub-
9 section:

10 “(b) *In a case in which parole for an offender serving*
11 *a sentence of confinement for life is denied, only the Presi-*
12 *dent or the Secretary concerned may grant the offender pa-*
13 *role on appeal of that denial. The authority to grant parole*
14 *on appeal in such a case may not be delegated.”.*

15 (b) *EFFECTIVE DATE.*—This section shall apply only
16 with respect to any decision to deny parole made after the
17 date of the enactment of this Act.

18 **SEC. 571. ESTABLISHMENT OF PUBLIC AFFAIRS BRANCH IN**
19 **THE ARMY.**

20 (a) *NEW SPECIAL BRANCH.*—Section 3064(a) of title
21 10, United States Code, is amended—

22 (1) by redesignating paragraphs (3) and (4) as
23 paragraphs (4) and (5); and

24 (2) by inserting after paragraph (2) the follow-
25 ing new paragraph:

26 “(3) *the Public Affairs Corps;*”.

1 (b) *PUBLIC AFFAIRS CORPS.*—(1) Chapter 307 of title
2 10, United States Code, is amended by adding at the end
3 the following new section:

4 **“§ 3083. Public Affairs Corps**

5 *“There is a Public Affairs Corps in the Army. The*
6 *Public Affairs Corps consists of—*

7 *“(1) the Chief of the Public Affairs Corps;*

8 *“(2) commissioned officers of the Regular Army*
9 *appointed therein; and*

10 *“(3) other members of the Army assigned thereto*
11 *by the Secretary of the Army.”.*

12 (2) The table of sections at the beginning of such chap-
13 ter is amended by adding at the end the following new item:
 “3083. Public Affairs Corps.”.

14 (c) *TRANSITION.*—The Secretary of the Army shall im-
15 plement the amendments made by this section not later than
16 October 1, 1998.

17 **TITLE VI—COMPENSATION AND**
18 **OTHER PERSONNEL BENEFITS**
19 **Subtitle A—Pay and Allowances**

20 **SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 1998.**

21 (a) *WAIVER OF SECTION 1009 ADJUSTMENT.*—The ad-
22 justment, to become effective during fiscal year 1998, re-
23 quired by section 1009(b) of title 37, United States Code
24 (as amended by section 602), in the rate of monthly basic

1 *pay authorized members of the uniformed services by section*
2 *203(a) of such title shall not be made.*

3 **(b) INCREASE IN BASIC PAY.**—*Effective on January*
4 *1, 1998, the rates of basic pay of members of the uniformed*
5 *services are increased by 2.8 percent.*

6 **SEC. 602. ANNUAL ADJUSTMENT OF BASIC PAY AND PRO-**
7 **TECTION OF MEMBER'S TOTAL COMPENSA-**
8 **TION WHILE PERFORMING CERTAIN DUTY.**

9 **(a) IN GENERAL.**—*Section 1009 of title 37, United*
10 *States Code, is amended to read as follows:*

11 **“§1009. Certain elements of compensation: adjust-**
12 **ment; protection against change**

13 **“(a) ELEMENTS OF COMPENSATION.**—*In this section,*
14 *the term ‘elements of compensation’ means—*

15 **“(1) the monthly basic pay authorized members**
16 *of the uniformed services by section 203(a) of this*
17 *title;*

18 **“(2) the basic allowance for subsistence author-**
19 *ized members of the uniformed services by section 402*
20 *of this title; and*

21 **“(3) the basic allowance for housing authorized**
22 *members of the uniformed services by section 403 of*
23 *this title.*

24 **“(b) ANNUAL ADJUSTMENT OF BASIC PAY.**—*Effective*
25 *as of the first day of the first applicable pay period begin-*

1 ning on or after January 1 of each calendar year, the rates
2 of basic pay of members of the uniformed services shall be
3 increased by the percentage (rounded to the nearest one-
4 tenth of one percent) equal to the percentage by which the
5 Employment Cost Index for the base quarter of the year
6 before the preceding calendar year exceeds the Employment
7 Cost Index for the base quarter of the second year before
8 the preceding calendar year (if at all).

9 “(c) ALLOCATION OF ADJUSTMENT.—(1) Subject to
10 paragraph (2), whenever the President determines such ac-
11 tion to be in the best interest of the Government, the Presi-
12 dent may allocate the percentage increase in basic pay
13 among such pay grade and years-of-service categories as the
14 President considers appropriate.

15 “(2) In making any allocation under paragraph (1),
16 the amount of the increase in basic pay for any given pay
17 grade and years-of-service category after the allocation
18 under paragraph (1) may not be less than 75 percent of
19 the amount of the increase that otherwise would have been
20 effective with respect to such pay grade and years-of-service
21 category under subsection (b).

22 “(3) Whenever the President plans to use the authority
23 provided under paragraph (1) with respect to any antici-
24 pated increase in the compensation of members of the uni-
25 formed services, the President shall advise the Congress, at

1 *the earliest practicable time before the effective date of the*
2 *increase, regarding the proposed allocation of the increase*
3 *among pay grade and years-of-service categories.*

4 “(d) *PROTECTION OF MEMBER’S TOTAL COMPENSA-*
5 *TION WHILE PERFORMING CERTAIN DUTY.—(1) The total*
6 *daily amount of the elements of compensation, described in*
7 *subsection (a), together with other pay and allowances*
8 *under this title, to be paid to a member of the uniformed*
9 *services who is temporarily assigned to duty away from the*
10 *member’s permanent duty station or to duty under field*
11 *conditions at the member’s permanent duty station shall*
12 *not be less, for any day during the assignment period, than*
13 *the total amount, for the day immediately preceding the*
14 *date of the assignment, of the elements of compensation and*
15 *other pay and allowances of the member.*

16 “(2) *Paragraph (1) shall not apply with respect to an*
17 *element of compensation or other pay or allowance of a*
18 *member during an assignment described in such paragraph*
19 *to the extent that the element of compensation or other pay*
20 *or allowance is reduced or terminated due to circumstances*
21 *unrelated to the assignment.*

22 “(e) *OTHER DEFINITIONS.—In this section:*

23 “(1) *The term ‘Employment Cost Index’ means*
24 *the Employment Cost Index (wages and salaries, pri-*

1 *vate industry workers) published quarterly by the Bu-*
 2 *reau of Labor Statistics.*

3 “(2) *The term ‘base quarter’, for each year,*
 4 *means the three-month period ending on September*
 5 *30 of such year.”.*

6 (b) *CLERICAL AMENDMENT.—The item relating to*
 7 *such section in the table of sections at the beginning of chap-*
 8 *ter 19 of such title is amended to read as follows:*

 “1009. *Certain elements of compensation: adjustment; protection against change.”.*

9 **SEC. 603. USE OF FOOD COST INFORMATION TO DETER-**
 10 **MINE BASIC ALLOWANCE FOR SUBSISTENCE.**

11 (a) *FOOD-COST BASED ALLOWANCE.—Section 402 of*
 12 *title 37, United States Code, is amended to read as follows:*

13 **“§ 402. Basic allowance for subsistence**

14 “(a) *ENTITLEMENT; RATE; ADJUSTMENT.—(1) Except*
 15 *as otherwise provided by law, each member of a uniformed*
 16 *service described in subsection (b) or (c) is entitled to a*
 17 *basic allowance for subsistence. The rate for the allowance*
 18 *shall be prescribed in regulations by the Secretary of De-*
 19 *fense after consultation with the Secretaries concerned spec-*
 20 *ified in subparagraphs (D), (E), and (F) of section 101(5)*
 21 *of this title. The allowance may be paid in advance for a*
 22 *period of not more than three months.*

23 “(2) *Whenever basic pay is increased pursuant to sec-*
 24 *tion 1009 of this title or another law, the Secretary of De-*
 25 *fense shall adjust the basic allowance for subsistence at the*

1 *same rate as the most recent adjustment made to the cost*
2 *of the moderate food plan of the Department of Agriculture*
3 *(one of the four official food plans used by the Department*
4 *of Agriculture under the Food Stamp Act of 1977) to reflect*
5 *changes in the cost of the diet described by the moderate*
6 *food plan.*

7 “(b) *ENLISTED MEMBERS.*—*An enlisted member is en-*
8 *titled to the basic allowance for subsistence on a daily basis*
9 *if the member is entitled to basic pay and one or more of*
10 *the following applies with respect to the member:*

11 “(1) *Rations in kind are not available.*

12 “(2) *Rations in kind are available, but the Sec-*
13 *retary of Defense authorizes the payment of the basic*
14 *allowance for subsistence.*

15 “(3) *Permission to mess separately is granted.*

16 “(4) *The member is assigned to duty under*
17 *emergency conditions where no messing facilities of*
18 *the United States are available.*

19 “(5) *The member is on an authorized leave of ab-*
20 *sence, is confined in a hospital, or is performing trav-*
21 *el under orders away from the member’s designated*
22 *post of duty (except when rations in kind are avail-*
23 *able and the Secretary of Defense does not authorize*
24 *the payment of the basic allowance for subsistence.).*

1 “(c) *OFFICERS.*—*An officer of a uniformed service who*
2 *is entitled to basic pay is entitled, at all times, to the basic*
3 *allowances for subsistence. An aviation cadet of the Navy,*
4 *Air Force, Marine Corps, or Coast Guard is entitled to the*
5 *same basic allowance for subsistence as is provided for an*
6 *officer of the Navy, Air Force, Marine Corps, or Coast*
7 *Guard, respectively.*

8 “(d) *SPECIAL RULE FOR CERTAIN MEMBERS AUTHOR-*
9 *IZED TO MESS SEPARATELY.*—*Under regulations and in*
10 *areas prescribed by the Secretary of Defense, and the Sec-*
11 *retary of Transportation with respect to the Coast Guard*
12 *when it is not operating as a service in the Navy, an en-*
13 *listed member who is granted permission to mess separately,*
14 *and whose duties require the member to buy at least one*
15 *meal from other than a messing facility of the United*
16 *States, is entitled to not more than the pro rata allowance*
17 *authorized for each such meal for an enlisted member when*
18 *rations in kind are not available.*

19 “(e) *PAYMENT FOR RATIONS IN KIND ACTUALLY RE-*
20 *CEIVED.*—*The Secretary of Defense may require a member*
21 *of the uniformed services to pay for rations in kind actually*
22 *received by the member while entitled to a basic allowance*
23 *for subsistence.*

1 “(f) *ADMINISTRATION.*—(1) *The Secretary of Defense*
2 *may prescribe regulations for the administration of this sec-*
3 *tion.*

4 “(2) *For purposes of subsection (b)(5), a member shall*
5 *not be considered to be performing travel under orders away*
6 *from his designated post of duty if the member—*

7 “(A) *is an enlisted member serving the member’s*
8 *first tour of active duty;*

9 “(B) *has not actually reported to a permanent*
10 *duty station pursuant to orders directing such assign-*
11 *ment; and*

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

14 “(g) *PERCENTAGE LIMITATION ON ENLISTED MEM-*
15 *BERS RECEIVING ALLOWANCE.*—(1) *This subsection applies*
16 *with respect to enlisted members of the Army, Navy, Air*
17 *Force, and Marine Corps who, when present at their perma-*
18 *nent duty station and at which adequate messing facilities*
19 *of the United States are available, reside without depend-*
20 *ents in Government quarters. The Secretary concerned may*
21 *not provide a basic allowance for subsistence to more than*
22 *12 percent of such members under the jurisdiction of the*
23 *Secretary concerned.*

24 “(2) *The Secretary concerned may exceed the percent-*
25 *age limitation specified in paragraph (1) if the Secretary*

1 *determines that compliance would increase costs to the Gov-*
2 *ernment, would impose financial hardships on members*
3 *otherwise entitled to a basic allowance for subsistence, or*
4 *would reduce the quality of life for such members.*

5 “(3) *This subsection shall not apply to a member de-*
6 *scribed in paragraph (1) when the member is not residing*
7 *at the member’s permanent duty station.*

8 “(h) *RATIONS IN KIND FOR CERTAIN RESERVES.—(1)*
9 *The Secretary concerned may provide rations in kind, or*
10 *a part thereof, to an enlisted member of a reserve component*
11 *or of the National Guard when the member’s instruction*
12 *or duty periods, described in section 206(a) of this title,*
13 *total at least eight hours in a calendar day. The Secretary*
14 *concerned may provide the member with a commutation*
15 *when rations in kind are not available.*

16 “(2) *This subsection shall not apply with respect to*
17 *an enlisted member of a reserve component or of the Na-*
18 *tional Guard who is entitled to basic pay.*

19 “(i) *USE OF MESSING FACILITIES.—The Secretary of*
20 *Defense, in consultation with the Secretaries concerned,*
21 *shall establish policies regarding the use of messing facilities*
22 *of the United States, including field messing facilities.”.*

23 “(b) *CONFORMING AMENDMENTS.—(1) Section*
24 *404(b)(2) of title 37, United States Code, is amended by*

1 *striking out “under section 402(e) of this title” and insert-*
2 *ing in lieu thereof “by the Secretary of Defense”.*

3 (2) *Section 1012 of title 37, United States Code, is*
4 *amended by striking out “section 402(b)(3)” and inserting*
5 *in lieu thereof “section 402(h)”.*

6 (3) *Section 6912 of title 10, United States Code, is*
7 *amended by striking out “section 402(a) and (b)” and in-*
8 *serting in lieu thereof “section 402(c)”.*

9 **SEC. 604. CONSOLIDATION OF BASIC ALLOWANCE FOR**
10 **QUARTERS, VARIABLE HOUSING ALLOWANCE,**
11 **AND OVERSEAS HOUSING ALLOWANCES.**

12 (a) *CONSOLIDATION OF ALLOWANCES.—Section 403 of*
13 *title 37, United States Code, is amended to read as follows:*

14 **“§403. Basic allowance for housing**

15 **“(a) COMPONENTS OF BASIC ALLOWANCE FOR HOUS-**
16 **ING.—The basic allowance for housing consists of the follow-**
17 **ing components:**

18 **“(1) A basic allowance for quarters for members**
19 **of the uniformed services stationed in the United**
20 **States and, under certain circumstances, members on**
21 **duty outside of the United States whose dependents**
22 **continue to reside in the United States.**

23 **“(2) A overseas station housing allowance for**
24 **members on duty outside of the United States to re-**
25 **flect housing costs incurred by the members.**

1 “(3) *A family separation housing allowance for*
2 *members with dependents when the movement of the*
3 *dependents to the members’ permanent station is not*
4 *authorized at the expense of the United States.*

5 “(b) *ELIGIBILITY FOR ALLOWANCE.—(1) Except as*
6 *otherwise provided by law, a member of a uniformed service*
7 *who is entitled to basic pay shall receive the component or*
8 *components of the basic allowance for housing to which the*
9 *member is entitled under this section at the monthly rates*
10 *prescribed in connection with the component under this sec-*
11 *tion or other provision of law. The amount of the allowance*
12 *for a member will vary according to the pay grade in which*
13 *the member is assigned or distributed for basic pay pur-*
14 *poses and the member’s dependency status.*

15 “(2) *The basic allowance for housing may be paid in*
16 *advance.*

17 “(c) *EFFECT OF ASSIGNMENT TO GOVERNMENT QUAR-*
18 *TERS.—(1) Except as otherwise provided by law, a member*
19 *of a uniformed service who is assigned to quarters of the*
20 *United States appropriate to the grade, rank, or rating of*
21 *the member and adequate for the member and dependents,*
22 *if with dependents, is not entitled to a basic allowance for*
23 *housing. In this section, the term ‘quarters of the United*
24 *States’ includes a housing facility under the jurisdiction*
25 *of a uniformed service.*

1 “(2) A member without dependents who is in a pay
2 grade above pay grade E-6 and is assigned to quarters of
3 the United States may elect not to occupy those quarters
4 and instead receive the basic allowance for housing to which
5 the member is otherwise entitled.

6 “(3) A member without dependents who is in pay
7 grade E-6 and is assigned to quarters of the United States
8 that do not meet the minimum adequacy standards estab-
9 lished by the Secretary of Defense for members in such pay
10 grade may elect not to occupy those quarters and instead
11 to receive the basic allowance for housing to which the mem-
12 ber is otherwise entitled. The Secretary concerned may deny
13 the right to make an election under this paragraph if the
14 Secretary determines that the exercise of such an election
15 would adversely affect a training mission, military dis-
16 cipline, or military readiness.

17 “(4) In the case of a member with dependents who is
18 assigned to quarters of the United States at a location or
19 under circumstances that, as determined by the Secretary
20 concerned, require the member’s dependents to reside at dif-
21 ferent location, the member shall receive a basic allowance
22 for housing as if the member were assigned to duty in the
23 area in which the dependents reside and did not reside in
24 quarters of the United States.

1 “(d) *EFFECT OF FIELD DUTY AND SEA DUTY.—(1)*
2 *The Secretary concerned may deny the basic allowance for*
3 *housing to a member of a uniformed service without depend-*
4 *ents when the member is assigned to field duty with a unit*
5 *conducting field operations.*

6 “(2) *A member of a uniformed service without depend-*
7 *ents who is in a pay grade below pay grade E-6 is not*
8 *entitled to a basic allowance for housing while on sea duty.*
9 *After taking into consideration the availability of quarters*
10 *for members serving in pay grade E-5, the Secretary con-*
11 *cerned may authorize the payment of a basic allowance for*
12 *housing to a member without dependents who is serving in*
13 *such pay grade and is assigned to sea duty.*

14 “(3) *Notwithstanding section 421 of this title, two*
15 *members of the uniformed services in a pay grade below*
16 *pay grade E-6 who are married to each other, have no other*
17 *dependents, and are simultaneously assigned to sea duty*
18 *are jointly entitled to one basic allowance for housing dur-*
19 *ing the period of such simultaneous sea duty. The amount*
20 *of the allowance shall be based on the without dependents*
21 *rate for the pay grade of the senior member of the couple.*
22 *However, this paragraph shall not apply to a couple if one*
23 *or both of the members are entitled to a basic allowance*
24 *for housing under paragraph (2).*

1 “(4) For purposes of this subsection, the Secretary of
2 Defense shall prescribe, by regulation, definitions of the
3 terms ‘field duty’ and ‘sea duty’.

4 “(e) BASIC ALLOWANCE FOR QUARTERS.—(1) The Sec-
5 retary of Defense shall determine the costs of adequate hous-
6 ing in a military housing area for all members of the uni-
7 formed services entitled to a basic allowance for quarters
8 in that area. The Secretary shall base the determination
9 upon the costs of adequate housing for civilians with com-
10 parable income levels in the same area.

11 “(2) The monthly amount of a basic allowance for
12 quarters for an area of the United States for a member of
13 a uniformed service is equal to difference between—

14 “(A) the monthly cost of housing in that area, as
15 determined by the Secretary of Defense, for members
16 of the uniformed services serving in the same pay
17 grade and with the same dependency status as the
18 member; and

19 “(B) 15 percent of the national average monthly
20 cost of housing in the United States, as determined by
21 the Secretary, for members of the uniformed services
22 serving in the same pay grade and with the same de-
23 pendency status as the member.

24 “(3) The rates of basic allowance for quarters shall be
25 reduced as necessary to comply with this paragraph. The

1 *total amount that may be paid for a fiscal year for the*
2 *basic allowance for quarters is the product of—*

3 “(A) *the total amount authorized to be paid for*
4 *such allowance for the preceding fiscal year (as ad-*
5 *justed under paragraph (5)); and*

6 “(B) *a fraction—*

7 “(i) *the numerator of which is the index of*
8 *the national average monthly cost of housing for*
9 *June of the preceding fiscal year; and*

10 “(ii) *the denominator of which is the index*
11 *of the national average monthly cost of housing*
12 *for June of the fiscal year before the preceding*
13 *fiscal year.*

14 “(4) *An adjustment in the rates of basic allowance for*
15 *quarters as a result of the Secretary’s redetermination of*
16 *housing costs in an area shall take effect on the same date*
17 *as the effective date of the next increase in basic pay under*
18 *section 1009 of this title or other provision of law.*

19 “(5) *In making a determination under paragraph (3)*
20 *for a fiscal year, the amount authorized to be paid for the*
21 *preceding fiscal year for the basic allowance for quarters*
22 *shall be adjusted to reflect changes during the year for which*
23 *the determination is made in the number, grade distribu-*
24 *tion, geographic distribution, and dependency status of*
25 *members of the uniformed services entitled to the allowance*

1 *from the number of such members during the preceding fis-*
2 *cal year.*

3 “(6) *So long as a member of a uniformed service re-*
4 *tains uninterrupted eligibility to receive a basic allowance*
5 *for quarters within an area of the United States, the month-*
6 *ly amount of the allowance for the member may not be re-*
7 *duced as a result of changes in housing costs in the area,*
8 *changes in the national average monthly cost of housing,*
9 *or the promotion of the member.*

10 “(f) *OVERSEAS STATION HOUSING ALLOWANCE.—(1)*
11 *The Secretary of Defense may prescribe an overseas station*
12 *housing allowance for a member of a uniformed service who*
13 *is on duty outside of the United States. The Secretary shall*
14 *base the station housing allowance on housing costs in the*
15 *overseas area in which the member is assigned.*

16 “(2) *So long as a member of a uniformed service re-*
17 *tains uninterrupted eligibility to receive an overseas station*
18 *housing allowance in an overseas area and the actual*
19 *monthly cost of housing for the member is not reduced, the*
20 *monthly amount of the overseas station housing allowance*
21 *may not be reduced as a result of changes in housing costs*
22 *in the area or the promotion of the member. The monthly*
23 *amount of the allowance may be adjusted to reflect changes*
24 *in currency rates.*

1 “(g) *FAMILY SEPARATION HOUSING ALLOWANCE.—(1)*
2 *A member of a uniformed service with dependents who is*
3 *on permanent duty at a location described in paragraph*
4 *(2) is entitled to a family separation housing allowance*
5 *under this subsection at a monthly rate equal to the rate*
6 *of basic allowance for quarters or overseas station housing*
7 *allowance established for that location for members without*
8 *dependents in the same grade.*

9 “(2) *A permanent duty location referred to in para-*
10 *graph (1) is a location—*

11 “(A) *to which the movement of the member’s de-*
12 *pendents is not authorized at the expense of the Unit-*
13 *ed States under section 406 of this title, and the mem-*
14 *ber’s dependents do not reside at or near the location;*
15 *and*

16 “(B) *at which quarters of the United States are*
17 *not available for assignment to the member.*

18 “(3) *The allowance provided under this subsection is*
19 *in addition to any other allowance or per diem that the*
20 *member is otherwise entitled to under this title.*

21 “(h) *PARTIAL ALLOWANCE.—(1) The Secretary of De-*
22 *fense may prescribe a partial basic allowance for housing*
23 *for a member of a uniformed service without dependents*
24 *who is not entitled to the allowance pursuant to subsection*
25 *(c) or (d).*

1 “(2) *In the case of a member of a uniformed service*
2 *who is assigned to quarters of the United States and pays*
3 *child support, the Secretary of Defense may authorize the*
4 *payment of a partial basic allowance for housing, at a rate*
5 *prescribed by the Secretary, on account of the member’s*
6 *payment of the child support. The allowance shall be at a*
7 *reduced rate to reflect the member’s assignment to quarters*
8 *of the United States. The amount of the partial allowance*
9 *shall not exceed the monthly rate of the member’s child sup-*
10 *port. The payment of a partial allowance under this para-*
11 *graph to a member may be in addition to any allowance*
12 *paid to the member under paragraph (1).*

13 “(i) *SPECIAL RULES FOR CERTAIN MEMBERS.—*
14 *(1)(A) In the case of a member of a reserve component of*
15 *a uniformed service without dependents who is called or or-*
16 *dered to active duty (other than for training) or a retired*
17 *member without dependents ordered to active duty under*
18 *section 688(a) of title 10, the member shall be considered*
19 *to be assigned to duty at the location of the primary resi-*
20 *dence of the member at the time of the call or order for*
21 *purposes of determining the amount of the member’s basic*
22 *allowance for housing.*

23 “(B) *If a member described in subparagraph (A) is*
24 *called or ordered to active duty for less than 30 days, the*

1 *Secretary of Defense shall prescribe the amount of the basic*
2 *allowance for housing to be paid to the member.*

3 “(C) *This paragraph shall not apply to a member de-*
4 *scribed in subparagraph (A) if the member is authorized*
5 *transportation of household goods under section 406 of this*
6 *title as part of the call or order to active duty or if the*
7 *primary residence of the member is not owned by the mem-*
8 *ber or the member is not responsible for rental payments.*

9 “(2) *A member of a uniformed service without depend-*
10 *ents who is in pay grade E-4 (four or more years’ service),*
11 *or above, is entitled to a basic allowance for housing while*
12 *the member is in a travel or leave status between permanent*
13 *duty stations, including time granted as delay en route or*
14 *proceed time, when the member is not assigned to quarters*
15 *of the United States. Notwithstanding subsection (e)(2), the*
16 *rate of basic allowance for quarters for such a member shall*
17 *be equal to the national average monthly cost of housing*
18 *in the United States, as determined by the Secretary, for*
19 *members of the uniformed services serving in the same pay*
20 *grade and with the same dependency status as the member.*

21 “(3) *The eligibility of an aviation cadet of the Navy,*
22 *Air Force, Marine Corps, or Coast Guard for a basic allow-*
23 *ance for housing shall be determined as if the aviation cadet*
24 *were a member of the uniformed services in pay grade*
25 *E-4.*

1 “(4) *In the case of a member without dependents who*
2 *is assigned to duty inside the United States, the location*
3 *or the circumstances of which make it necessary that the*
4 *member be reassigned under the conditions of low cost or*
5 *no cost permanent change of station or permanent change*
6 *of assignment, the member may be treated as if the member*
7 *were not reassigned if the Secretary concerned determines*
8 *that it would be inequitable to base the member’s entitle-*
9 *ment to, and amount of, a basic allowance for housing on*
10 *the area to which the member is reassigned.*

11 “(j) *ADMINISTRATION.—(1) The Secretary concerned*
12 *may make such determinations as may be necessary to ad-*
13 *minister this section, including determinations of depend-*
14 *ency and relationship. When warranted by the cir-*
15 *cumstances, the Secretary concerned may reconsider and*
16 *change or modify any such determination. This authority*
17 *may be delegated by the Secretary concerned. Any deter-*
18 *mination made under this section with regard to a member*
19 *of the uniformed services is final and is not subject to review*
20 *by any accounting officer of the United States or a court,*
21 *unless there is fraud or gross negligence.*

22 “(2) *Parking facilities (including utility connections)*
23 *provided members of the uniformed services for house trail-*
24 *ers and mobile homes not owned by the Government shall*
25 *not be considered to be quarters for the purposes of this sec-*

1 *tion or any other provision of law. Any fees established by*
2 *the Government for the use of such a facility shall be estab-*
3 *lished in an amount sufficient to cover the cost of mainte-*
4 *nance, services, and utilities and to amortize the cost of con-*
5 *struction of the facility over the 25-year period beginning*
6 *with the completion of such construction.*

7 “(k) *TEMPORARY CONTINUATION OF ALLOWANCE.—(1)*
8 *The Secretary of Defense, or the Secretary of Transpor-*
9 *tation in the case of the Coast Guard when not operating*
10 *as a service in the Navy, may allow the dependents of a*
11 *member of the armed forces who dies while on active duty*
12 *and whose dependents are occupying family housing pro-*
13 *vided by the Department of Defense, or by the Department*
14 *of Transportation in the case of the Coast Guard, other than*
15 *on a rental basis on the date of the member’s death to con-*
16 *tinue to occupy such housing without charge for a period*
17 *of 180 days.*

18 “(2) *The Secretary concerned may pay an allowance*
19 *for housing to the dependents of a member of the uniformed*
20 *services who dies while on active duty and whose dependents*
21 *are not occupying a housing facility under the jurisdiction*
22 *of a uniformed service on the date of the member’s death*
23 *or are occupying such housing on a rental basis on such*
24 *date, or whose dependents vacate such housing sooner than*
25 *180 days after the date of the member’s death. The amount*

1 of the allowance shall be the same amount that would other-
2 wise be payable to the deceased member under this section
3 if the member had not died. The payment of an allowance
4 under this paragraph shall terminate 180 days after the
5 date of the member's death.”.

6 (b) *REPEAL OF SUPERSEDED AUTHORITIES.*—(1) *Sec-*
7 *tion 403a of title 37, United States Code, is repealed.*

8 (2) *Section 405 of such title is amended—*

9 (A) *by striking out subsection (b); and*

10 (B) *by redesignating subsections (c) and (d) as*
11 *subsections (b) and (c), respectively.*

12 (3) *Section 427 of such title is amended—*

13 (A) *by striking out subsection (a); and*

14 (B) *in subsection (b)—*

15 (i) *by striking out “(b) ADDITIONAL SEPA-*
16 *RATION ALLOWANCE.—” and inserting in lieu*
17 *thereof “(a) AVAILABILITY OF SEPARATION AL-*
18 *LOWANCE.—”;*

19 (ii) *in paragraph (1), by striking out “in-*
20 *cluding subsection (a)” and inserting in lieu*
21 *thereof “including section 403(g) of this title”;*

22 (iii) *in paragraph (4)—*

23 (I) *by striking out “(4) A member”*
24 *and inserting in lieu thereof “(b) EFFECT*

1 *OF ELECTION TO SERVE UNACCOMPANIED*
 2 *TOUR OF DUTY.—A member”;*

3 *(II) by striking out “paragraph (1)(A)*
 4 *of this subsection” and inserting in lieu*
 5 *thereof “subsection (a)(1)(A)”;* and
 6 *(iv) in paragraph (5)—*

7 *(I) by striking out “(5) Section 421”*
 8 *and inserting in lieu thereof “(c) EFFECT*
 9 *OF DEPENDENT ENTITLED TO BASIC*
 10 *PAY.—Section 421”;* and

11 *(II) by striking out “paragraph*
 12 *(1)(D)” both places it appears and insert-*
 13 *ing in lieu thereof “subsection (a)(1)(D)”.*

14 *(4) The table of sections at the beginning of chapter*
 15 *7 of title 37, United States Code, is amended by striking*
 16 *out the items relating to sections 403 and 403a and insert-*
 17 *ing in lieu thereof the following new item:*

“403. Basic allowance for housing.”.

18 *(c) CONFORMING AMENDMENTS.—(1) Title 37, United*
 19 *States Code, is amended—*

20 *(A) in section 101(25), by striking out “basic al-*
 21 *lowance for quarters (including any variable housing*
 22 *allowance or station housing allowance)” and insert-*
 23 *ing in lieu thereof “basic allowance for housing”;*

1 (B) in section 406(c), by striking out “sections
2 404 and 405” and inserting in lieu thereof “sections
3 403(f), 404, and 405”;

4 (C) in section 420(c), by striking out “quarters”
5 and inserting in lieu thereof “housing”;

6 (D) in section 551(3)(D), by striking out “basic
7 allowance for quarters” and inserting in lieu thereof
8 “basic allowance for housing”; and

9 (E) in section 1014(a), by striking out “basic al-
10 lowance for quarters” and inserting in lieu thereof
11 “basic allowance for housing”.

12 (2) Title 10, United States Code, is amended—

13 (A) in section 708(c)(1), by striking out “basic
14 allowance for quarters or basic allowance for subsist-
15 ence” and inserting in lieu thereof “basic allowance
16 for housing under section 403 of title 37, basic allow-
17 ance for subsistence under section 402 of such title,”;

18 (B) in section 2830(a)—

19 (i) in paragraph (1), by striking out “basic
20 allowance for quarters” and inserting in lieu
21 thereof “basic allowance for housing under sec-
22 tion 403 of title 37”; and

23 (ii) in paragraph (2), by striking out “basic
24 allowance for quarters” and inserting in lieu
25 thereof “basic allowance for housing”;

1 (C) in section 2882(b)—

2 (i) in paragraph (1), by striking out “sec-
3 tion 403(b)” and inserting in lieu thereof “sec-
4 tion 403”; and

5 (ii) in paragraph (2), by striking out “basic
6 allowance for quarters” and all that follows
7 through the end of the paragraph and inserting
8 in lieu thereof “basic allowance for housing
9 under section 403 of title 37.”;

10 (D) in section 7572(b)—

11 (i) in paragraph (1), by striking out “the
12 total of—” and all that follows through the end
13 of the paragraph and inserting in lieu thereof
14 “the basic allowance for housing payable under
15 section 403 of title 37 to a member of the same
16 pay grade without dependents for the period dur-
17 ing which the member is deprived of quarters on
18 board ship.”; and

19 (ii) in paragraph (2), by striking out “basic
20 allowance for quarters” and inserting in lieu
21 thereof “basic allowance for housing”; and

22 (E) in section 7573, by striking out “basic allow-
23 ance for quarters” and inserting in lieu thereof “basic
24 allowance for housing under section 403 of title 37”.

1 (3) *Section 5561(6)(D) of title 5, United States Code,*
2 *is amended by striking out “basic allowance for quarters”*
3 *and inserting in lieu thereof “basic allowance for housing”.*

4 (4) *Section 107(b) of title 32, United States Code, is*
5 *amended by striking out “and quarters” and inserting in*
6 *lieu thereof “and housing”.*

7 (5) *Section 4(k)(10) of the Military Selective Service*
8 *Act (50 U.S.C. App. 454(k)(10)) is amended by striking*
9 *out “as such terms” and all that follows through “extended*
10 *or amended” and inserting in lieu thereof “shall be entitled*
11 *to receive a dependency allowance equal to the basic allow-*
12 *ance for quarters provided for persons in pay grade E-1*
13 *under section 403 of title 37, United States Code,”.*

14 (d) *TRANSITION TO BASIC ALLOWANCE FOR HOUS-*
15 *ING.—The Secretary of Defense shall develop and imple-*
16 *ment a plan to incrementally manage the rate of growth*
17 *of the various components of the basic allowance for housing*
18 *authorized by section 403 of title 37, United States Code*
19 *(as amended by subsection (a)), during a transition period*
20 *of not more than six years. During the transition period,*
21 *the Secretary may continue to use the authorities provided*
22 *under sections 403, 403a, 405(b), and 427(a) of title 37,*
23 *United States Code (as in effect on the day before the date*
24 *of the enactment of this Act), but subject to such modifica-*

1 tions as the Secretary considers necessary, to provide allow-
 2 ances for members of the uniformed services.

3 (e) *AVAILABILITY OF FUNDS TO REDUCE OUT-OF-*
 4 *POCKET HOUSING COSTS.*—Of the amount authorized to be
 5 appropriated pursuant to section 421 for military person-
 6 nel, \$35,000,000 shall be available to the Secretary of De-
 7 fense to increase the rates of basic allowance for quarters
 8 authorized members of the Armed Forces by section 403 of
 9 title 37, United States Code (as amended by subsection (a)),
 10 so as to further reduce out-of-pocket housing costs incurred
 11 by members of the Armed Forces.

12 ***Subtitle B—Bonuses and Special***
 13 ***and Incentive Pays***

14 ***SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND***
 15 ***SPECIAL PAY AUTHORITIES FOR RESERVE***
 16 ***FORCES.***

17 (a) *SPECIAL PAY FOR HEALTH PROFESSIONALS IN*
 18 *CRITICALLY SHORT WARTIME SPECIALTIES.*—Section
 19 302g(f) of title 37, United States Code, is amended by strik-
 20 ing out “September 30, 1998” and inserting in lieu thereof
 21 “September 30, 1999”.

22 (b) *SELECTED RESERVE REENLISTMENT BONUS.*—
 23 Section 308b(f) of title 37, United States Code, is amended
 24 by striking out “September 30, 1998” and inserting in lieu
 25 thereof “September 30, 1999”.

1 (c) *SELECTED RESERVE ENLISTMENT BONUS.*—Sec-
2 tion 308c(e) of title 37, United States Code, is amended by
3 striking out “September 30, 1998” and inserting in lieu
4 thereof “September 30, 1999”.

5 (d) *SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED*
6 *TO CERTAIN HIGH PRIORITY UNITS.*—Section 308d(c) of
7 title 37, United States Code, is amended by striking out
8 “September 30, 1998” and inserting in lieu thereof “Sep-
9 tember 30, 1999”.

10 (e) *SELECTED RESERVE AFFILIATION BONUS.*—Sec-
11 tion 308e(e) of title 37, United States Code, is amended by
12 striking out “September 30, 1998” and inserting in lieu
13 thereof “September 30, 1999”.

14 (f) *READY RESERVE ENLISTMENT AND REENLISTMENT*
15 *BONUS.*—Section 308h(g) of title 37, United States Code,
16 is amended by striking out “September 30, 1998” and in-
17 serting in lieu thereof “September 30, 1999”.

18 (g) *PRIOR SERVICE ENLISTMENT BONUS.*—Section
19 308i(i) of title 37, United States Code, is amended by strik-
20 ing out “September 30, 1998” and inserting in lieu thereof
21 “September 30, 1999”.

1 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND**
2 **SPECIAL PAY AUTHORITIES FOR NURSE OFFI-**
3 **CER CANDIDATES, REGISTERED NURSES, AND**
4 **NURSE ANESTHETISTS.**

5 (a) *NURSE OFFICER CANDIDATE ACCESSION PRO-*
6 *GRAM.*—Section 2130a(a)(1) of title 10, United States Code,
7 is amended by striking out “September 30, 1998” and in-
8 serting in lieu thereof “September 30, 1999”.

9 (b) *ACCESSION BONUS FOR REGISTERED NURSES.*—
10 Section 302d(a)(1) of title 37, United States Code, is
11 amended by striking out “September 30, 1998” and insert-
12 ing in lieu thereof “September 30, 1999”.

13 (c) *INCENTIVE SPECIAL PAY FOR NURSE ANES-*
14 *THETISTS.*—Section 302e(a)(1) of title 37, United States
15 Code, is amended by striking out “September 30, 1998” and
16 inserting in lieu thereof “September 30, 1999”.

17 **SEC. 613. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
18 **ING TO PAYMENT OF OTHER BONUSES AND**
19 **SPECIAL PAYS.**

20 (a) *AVIATION OFFICER RETENTION BONUS.*—Section
21 301b(a) of title 37, United States Code, is amended by strik-
22 ing out “September 30, 1998,” and inserting in lieu thereof
23 “September 30, 1999,”.

24 (b) *REENLISTMENT BONUS FOR ACTIVE MEMBERS.*—
25 Section 308(g) of title 37, United States Code, is amended

1 *by striking out “September 30, 1998” and inserting in lieu*
2 *thereof “September 30, 1999”.*

3 (c) *ENLISTMENT BONUSES FOR MEMBERS WITH CRIT-*
4 *ICAL SKILLS.—Sections 308a(c) and 308f(c) of title 37,*
5 *United States Code, are each amended by striking out “Sep-*
6 *tember 30, 1998” and inserting in lieu thereof “September*
7 *30, 1999”.*

8 (d) *SPECIAL PAY FOR NUCLEAR QUALIFIED OFFICERS*
9 *EXTENDING PERIOD OF ACTIVE DUTY.—Section 312(e) of*
10 *title 37, United States Code, is amended by striking out*
11 *“September 30, 1998” and inserting in lieu thereof “Sep-*
12 *tember 30, 1999”.*

13 (e) *NUCLEAR CAREER ACCESSION BONUS.—Section*
14 *312b(c) of title 37, United States Code, is amended by strik-*
15 *ing out “September 30, 1998” and inserting in lieu thereof*
16 *“September 30, 1999”.*

17 (f) *NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—*
18 *Section 312c(d) of title 37, United States Code, is amended*
19 *by striking out “October 1, 1998” and inserting in lieu*
20 *thereof “October 1, 1999”.*

21 (g) *REPAYMENT OF EDUCATION LOANS FOR CERTAIN*
22 *HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED*
23 *RESERVE.—Section 16302(d) of title 10, United States*
24 *Code, is amended by striking out “October 1, 1998” and*
25 *inserting in lieu thereof “October 1, 1999”.*

1 **SEC. 614. INCREASE IN MINIMUM MONTHLY RATE OF HAZ-**
2 **ARDOUS DUTY INCENTIVE PAY FOR CERTAIN**
3 **MEMBERS.**

4 (a) *AERIAL FLIGHT CREWMEMBERS.*—*The table in*
5 *subsection (b) of section 301 of title 37, United States Code,*
6 *is amended—*

7 (1) *by striking out “110” each place it appears*
8 *and inserting in lieu thereof “150”; and*

9 (2) *by striking out “125” each place it appears*
10 *and inserting in lieu thereof “150”.*

11 (b) *AIR WEAPONS CONTROLLER AIRCREW.*—*The table*
12 *in subsection (c)(2)(A) of such section is amended—*

13 (1) *by striking out “100” in the first column of*
14 *amounts and inserting in lieu thereof “150”;*

15 (2) *by striking out “110” in the last column of*
16 *amounts and inserting in lieu thereof “150”; and*

17 (3) *by striking out “125” each place it appears*
18 *and inserting in lieu thereof “150”.*

19 (c) *OTHER MEMBERS.*—*Subsection (c)(1) of such sec-*
20 *tion is amended—*

21 (1) *by striking out “\$110” and inserting in lieu*
22 *thereof “\$150”; and*

23 (2) *by striking out “\$165” and inserting in lieu*
24 *thereof “\$225”.*

1 **SEC. 615. AVAILABILITY OF MULTIYEAR RETENTION BONUS**
2 **FOR DENTAL OFFICERS.**

3 (a) *AVAILABILITY OF RETENTION BONUS.*—Chapter 5
4 of title 37, United States Code, is amended by inserting
5 after section 301d the following new section:

6 **“§301e. Multiyear retention bonus: dental officers of**
7 **the armed forces**

8 “(a) *BONUS AUTHORIZED.*—(1) *A dental officer de-*
9 *scribed in subsection (b) who executes a written agreement*
10 *to remain on active duty for two, three, or four years after*
11 *completion of any other active-duty service commitment*
12 *may, upon acceptance of the written agreement by the Sec-*
13 *retary of the military department concerned, be paid a re-*
14 *tion bonus as provided in this section.*

15 “(2) *The amount of a retention bonus under para-*
16 *graph (1) may not exceed \$14,000 for each year covered*
17 *by a four-year agreement. The maximum yearly retention*
18 *bonus for two-year and three-year agreements shall be re-*
19 *duced to reflect the shorter service commitment.*

20 “(b) *OFFICERS AUTOMATICALLY ELIGIBLE.*—Sub-
21 *section (a) applies to an officer of the armed forces who—*

22 “(1) *is an officer of the Dental Corps of the*
23 *Army or the Navy or an officer of the Air Force des-*
24 *ignated as a dental officer;*

25 “(2) *has a dental specialty in oral and maxillo-*
26 *facial surgery;*

1 “(3) is in a pay grade below pay grade 0–7;

2 “(4) has at least eight years of creditable service
3 (computed as described in section 302b(g) of this title)
4 or has completed any active-duty service commitment
5 incurred for dental education and training; and

6 “(5) has completed initial residency training (or
7 will complete such training before September 30 of the
8 fiscal year in which the officer enters into an agree-
9 ment under subsection (a)).

10 “(c) *EXTENSION OF BONUS TO OTHER DENTAL OFFI-*
11 *CERS.*—At the discretion of the Secretary of the military
12 department concerned, the Secretary may enter into a writ-
13 ten agreement described in subsection (a)(1) with a dental
14 officer who does not have the dental specialty specified in
15 subsection (b)(2), and pay a retention bonus to such an offi-
16 cer as provided in this section, if the officer otherwise satis-
17 fies the eligibility requirements specified in subsection (b).
18 The Secretaries shall exercise the authority provided in this
19 section in a manner consistent with regulations prescribed
20 by the Secretary of Defense.

21 “(d) *REFUNDS.*—(1) Refunds shall be required, on a
22 pro rata basis, of sums paid under this section if the officer
23 who has received the payment fails to complete the total
24 period of active duty specified in the agreement, as condi-
25 tions and circumstances warrant.

1 “(2) *An obligation to reimburse the United States im-*
2 *posed under paragraph (1) is for all purposes a debt owed*
3 *to the United States.*

4 “(3) *A discharge in bankruptcy under title 11, United*
5 *States Code, that is entered less than five years after the*
6 *termination of an agreement under this section does not dis-*
7 *charge the member signing such agreement from a debt aris-*
8 *ing under such agreement or under paragraph (1). This*
9 *paragraph applies to any case commenced under title 11*
10 *after the date of the enactment of the National Defense Au-*
11 *thorization Act for Fiscal Year 1998.”.*

12 (b) *CLERICAL AMENDMENT.—The table of sections at*
13 *the beginning of such chapter is amended by inserting after*
14 *the item relating to section 301d the following new item:*
“301e. Multiyear retention bonus: dental officers of the armed forces.”.

15 **SEC. 616. INCREASE IN VARIABLE AND ADDITIONAL SPE-**
16 **CIAL PAYS FOR CERTAIN DENTAL OFFICERS.**

17 (a) *VARIABLE SPECIAL PAY FOR JUNIOR OFFICERS.—*
18 *Paragraph (2) of section 302b(a) of title 37, United States*
19 *Code, is amended by striking out subparagraphs (C)*
20 *through (F) and inserting in lieu thereof the following new*
21 *subparagraphs:*

22 “(C) \$7,000 per year, if the officer has at least
23 six but less than eight years of creditable service.

24 “(D) \$12,000 per year, if the officer has at least
25 eight but less than 12 years of creditable service.

1 “(E) \$10,000 per year, if the officer has at least
2 12 but less than 14 years of creditable service.

3 “(F) \$9,000 per year, if the officer has at least
4 14 but less than 18 years of creditable service.

5 “(G) \$8,000 per year, if the officer has 18 or
6 more years of creditable service.”.

7 **(b) VARIABLE SPECIAL PAY FOR SENIOR OFFICERS.—**
8 Paragraph (3) of such section is amended by striking out
9 “\$1,000” and inserting in lieu thereof “\$7,000”.

10 **(c) ADDITIONAL SPECIAL PAY.—**Paragraph (4) of such
11 section is amended by striking out subparagraphs (B)
12 through (D) and inserting in lieu thereof the following new
13 subparagraphs:

14 “(B) \$6,000 per year, if the officer has at least
15 three but less than 10 years of creditable service.

16 “(C) \$15,000 per year, if the officer has 10 or
17 more years of creditable service.”.

18 **SEC. 617. SPECIAL PAY FOR DUTY AT DESIGNATED HARD-**
19 **SHIP DUTY LOCATIONS.**

20 **(a) SPECIAL PAY AUTHORIZED.—**Section 305 of title
21 37, United States Code, is amended by striking out sub-
22 section (a) and inserting in lieu thereof the following new
23 subsection:

24 “(a) **SPECIAL PAY AUTHORIZED.—**A member of a uni-
25 formed service who is entitled to basic pay may be paid

1 *special pay under this section at a monthly rate not to ex-*
2 *ceed \$300 while the member is on duty at a location in*
3 *the United States or outside the United States designated*
4 *by the Secretary of Defense as a hardship duty location.”.*

5 (b) *CROSS REFERENCES AND REGULATIONS.—Such*
6 *section is further amended—*

7 (1) *in subsection (b)—*

8 (A) *by inserting “EXCEPTION FOR CERTAIN*
9 *MEMBERS SERVING IN CERTAIN LOCATIONS.—”*
10 *after “(b)”;* and

11 (B) *by striking out “as foreign duty pay”*
12 *and inserting in lieu thereof “as hardship duty*
13 *location pay”;*

14 (2) *in subsection (c)—*

15 (A) *by inserting “EXCEPTION FOR MEM-*
16 *BERS RECEIVING CAREER SEA PAY.—” after*
17 *“(c)”;* and

18 (B) *by striking out “special pay under this*
19 *section” and inserting in lieu thereof “hardship*
20 *duty location pay under subsection (a)”;* and

21 (3) *by adding at the end the following new sub-*
22 *section:*

23 “(d) *REGULATIONS.—The Secretary of Defense shall*
24 *prescribe regulations for the provision of hardship duty lo-*

1 cation pay under subsection (a), including the actual
2 monthly rates at which the special pay will be available.”.

3 (c) *CLERICAL AMENDMENTS.*—(1) the heading of such
4 section is amended to read as follows:

5 **“§ 305. Special pay: hardship duty location pay”.**

6 (2) The table of sections at the beginning of chapter
7 5 of title 37, United States Code, is amended by striking
8 out the item relating to section 305 and inserting in lieu
9 thereof the following new item:

“305. Special pay: hardship duty location pay.”.

10 (d) *CONFORMING AMENDMENT.*—Section 907(d) of
11 such title is amended by striking out “duty at certain
12 places” and inserting in lieu thereof “duty at a hardship
13 duty location”.

14 (e) *TRANSITION.*—Until such time as the Secretary of
15 Defense prescribes regulations regarding the provision of
16 hardship duty location pay under section 305 of title 37,
17 United States Code, as amended by this section, the Sec-
18 retary may continue to use the authority provided by such
19 section 305, as in effect on the day before the date of the
20 enactment of this Act, to provide special pay to enlisted
21 members of the uniformed services on duty at certain places.

22 **SEC. 618. SELECTED RESERVE REENLISTMENT BONUS.**

23 (a) *ELIGIBLE MEMBERS.*—Subsection (a)(1) of section
24 308b of title 37, United States Code, is amended by striking
25 out “ten years” and inserting in lieu thereof “14 years”.

1 (b) *BONUS AMOUNTS; PAYMENT.*—Subsection (b) of
2 such section is amended to read as follows:

3 “(b)(1) *The amount of a bonus under this section may*
4 *not exceed—*

5 “(A) *\$2,500, in the case of a member who reen-*
6 *lists or extends an enlistment for a period of three*
7 *years; and*

8 “(B) *\$5,000, in the case of a member who reen-*
9 *lists or extends an enlistment for a period of six*
10 *years.*

11 “(2) *The bonus shall be paid according to a payment*
12 *schedule determined by the Secretary concerned, except that*
13 *the initial payment to a member may not exceed one-half*
14 *the total bonus amount for the member.”.*

15 (c) *NUMBER OF INDIVIDUAL BONUSES.*—Subsection
16 (c) of such section is amended to read as follows:

17 “(c) *A member may not be paid more than one six-*
18 *year bonus or two three-year bonuses under this section.”.*

19 (d) *EFFECT OF FAILURE TO SERVE SATISFAC-*
20 *TORILY.*—Subsection (d) of such section is amended to read
21 as follows:

22 “(d) *A member who receives a bonus under this section*
23 *and who fails, during the period for which the bonus was*
24 *paid, to serve satisfactorily in the element of the Selected*
25 *Reserve of the Ready Reserve with respect to which the*

1 *bonus was paid shall refund to the United States an*
2 *amount that bears the same relation to the amount of the*
3 *bonus paid to the member as the period that the member*
4 *failed to serve satisfactorily bears to the total period for*
5 *which the bonus was paid.”.*

6 **SEC. 619. SELECTED RESERVE ENLISTMENT BONUS FOR**
7 **FORMER ENLISTED MEMBERS.**

8 *(a) ELIGIBLE PERSONS.—Subsection (a)(2) of section*
9 *308i of title 37, United States Code, is amended by striking*
10 *out subparagraph (A) and inserting in lieu thereof the fol-*
11 *lowing new subparagraph:*

12 *“(A) has completed a military obligation but has*
13 *less than 14 years of total military service;”;*

14 *(b) BONUS AMOUNTS; PAYMENT.—Subsection (b) of*
15 *such section is amended to read as follows:*

16 *“(b)(1) The amount of a bonus under this section may*
17 *not exceed—*

18 *“(A) \$2,500, in the case of a person who enlists*
19 *for a period of three years; and*

20 *“(B) \$5,000, in the case of a person who enlists*
21 *for a period of six years.*

22 *“(2) The bonus shall be paid according to a payment*
23 *schedule determined by the Secretary concerned, except that*
24 *the initial payment to a person may not exceed one-half*
25 *the total bonus amount for the person.”.*

1 (c) *LIMITATIONS.*—Subsection (c) of such section is
2 amended to read as follows:

3 “(c)(1) A person may not be paid more than one six-
4 year bonus or two three-year bonuses under this section.

5 “(2) A person may not be paid a bonus under this
6 section unless the specialty associated with the position the
7 person is projected to occupy as a member of the Selected
8 Reserve is a specialty in which—

9 “(A) the person successfully served while a mem-
10 ber on active duty; and

11 “(B) the person attained a level of qualification
12 while a member commensurate with the grade and
13 years of service of the member.”.

14 **SEC. 620. SPECIAL PAY OR BONUSES FOR ENLISTED MEM-**
15 **BERS EXTENDING TOURS OF DUTY OVER-**
16 **SEAS.**

17 (a) *INCLUSION OF BONUS INCENTIVE.*—(1) Section
18 314 of title 37, United States Code, is amended to read as
19 follows:

20 **“§314. Special pay or bonus: qualified enlisted mem-**
21 **bers extending duty at designated loca-**
22 **tions overseas**

23 “(a) *COVERED MEMBERS.*—This section applies with
24 respect to an enlisted member of an armed force who—

25 “(1) is entitled to basic pay;

1 “(2) has a specialty that is designated by the
2 Secretary concerned for the purposes of this section;

3 “(3) has completed a tour of duty (as defined in
4 accordance with regulations prescribed by the Sec-
5 retary concerned) at a location outside the 48 contig-
6 uous States and the District of Columbia that is des-
7 ignated by the Secretary concerned for the purposes of
8 this section; and

9 “(4) at the end of that tour of duty executes an
10 agreement to extend that tour for a period of not less
11 than one year.

12 “(b) *SPECIAL PAY OR BONUS AUTHORIZED.*—Under
13 regulations prescribed by the Secretary concerned, an en-
14 listed member described in subsection (a) is entitled, upon
15 acceptance by the Secretary concerned of the agreement pro-
16 viding for extension of the member’s tour of duty, to ei-
17 ther—

18 “(1) special pay for duty performed during the
19 period of the extension at a rate of not more than \$80
20 per month, as prescribed by the Secretary concerned;
21 or

22 “(2) a bonus of up to \$2,000 per year, as pre-
23 scribed by the Secretary concerned, for specialty re-
24 quirements at designated locations.

1 “(c) *SELECTION AND PAYMENT OF SPECIAL PAY OR*
2 *BONUS.*—Not later than the date on which the Secretary
3 concerned accepts an agreement described in subsection
4 (a)(4) providing for the extension of a member’s tour of
5 duty, the Secretary concerned shall notify the member re-
6 garding whether the member will receive special pay or a
7 bonus under this section. The payment rate for the special
8 pay or bonus shall be fixed at the time of the agreement
9 and may not be changed during the period of the extended
10 tour of duty. The Secretary concerned may pay a bonus
11 under this section either in a lump sum or installments.

12 “(d) *REPAYMENT OF BONUS.*—(1) If a member who
13 receives all or part of a bonus under this section fails to
14 complete the total period of extension specified in the agree-
15 ment described in subsection (a)(4), the Secretary concerned
16 may require the member to repay the United States, on a
17 pro rata basis and to the extent that the Secretary deter-
18 mines conditions and circumstances warrant, amounts
19 paid to the member under this section.

20 “(2) An obligation to repay the United States imposed
21 under paragraph (1) is for all purposes a debt owed to the
22 United States.

23 “(3) A discharge in bankruptcy under title 11 that is
24 entered less than five years after the termination of the
25 agreement does not discharge the member signing the agree-

1 *ment from a debt arising under the agreement or under*
2 *paragraph (1). This paragraph applies to any case com-*
3 *menced under title 11 on or after October 1, 1997.*

4 “(e) *EFFECT OF REST AND RECUPERATIVE AB-*
5 *SENCE.—A member who elects to receive one of the benefits*
6 *specified in section 705(b) of title 10 as part of the extension*
7 *of a tour of duty is not entitled to the special pay or bonus*
8 *authorized by this section for the period of the extension*
9 *of duty for which the benefit under such section is pro-*
10 *vided.”.*

11 (2) *The item relating to section 314 in the table of*
12 *sections at the beginning of chapter 5 of such title is amend-*
13 *ed to read as follows:*

“314. Special pay or bonus: qualified enlisted members extending duty at des-
ignated locations overseas.”.

14 (b) *APPLICATION OF AMENDMENT.—Section 314 of*
15 *title 37, United States Code, as amended by subsection (a),*
16 *shall apply with respect to an agreement to extend a tour*
17 *of duty as provided in such section executed on or after*
18 *October 1, 1997.*

19 **SEC. 621. INCREASE IN AMOUNT OF FAMILY SEPARATION**
20 **ALLOWANCE.**

21 *Section 427 of title 37, United States Code (as amend-*
22 *ed by section 604(b)(3)), is further amended in subsection*
23 *(a)(1) by striking out “\$75” and inserting in lieu thereof*
24 *“\$100”.*

1 **SEC. 622. CHANGE IN REQUIREMENTS FOR READY RESERVE**
2 **MUSTER DUTY ALLOWANCE.**

3 *Section 433(c) of title 37, United States Code, is*
4 *amended—*

5 *(1) in the first sentence, by striking out “and*
6 *shall be” and all that follows through “is performed”;*
7 *and*

8 *(2) by inserting after the first sentence the fol-*
9 *lowing new sentence: “The allowance may be paid to*
10 *the member on or before the date on which the muster*
11 *duty is performed, but shall be paid not later than 30*
12 *days after the date on which the muster duty is per-*
13 *formed.”.*

14 ***Subtitle C—Travel and***
15 ***Transportation Allowances***

16 **SEC. 631. TRAVEL AND TRANSPORTATION ALLOWANCES**
17 **FOR DEPENDENTS OF MEMBER SENTENCED**
18 **BY COURT-MARTIAL.**

19 *Section 406(h)(2)(C) of title 37, United States Code,*
20 *is amended by striking out the comma at the end of clause*
21 *(iii) and all that follows through “title 10.” and inserting*
22 *in lieu thereof a period.*

23 **SEC. 632. DISLOCATION ALLOWANCE.**

24 *Section 407 of title 37, United States Code, is amended*
25 *to read as follows:*

1 **“§ 407. Travel and transportation allowances: disloca-**
2 **tion allowance**

3 “(a) *BASIC ELIGIBILITY.*—(1) *Under regulations pre-*
4 *scribed by the Secretary concerned, a member of a uni-*
5 *formed service described in paragraph (2) is entitled to a*
6 *dislocation allowance at the rate set forth in the tables in*
7 *subsection (c) for the member’s pay grade and dependency*
8 *status.*

9 “(2) *A member of the uniformed services referred to*
10 *in paragraph (1) is any of the following:*

11 “(A) *A member who makes a change of perma-*
12 *nent station and the member’s dependents actually*
13 *make an authorized move in connection with the*
14 *change, including a move by the dependents—*

15 “(i) *to join the member at the member’s*
16 *duty station after an unaccompanied tour of*
17 *duty when the member’s next tour of duty is an*
18 *accompanied tour at the same station; and*

19 “(ii) *to a location designated by the member*
20 *after an accompanied tour of duty when the*
21 *member’s next tour of duty is an unaccompanied*
22 *tour at the same duty station.*

23 “(B) *A member whose dependents actually move*
24 *pursuant to section 405a(a), 406(e), 406(h), or 554 of*
25 *this title.*

1 “(C) A member whose dependents actually move
2 from their place of residence under circumstances de-
3 scribed in section 406a of this title.

4 “(D) A member who is without dependents
5 and—

6 “(i) actually moves to a new permanent
7 station where the member is not assigned to
8 quarters of the United States; or

9 “(ii) actually moves from a place of resi-
10 dence under circumstances described in section
11 406a of this title.

12 “(E) A member who is ordered to move in con-
13 nection with the closure or realignment of a military
14 installation and, as a result, the member’s dependents
15 actually move or, in the case of a member without de-
16 pendents, the member actually moves.

17 “(3) If a dislocation allowance is paid under this sub-
18 section to a member described in subparagraph (C) or
19 (D)(ii), the member is not entitled to another dislocation
20 allowance as a member described in subparagraph (A) or
21 (E) in connection with the same move.

22 “(b) SECOND ALLOWANCE AUTHORIZED UNDER CER-
23 TAIN CIRCUMSTANCES.—(1) Under regulations prescribed
24 by the Secretary concerned, whenever a member is entitled
25 to a dislocation allowance as a member described in sub-

1 paragraph (C) or (D)(ii) of subsection (a)(2), the member
 2 is also entitled to a second dislocation allowance at the rate
 3 set forth in the tables in subsection (c) for the member's
 4 pay grade and dependency status if, subsequent to the mem-
 5 ber or the member's dependents actually moving from their
 6 place of residence under circumstances described in section
 7 406a of this title, the member or member's dependents com-
 8 plete that move to a new location and then actually move
 9 from that new location to another location also under cir-
 10 cumstances described in section 406a of this title.

11 “(2) If a second dislocation allowance is paid under
 12 this subsection, the member is not entitled to a dislocation
 13 allowance as a member described in subparagraph (A) or
 14 (E) of subsection (a)(2) in connection with those moves.

15 “(c) *DISLOCATION ALLOWANCE RATES.*—(1) A dis-
 16 location allowance under this section shall be paid at the
 17 following monthly rates, based on a member's pay grade
 18 and dependency status:

“COMMISSIONED OFFICERS

<i>Paygrade</i>	<i>Without dependents</i>	<i>With dependents</i>
<i>O-10</i>	\$2,061.75	\$2,538.00
<i>O-9</i>	2,061.75	2,538.00
<i>O-8</i>	2,061.75	2,538.00
<i>O-7</i>	2,061.75	2,538.00
<i>O-6</i>	1,891.50	2,285.25
<i>O-5</i>	1,821.75	2,202.75
<i>O-4</i>	1,688.25	1,941.75
<i>O-3</i>	1,353.00	1,606.50
<i>O-2</i>	1,073.25	1,371.75
<i>O-1</i>	903.75	1,226.25

*“COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE
DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OF-
FICER*

<i>Paygrade</i>	<i>Without dependents</i>	<i>With dependents</i>
<i>O-3E</i>	\$1,461.00	\$1,726.50
<i>O-2E</i>	1,242.00	1,557.75
<i>O-1E</i>	1,068.00	1,439.25

“WARRANT OFFICER

<i>Paygrade</i>	<i>Without dependents</i>	<i>With dependents</i>
<i>W-5</i>	\$1,715.25	\$1,874.25
<i>W-4</i>	1,523.25	1,718.25
<i>W-3</i>	1,280.00	1,574.25
<i>W-2</i>	1,137.00	1,448.25
<i>W-1</i>	951.75	1,252.50

“ENLISTED MEMBER

<i>Paygrade</i>	<i>Without dependents</i>	<i>With dependents</i>
<i>E-9</i>	\$1,251.00	\$1,649.25
<i>E-8</i>	1,148.25	1,520.25
<i>E-7</i>	981.00	1,411.50
<i>E-6</i>	888.00	1,304.25
<i>E-5</i>	819.00	1,173.00
<i>E-4</i>	712.50	1,020.00
<i>E-3</i>	699.00	949.50
<i>E-2</i>	567.75	903.75
<i>E-1</i>	506.25	903.75

1 “(2) For each calendar year after 1997, the Secretary
2 of Defense shall adjust the rates in the tables in paragraph
3 (1) by the percentage equal to the rate of change of the na-
4 tional average monthly cost of housing, as determined by
5 the Secretary under section 403 of this title for that cal-
6 endar year.

7 “(d) FISCAL YEAR LIMITATION; EXCEPTIONS.—(1) A
8 member is not entitled to more than one dislocation allow-
9 ance during a fiscal year unless—

1 “(A) *the Secretary concerned finds that the ex-*
2 *igencies of the service require the member to make*
3 *more than one change of permanent station during*
4 *the fiscal year;*

5 “(B) *the member is ordered to a service school as*
6 *a change of permanent station;*

7 “(C) *the member’s dependents are covered by sec-*
8 *tion 405a(a), 406(e), 406(h), or 554 of this title; or*

9 “(D) *subparagraph (C) or (D)(ii) of subsection*
10 *(a)(2) or subsection (b) apply with respect to the*
11 *member or the member’s dependents.*

12 “(2) *This subsection does not apply in time of national*
13 *emergency or in time of war.*

14 “(e) *FIRST OR LAST DUTY.—A member is not entitled*
15 *to payment of a dislocation allowance when ordered from*
16 *the member’s home to the member’s first duty station or*
17 *from the member’s last duty station to the member’s home.*

18 “(f) *RULE OF CONSTRUCTION.—For purposes of this*
19 *section, a member whose dependents may not make an au-*
20 *thorized move in connection with a change of permanent*
21 *station is considered a member without dependents.*

22 “(g) *ADVANCE PAYMENT.—A dislocation allowance*
23 *payable under this section may be paid in advance.”.*

1 **Subtitle D—Retired Pay, Survivor**
2 **Benefits, and Related Matters**

3 **SEC. 641. TIME IN WHICH CERTAIN CHANGES IN BENE-**
4 **FICIARY UNDER SURVIVOR BENEFIT PLAN**
5 **MAY BE MADE.**

6 (a) *EXTENSION OF TIME FOR CHANGE.*—Section
7 1450(f)(1)(C) of title 10, United States Code, is amended
8 by inserting before the period at the end the following: “,
9 except that such a change of election to change a beneficiary
10 under the Plan from a former spouse to a spouse may be
11 made at any time after the person providing the annuity
12 remarries (rather than only within one year after the date
13 on which that person marries)”.

14 (b) *EFFECTIVE DATE.*—The amendment made by sub-
15 section (a) shall apply with respect to marriages occurring
16 before, on, or after the date of the enactment of this Act.

17 **Subtitle E—Other Matters**

18 **SEC. 651. DEFINITION OF SEA DUTY FOR PURPOSES OF CA-**
19 **REER SEA PAY.**

20 Section 305a(d) of title 37, United States Code, is
21 amended—

22 (1) in paragraph (1)(A), by striking out “, ship-
23 based staff, or ship-based aviation unit”;

24 (2) in paragraph (1)(B), by striking out “or
25 ship-based staff”;

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

3 (4) by inserting after paragraph (1) the follow-
4 ing new paragraph:

5 “(2) *The Secretary concerned may designate duty per-*
6 *formed by a member while serving on a ship the primary*
7 *mission of which is accomplished either while under way*
8 *or in port as ‘sea duty’ for purposes of this section, even*
9 *though the duty is performed while the member is perma-*
10 *nently or temporarily assigned to a ship-based staff or other*
11 *unit not covered by paragraph (1).”.*

12 **SEC. 652. LOAN REPAYMENT PROGRAM FOR COMMISSIONED**
13 **OFFICERS IN CERTAIN HEALTH PROFES-**
14 **SIONS.**

15 (a) Chapter 109 of title 10, United States Code, is
16 amended by adding at the end the following new section:

17 **“§2173. Education loan repayment program: commis-**
18 **sioned officers in specified health profes-**
19 **sions**

20 “(a) *AUTHORITY TO REPAY EDUCATION LOANS.—For*
21 *the purpose of maintaining adequate numbers of commis-*
22 *sioned officers of the armed forces on active duty who are*
23 *qualified in the various health professions, the Secretary of*
24 *a military department may repay, in the case of a person*
25 *described in subsection (b), a loan that was used by the per-*

1 *son to finance education regarding a health profession and*
2 *was obtained from a governmental entity, private financial*
3 *institution, school, or other authorized entity.*

4 “(b) *ELIGIBLE PERSONS.*—*To be eligible to obtain a*
5 *loan repayment under this section, a person must—*

6 “(1) *satisfy one of the academic requirements*
7 *specified in subsection (c);*

8 “(2) *be fully qualified for, or hold, an appoint-*
9 *ment as a commissioned officer in one of the health*
10 *professions; and*

11 “(3) *sign a written agreement to serve on active*
12 *duty, or, if on active duty, to remain on active duty*
13 *for a period in addition to any other incurred active*
14 *duty obligation.*

15 “(c) *ACADEMIC REQUIREMENTS.*—*One of the following*
16 *academic requirements must be satisfied for purposes of de-*
17 *termining the eligibility of a person for a loan repayment*
18 *under this section:*

19 “(1) *The person must be fully qualified in a*
20 *health profession that the Secretary of the military*
21 *department concerned has determined to be necessary*
22 *to meet identified skill shortages.*

23 “(2) *The person must be enrolled as a full-time*
24 *student in the final year of a course of study at an*
25 *accredited educational institution leading to a degree*

1 *in a health profession other than medicine or osteo-*
2 *pathic medicine.*

3 “(3) *The person must be enrolled in the final*
4 *year of an approved graduate program leading to*
5 *specialty qualification in medicine, dentistry, osteo-*
6 *pathic medicine, or other health profession.*

7 “(d) *CERTAIN PERSON INELIGIBLE.—Participants of*
8 *the Armed Forces Health Professions Scholarship and Fi-*
9 *nancial Assistance program under subchapter I of chapter*
10 *105 of this title and students of the Uniformed Services*
11 *University of the Health Sciences established under section*
12 *2112 of this title are not eligible for the repayment of an*
13 *education loan under this section.*

14 “(e) *LOAN REPAYMENTS.—(1) Subject to the limits es-*
15 *tablished by paragraph (2), a loan repayment under this*
16 *section may consist of payment of the principal, interest,*
17 *and related expenses of a loan obtained by a person de-*
18 *scribed in subsection (b) for—*

19 “(A) *all educational expenses, comparable to all*
20 *educational expenses recognized under section 2127(a)*
21 *of this title for participants in the Armed Forces*
22 *Health Professions Scholarship and Financial Assist-*
23 *ance program; and*

24 “(B) *reasonable living expenses, not to exceed ex-*
25 *penses comparable to the stipend paid under section*

1 2121(d) of this title for participants in the Armed
2 Forces Health Professions Scholarship and Financial
3 Assistance program.

4 “(2) For each year of obligated service that a person
5 agrees to serve in an agreement described in subsection
6 (b)(3), the Secretary of the military department concerned
7 may pay not more than \$22,000 on behalf of the person.
8 This maximum amount shall be increased annually by the
9 Secretary of Defense effective October 1 of each year by a
10 percentage equal to the percent increase in the average an-
11 nual cost of educational expenses and stipend costs of a sin-
12 gle scholarship under the Armed Forces Health Professions
13 Scholarship and Financial Assistance program. The total
14 amount that may be repaid on behalf of any person may
15 not exceed an amount determined on the basis of a four-
16 year active duty service obligation.

17 “(f) ACTIVE DUTY SERVICE OBLIGATION.—(1) A per-
18 son entering into an agreement described in subsection
19 (b)(3) incurs an active duty service obligation. The length
20 of this obligation shall be determined under regulations pre-
21 scribed by the Secretary of Defense, but those regulations
22 may not provide for a period of obligation of less than one
23 year for each maximum annual amount, or portion thereof,
24 paid on behalf of the person for qualified loans.

1 “(2) *For persons on active duty before entering into*
2 *the agreement, the active duty service obligation shall be*
3 *served consecutively to any other incurred obligation.*

4 “(g) *EFFECT OF FAILURE TO COMPLETE OBLIGA-*
5 *TION.—A commissioned officer who is relieved of the offi-*
6 *cer’s active duty obligation under this section before the*
7 *completion of that obligation may be given, with or without*
8 *the consent of the officer, any alternative obligation com-*
9 *parable to any of the alternative obligations authorized by*
10 *section 2123(e) of this title for participants in the Armed*
11 *Forces Health Professions Scholarship and Financial As-*
12 *sistance program.*

13 “(h) *REGULATIONS.—The Secretary of Defense shall*
14 *prescribe regulations to carry out this section, including*
15 *standards for qualified loans and authorized payees and*
16 *other terms and conditions for the making of loan repay-*
17 *ments.”.*

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

 “2173. *Education loan repayment program: commissioned officers in specified*
 health professions.”.

1 **SEC. 653. CONFORMANCE OF NOAA COMMISSIONED OFFI-**
2 **CERS SEPARATION PAY TO SEPARATION PAY**
3 **FOR MEMBERS OF OTHER UNIFORMED SERV-**
4 **ICES.**

5 (a) *ELIMINATION OF LIMITATIONS ON AMOUNT OF*
6 *SEPARATION PAY.*—Section 9 of the Coast and Geodetic
7 *Survey Commissioned Officers’ Act of 1948 (33 U.S.C.*
8 *853h) is amended—*

9 (1) *in subsection (b)(1), by striking “, or*
10 *\$30,000, whichever is less”;*

11 (2) *in subsection (b)(2), by striking “, but in no*
12 *event more than \$15,000”;* and

13 (3) *in subsection (d), by striking “(1)”, and by*
14 *striking paragraph (2).*

15 (b) *WAIVER OF RECOUPMENT OF AMOUNTS WITHHELD*
16 *FOR TAX PURPOSES FROM CERTAIN SEPARATION PAY.*—
17 *Section 9(e)(2) of the Coast and Geodetic Survey Commis-*
18 *sioned Officers’ Act of 1948 (33 U.S.C. 853h) is amended*
19 *in the first sentence by inserting before the period at the*
20 *end the following: “, less the amount of Federal income tax*
21 *withheld from such pay (such withholding being at the flat*
22 *withholding rate for Federal income tax withholding, as in*
23 *effect pursuant to regulations prescribed under chapter 24*
24 *of the Internal Revenue Code of 1986)”.*

25 (c) *EFFECTIVE DATE AND APPLICATION.*—*The amend-*
26 *ments made by this section shall take effect on October 1,*

1 1996, and shall apply to payments of separation pay that
2 are made after September 30, 1997.

3 **SEC. 654. REIMBURSEMENT OF PUBLIC HEALTH SERVICE**
4 **OFFICERS FOR ADOPTION EXPENSES.**

5 *Section 221(a) of the Public Health Service Act (42*
6 *U.S.C. 213a(a)) is amended by adding at the end the follow-*
7 *ing new paragraph:*

8 *“(16) Section 1052, Reimbursement for adoption*
9 *expenses.”.*

10 **SEC. 655. PAYMENT OF BACK QUARTERS AND SUBSISTENCE**
11 **ALLOWANCES TO WORLD WAR II VETERANS**
12 **WHO SERVED AS GUERRILLA FIGHTERS IN**
13 **THE PHILIPPINES.**

14 *(a) IN GENERAL.—The Secretary of the military de-*
15 *partment concerned shall pay, upon request, to an individ-*
16 *ual described in subsection (b) the amount determined with*
17 *respect to that individual under subsection (c).*

18 *(b) COVERED INDIVIDUALS.—A payment under sub-*
19 *section (a) shall be made to any individual who as a mem-*
20 *ber of the Armed Forces during World War II—*

21 *(1) was captured within the territory of the Phil-*
22 *ippines by Japanese forces;*

23 *(2) escaped from captivity; and*

1 (3) served as a guerrilla fighter in the Phil-
2 ippines during the period from January 1942
3 through February 1945.

4 (c) *AMOUNT TO BE PAID.*—The amount of a payment
5 under subsection (a) shall be the amount of quarters and
6 subsistence allowance which accrued to an individual de-
7 scribed in subsection (b) during the period specified in
8 paragraph (3) of subsection (b) and which was not paid
9 to that individual. For the purposes of this subsection, the
10 Secretary of War shall be deemed to have determined that
11 conditions in the Philippines during the specified period
12 justified payment under applicable regulations of quarters
13 and subsistence allowances at the maximum special rate for
14 duty where emergency conditions existed. The Secretary
15 shall apply interest compounded at the three-month Treas-
16 ury bill rate.

17 (d) *PAYMENT TO SURVIVORS.*—In the case of any indi-
18 vidual described in subsection (b) who is deceased, payment
19 under this section with respect to that individual shall be
20 made to that individual's nearest surviving relative, as de-
21 termined by the Secretary concerned.

1 **SEC. 656. SPACE AVAILABLE TRAVEL FOR MEMBERS OF SE-**
2 **LECTED RESERVE.**

3 (a) *IN GENERAL.*—Chapter 157 of title 10, United
4 States Code, is amended by adding at the end the following
5 new section:

6 **“§2646. Space available travel: members of Selected**
7 **Reserve**

8 “(a) *AVAILABILITY.*—The Secretary of Defense shall
9 prescribe regulations to allow members of the Selected Re-
10 serve in good standing (as determined by the Secretary con-
11 cerned), and dependents of such members, to receive trans-
12 portation on aircraft of the Department of Defense on a
13 space available basis under the same terms and conditions
14 as apply to members of the armed forces on active duty
15 and dependents of such members.

16 “(b) *CONDITION ON DEPENDENT TRANSPORTATION.*—
17 A dependent of a member of the Selected Reserve may be
18 provided transportation under this section only when the
19 dependent is actually accompanying the member on the
20 travel.”.

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

“2646. Space available travel: members of Selected Reserve.”.

1 **SEC. 657. STUDY ON MILITARY PERSONNEL AT, NEAR, OR**
2 **BELOW THE POVERTY LINE.**

3 (a) *REQUIREMENT.*—The Secretary of Defense shall
4 conduct a study of members of the Armed Forces and their
5 dependents who subsist at, near, or below the poverty line.

6 (b) *MATTERS TO BE INCLUDED.*—The study shall in-
7 clude the following:

8 (1) *An analysis of potential solutions for miti-*
9 *gating or eliminating income levels for members of*
10 *the Armed Forces that result in certain members and*
11 *their dependents subsisting at, near, or below the pov-*
12 *erty line, including potential solutions involving*
13 *changes in the systems and rates of—*

14 (A) *basic allowance for subsistence for mem-*
15 *bers of the Armed Forces under section 402 of*
16 *title 37, United States Code;*

17 (B) *basic allowance for quarters for mem-*
18 *bers of the Armed Forces under section 403 of*
19 *such title; and*

20 (C) *variable housing allowance for members*
21 *of the Armed Forces under section 403a of such*
22 *title.*

23 (2) *An analysis of the effect of the amendments*
24 *made by sections 603 and 604 of this Act regarding*
25 *the calculation of the basic allowance for subsistence*
26 *and the consolidation of the basic allowance for quar-*

1 *ters and variable housing allowance on mitigating or*
2 *eliminating income levels for members of the Armed*
3 *Forces that result in certain members and their de-*
4 *pendents subsisting at, near, or below the poverty line*
5 *(as defined in section 673(2) of the Omnibus Budget*
6 *Reconciliation Act of 1981, including any revision re-*
7 *quired by that section).*

8 *(3) Identification of the populations of members*
9 *of the Armed Forces and their dependents most likely*
10 *to need income support under Federal programs (and*
11 *the number of individuals in each population), in-*
12 *cluding—*

13 *(A) the populations living in areas of the*
14 *United States where housing costs are notably*
15 *high; and*

16 *(B) the populations living outside the Unit-*
17 *ed States.*

18 *(4) The desirability of increasing rates of basic*
19 *pay during a defined number of years by varying*
20 *percentages depending on pay grade, so as to provide*
21 *for greater increases for members in lower pay grades*
22 *than for higher pay grades.*

23 *(c) SUBMISSION TO CONGRESS.—Not later than 180*
24 *days after the date of the enactment of this Act, the Sec-*

1 *retary shall submit to Congress the findings of the study*
2 *conducted under subsection (a).*

3 **SEC. 658. IMPLEMENTATION OF DEPARTMENT OF DEFENSE**
4 **SUPPLEMENTAL FOOD PROGRAM FOR MILI-**
5 **TARY PERSONNEL OUTSIDE THE UNITED**
6 **STATES.**

7 *(a) FUNDING.—Section 1060a(b) of title 10, United*
8 *States Code, is amended by adding at the end the following*
9 *new sentence: “Pending receipt of such funds from the Sec-*
10 *retary of Agriculture for any fiscal year, the Secretary of*
11 *Defense may use funds appropriated to the Department of*
12 *Defense for that fiscal year for operations and maintenance*
13 *to carry out, and to avoid delay in implementation of, the*
14 *program referred to in subsection (a) during any fiscal*
15 *year.”.*

16 *(b) SUBMISSION OF PLAN TO CONGRESS.—Not later*
17 *than 90 days after the date of the enactment of this Act,*
18 *the Secretary of Defense shall submit to Congress a plan*
19 *for implementing the special supplemental food program*
20 *under section 1060a of title 10, United States Code, as*
21 *amended by subsection (a).*

1 **TITLE VII—HEALTH CARE**
2 **PROVISIONS**
3 **Subtitle A—Health Care Services**

4 **SEC. 701. EXPANSION OF RETIREE DENTAL INSURANCE**
5 **PLAN TO INCLUDE SURVIVING SPOUSE AND**
6 **CHILD DEPENDENTS OF CERTAIN DECEASED**
7 **MEMBERS.**

8 *Section 1076c(b)(4) of title 10, United States Code, is*
9 *amended—*

10 (1) *in subparagraph (A)—*

11 (A) *by striking out “dies” and inserting in*
12 *lieu thereof “died”; and*

13 (B) *by striking out “or” at the end of the*
14 *subparagraph;*

15 (2) *by striking out the period at the end of sub-*
16 *paragraph (B) and inserting in lieu thereof “; or”;*
17 *and*

18 (3) *by adding at the end the following new sub-*
19 *paragraph:*

20 “(C) *who died while on active duty for a*
21 *period of more than 30 days and whose eligible*
22 *dependents are not eligible, or no longer eligible,*
23 *for dental benefits under section 1076a of this*
24 *title pursuant to subsection (i)(2) of such sec-*
25 *tion.”.*

1 **SEC. 702. PROVISION OF PROSTHETIC DEVICES TO COV-**
2 **ERED BENEFICIARIES.**

3 (a) *INCLUSION AMONG AUTHORIZED CARE.*—Sub-
4 section (a) of section 1077 of title 10, United States Code,
5 is amended by adding at the end the following new para-
6 graph:

7 “(15) Prosthetic devices, as determined by the
8 Secretary of Defense to be necessary because of signifi-
9 cant conditions resulting from trauma, congenital
10 anomalies, or disease.”.

11 (b) *CONFORMING AMENDMENT.*—Subsection (b) of such
12 section is amended by striking out paragraph (2) and in-
13 serting in lieu thereof the following new paragraph:

14 “(2) Hearing aids, orthopedic footwear, and
15 spectacles, except that, outside of the United States
16 and at stations inside the United States where ade-
17 quate civilian facilities are unavailable, such items
18 may be sold to dependents at cost to the United
19 States.”.

20 **Subtitle B—TRICARE Program**

21 **SEC. 711. ADDITION OF DEFINITION OF TRICARE PROGRAM**
22 **TO TITLE 10.**

23 Section 1072 of title 10, United States Code, is amend-
24 ed by adding at the end the following new paragraph:

25 “(7) The term ‘TRICARE program’ means the
26 managed health care program that is established by

1 *the Department of Defense under the authority of this*
2 *chapter, principally section 1097 of this title, and in-*
3 *cludes the competitive selection of contractors to fi-*
4 *nancially underwrite the delivery of health care serv-*
5 *ices under the Civilian Health and Medical Program*
6 *of the Uniformed Services.”.*

7 **SEC. 712. PLAN FOR EXPANSION OF MANAGED CARE OP-**
8 **TION OF TRICARE PROGRAM.**

9 *(a) EXPANSION PLAN REQUIRED.—The Secretary of*
10 *Defense shall prepare a plan for the expansion of the man-*
11 *aged care option of the TRICARE program, known as*
12 *TRICARE Prime, into areas of the United States located*
13 *outside of the catchment areas of medical treatment facili-*
14 *ties of the uniformed services, but in which the managed*
15 *care option is a cost-effective alternative because of—*

16 *(1) the significant number of covered bene-*
17 *ficiaries under chapter 55 of title 10, United States*
18 *Code, including retired members of the Armed Forces*
19 *and their dependents, who reside in the areas; and*

20 *(2) the presence in the areas of sufficient non-*
21 *military health care provider networks.*

22 *(b) ALTERNATIVES.—As an alternative to expansion of*
23 *the managed care option of the TRICARE program to areas*
24 *of the United States in which there is few or no nonmilitary*
25 *health care provider networks, the Secretary shall include*

1 *in the plan required under subsection (a) an evaluation of*
2 *the feasibility and cost-effectiveness of providing a member*
3 *of the Armed Forces on active duty who is stationed in such*
4 *an area, or whose dependents reside in such an area, with*
5 *one or both of the following:*

6 (1) *A monetary stipend to assist the member in*
7 *obtaining health care services for the member or the*
8 *member's dependents.*

9 (2) *A reduction in the cost-sharing requirements*
10 *applicable to the TRICARE program options other-*
11 *wise available to the member to match the reduced*
12 *cost-sharing responsibilities of the managed care op-*
13 *tion of the TRICARE program.*

14 (c) *SUBMISSION OF PLAN.—Not later than March 1,*
15 *1998, the Secretary shall submit to Congress the plan re-*
16 *quired under subsection (a).*

17 ***Subtitle C—Uniformed Services***
18 ***Treatment Facilities***

19 ***SEC. 721. IMPLEMENTATION OF DESIGNATED PROVIDER***
20 ***AGREEMENTS FOR UNIFORMED SERVICES***
21 ***TREATMENT FACILITIES.***

22 (a) *COMMENCEMENT OF HEALTH CARE SERVICES*
23 *UNDER AGREEMENT.—Subsection (c) of section 722 of the*
24 *National Defense Authorization Act for Fiscal Year 1997*
25 *(Public Law 104–201, 10 U.S.C. 1073 note) is amended—*

1 (1) *by redesignating paragraphs (1) and (2) as*
2 *subparagraphs (A) and (B);*

3 (2) *by inserting “(1)” before “Unless”; and*

4 (3) *by adding at the end the following new para-*
5 *graph:*

6 “(2) *The Secretary may modify the effective date estab-*
7 *lished under paragraph (1) for an agreement to permit a*
8 *transition period of not more than six months between the*
9 *date on which the agreement is executed by the parties and*
10 *the date on which the designated provider commences the*
11 *delivery of health care services under the agreement.”.*

12 (b) *TEMPORARY CONTINUATION OF EXISTING PARTICI-*
13 *PATION AGREEMENTS.—Subsection (d) of such section is*
14 *amended by inserting before the period at the end the follow-*
15 *ing: “, including any transitional period provided by the*
16 *Secretary under paragraph (2) of such subsection”.*

17 **SEC. 722. LIMITATION ON TOTAL PAYMENTS.**

18 *Section 726(b) of the National Defense Authorization*
19 *Act for Fiscal Year 1997 (Public Law 104–201, 10 U.S.C.*
20 *1073 note) is amended by adding at the end the following*
21 *new sentence: “In establishing the ceiling rate for enrollees*
22 *with the designated providers who are also eligible for the*
23 *Civilian Health and Medical Program of the Uniformed*
24 *Services, the Secretary of Defense shall take into account*
25 *the health status of the enrollees.”.*

1 **SEC. 723. CONTINUED ACQUISITION OF REDUCED-COST**
2 **DRUGS.**

3 *Section 722 of the National Defense Authorization Act*
4 *for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073*
5 *note) is amended by adding at the end the following new*
6 *subsection:*

7 “(g) *CONTINUED ACQUISITION OF REDUCED-COST*
8 *DRUGS.—A designated provider shall be treated as part of*
9 *the Department of Defense for purposes of section 8126 of*
10 *title 38, United States Code, in connection with the provi-*
11 *sion by the designated provider of health care services to*
12 *covered beneficiaries pursuant to the participation agree-*
13 *ment of the designated provider under section 718(c) of the*
14 *National Defense Authorization Act for Fiscal Year 1991*
15 *(Public Law 101–510; 42 U.S.C. 248c note) or pursuant*
16 *to the agreement entered into under subsection (b).”.*

17 ***Subtitle D—Other Changes to Exist-***
18 ***ing Laws Regarding Health***
19 ***Care Management***

20 **SEC. 731. WAIVER OR REDUCTION OF COPAYMENTS UNDER**
21 **OVERSEAS DENTAL PROGRAM.**

22 *Section 1076a(h) of title 10, United States Code, is*
23 *amended—*

24 (1) *in the first sentence, by striking out “Sec-*
25 *retary” and inserting in lieu thereof “Secretary of*
26 *Defense”; and*

1 (2) by adding at the end the following new sen-
2 tence: “In the case of such an overseas dental plan,
3 the Secretary may waive or reduce the copayments
4 otherwise required by subsection (e) to the extent the
5 Secretary determines appropriate for the effective and
6 efficient operation of the plan.”.

7 **SEC. 732. PREMIUM COLLECTION REQUIREMENTS FOR MED-**
8 **ICAL AND DENTAL INSURANCE PROGRAMS.**

9 (a) *SELECTED RESERVE DENTAL INSURANCE.*—Para-
10 graph (3) of section 1076b(b) of title 10, United States Code,
11 is amended to read as follows:

12 “(3) The Secretary of Defense shall establish pro-
13 cedures for the collection of the member’s share of the
14 premium for coverage by the dental insurance plan.
15 Not later than October 1, 1998, the Secretary shall
16 permit a member to pay the member’s share of the
17 premium through a deduction and withholding from
18 basic pay payable to the member for inactive duty
19 training or basic pay payable to the member for ac-
20 tive duty.”.

21 (b) *RETIREE DENTAL INSURANCE PLAN.*—Paragraph
22 (2) of section 1076c(c) of such title is amended to read as
23 follows:

24 “(2) In the regulations prescribed under sub-
25 section (h), the Secretary of Defense shall establish

1 *procedures for the payment by enrolled members and*
2 *by other enrolled covered beneficiaries of premiums*
3 *charged for coverage by the dental insurance plan.*
4 *Not later than October 1, 1998, the Secretary shall*
5 *permit a member enrolled in the plan and entitled to*
6 *retired pay to pay the member's share of the premium*
7 *through a deduction and withholding from the retired*
8 *pay of the member."*

9 *(c) IMPLEMENTATION PLAN.—Not later than March 1,*
10 *1998, the Secretary of Defense shall submit to Congress a*
11 *plan to permit, not later than October 1, 1998—*

12 *(1) an enrollee in the Selected Reserve dental in-*
13 *surance plan authorized under section 1076b of title*
14 *10, United States Code, to pay the enrollee's share of*
15 *the premium for such insurance through a deduction*
16 *and withholding from basic pay payable to the en-*
17 *rollee;*

18 *(2) a retired member of the uniformed services*
19 *enrolled in the dental insurance plan authorized*
20 *under section 1076c of such title to pay the enrollee's*
21 *share of the premium for such insurance through a*
22 *deduction and withholding from retired pay payable*
23 *to the enrollee; and*

24 *(3) a retired member of the uniformed services*
25 *enrolled in the managed care option of the TRICARE*

1 program known as *TRICARE Prime* to pay the en-
2 rollee’s share of the premium for such option through
3 a deduction and withholding from retired pay pay-
4 able to the enrollee.

5 **SEC. 733. CONSISTENCY BETWEEN CHAMPUS AND MEDI-**
6 **CARE IN PAYMENT RATES FOR SERVICES.**

7 (a) *CONFORMITY BETWEEN RATES.*—Section 1079(h)
8 of title 10, United States Code, is amended by striking out
9 paragraphs (1), (2), and (3) and inserting in lieu thereof
10 the following new paragraph:

11 “(1) *Except as provided in paragraphs (2) and (3),*
12 *payment for a charge for services by an individual health*
13 *care professional (or other noninstitutional health care pro-*
14 *vider) for which a claim is submitted under a plan con-*
15 *tracted for under subsection (a) shall be equal to an amount*
16 *determined to be appropriate, to the extent practicable, in*
17 *accordance with the same reimbursement rules as apply to*
18 *payments for similar services under title XVIII of the So-*
19 *cial Security Act (42 U.S.C. 1395 et seq.). The Secretary*
20 *of Defense shall determine the appropriate payment amount*
21 *under this paragraph in consultation with the other admin-*
22 *istering Secretaries.”.*

23 (b) *REDUCED RATES AUTHORIZED.*—Paragraph (5)
24 of such section is amended by adding at the end the follow-
25 ing new sentence: “With the consent of the health care pro-

1 *vider, the Secretary is also authorized to reduce the author-*
2 *ized payment for certain health care services below the*
3 *amount otherwise required by the payment limitations*
4 *under paragraph (1).”.*

5 *(c) CONFORMING AMENDMENTS.—Such section is fur-*
6 *ther amended—*

7 *(1) in paragraph (5), by striking out “para-*
8 *graph (4), the Secretary” and inserting in lieu thereof*
9 *“paragraph (2), the Secretary of Defense”; and*

10 *(2) by redesignating paragraphs (4), (5), and (6)*
11 *as paragraphs (2), (3), and (4), respectively.*

12 **SEC. 734. USE OF PERSONAL SERVICES CONTRACTS FOR**
13 **PROVISION OF HEALTH CARE SERVICES AND**
14 **LEGAL PROTECTION FOR PROVIDERS.**

15 *(a) USE OF CONTRACTS OUTSIDE MEDICAL TREAT-*
16 *MENT FACILITIES.—Section 1091(a) of title 10, United*
17 *States Code, is amended—*

18 *(1) by inserting “(1)” before “The Secretary of*
19 *Defense”; and*

20 *(2) by adding at the end the following new para-*
21 *graph:*

22 *“(2) The Secretary of Defense may also enter into per-*
23 *sonal services contracts to carry out other health care re-*
24 *sponsibilities of the Secretary, such as the provision of med-*
25 *ical screening examinations at Military Entrance Process-*

1 *ing Stations, at locations outside medical treatment facili-*
2 *ties, as determined necessary pursuant to regulations issued*
3 *by the Secretary.”.*

4 (b) *DEFENSE OF SUITS.*—Section 1089 of such title
5 *is amended—*

6 (1) *in subsection (a), by adding at the end the*
7 *following new sentence: “This subsection shall also*
8 *apply if the physician, dentist, nurse, pharmacist, or*
9 *paramedical or other supporting personnel (or the es-*
10 *tate of such person) involved is serving under a per-*
11 *sonal services contract entered into by the Secretary*
12 *of Defense under section 1091 of this title.”; and*

13 (2) *in subsection (f)—*

14 (A) *by inserting “(1)” after “(f)”;* and

15 (B) *by adding at the end the following new*
16 *paragraph:*

17 “(2) *With respect to the Secretary of Defense and the*
18 *Armed Forces Retirement Home Board, the authority pro-*
19 *vided by paragraph (1) also includes the authority to pro-*
20 *vide for reasonable attorney’s fees for persons described in*
21 *subsection (a), as determined necessary pursuant to regula-*
22 *tions issued by the head of the agency concerned.”.*

1 **SEC. 735. PORTABILITY OF STATE LICENSES FOR DEPART-**
2 **MENT OF DEFENSE HEALTH CARE PROFES-**
3 **SIONALS.**

4 *Section 1094 of title 10, United States Code, is amend-*
5 *ed—*

6 *(1) by redesignating subsection (d) as subsection*
7 *(e); and*

8 *(2) by inserting after subsection (c) the following*
9 *new subsection:*

10 *“(d)(1) Notwithstanding any law regarding the licen-*
11 *sure of health care providers, a health-care professional de-*
12 *scribed in paragraph (2) may practice the health profession*
13 *or professions of the health-care professional in any State,*
14 *the District of Columbia, or a Commonwealth, territory, or*
15 *possession of the United States, regardless of whether the*
16 *practice occurs in a health care facility of the Department*
17 *of Defense, a civilian facility affiliated with the Department*
18 *of Defense, or any other location authorized by the Sec-*
19 *retary of Defense .*

20 *“(2) A health-care professional referred to in para-*
21 *graph (1) is a member of the armed forces who—*

22 *“(A) has a current license to practice medicine,*
23 *osteopathic medicine, dentistry, or another health pro-*
24 *fession; and*

25 *“(B) is performing authorized duties for the De-*
26 *partment of Defense.”.*

1 **SEC. 736. STANDARD FORM AND REQUIREMENTS REGARD-**
2 **ING CLAIMS FOR PAYMENT FOR SERVICES.**

3 (a) *CLARIFICATION OF EXISTING REQUIREMENTS.*—
4 *Section 1106 of title 10, United States Code, is amended*
5 *to read as follows:*

6 **“§ 1106. Submittal of claims: standard form; time lim-**
7 **its**

8 “(a) *STANDARD FORM.*—*The Secretary of Defense,*
9 *after consultation with the other administering Secretaries,*
10 *shall prescribe by regulation a standard form for the sub-*
11 *mission of claims for the payment of health care services*
12 *provided under this chapter.*

13 “(b) *TIME FOR SUBMISSION.*—*A claim for payment*
14 *for services shall be submitted as provided in such regula-*
15 *tions not later than one year after the services are pro-*
16 *vided.”.*

17 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
18 *the beginning of chapter 55 of title 10, United States Code,*
19 *is amended by striking out the item relating to section 1106*
20 *and inserting in lieu thereof the following new item:*

“1106. Submittal of claims: standard form; time limits.”.

21 **SEC. 737. MEDICAL PERSONNEL CONSCIENCE CLAUSE.**

22 (a) *SECRETARY OF DEFENSE POLICY.*—*The Secretary*
23 *of Defense shall establish a uniform policy for the Army,*
24 *Navy, and Air Force establishing the circumstances under*
25 *which covered members (as defined in subsection (d)) of the*

1 *Army, Navy, and Air Force may refuse, based on con-*
2 *science, to perform an abortion (or participate in the per-*
3 *formance of an abortion) or provide a covered family plan-*
4 *ning service (or participate in the provision of such a serv-*
5 *ice).*

6 **(b) CONSCIENCE CLAUSE.**—(1) *The policy established*
7 *under subsection (a) shall provide that a member of the*
8 *Army, Navy, or Air Force who is a covered member may*
9 *not be required to perform an abortion (or participate in*
10 *the performance of an abortion), or to provide a covered*
11 *family planning service (or participate in the provision of*
12 *such a service), if the member believes that to do so would*
13 *be wrong on moral, ethical or religious grounds.*

14 (2) *Paragraph (1) does not apply in a case in which*
15 *refusal to perform an abortion (or participate in the per-*
16 *formance of an abortion) or provide a covered family plan-*
17 *ning service would pose a life-threatening risk to the pa-*
18 *tient.*

19 **(c) COVERED FAMILY PLANNING SERVICES.**—*For the*
20 *purposes of this section, a covered family planning service*
21 *is any of the following:*

22 (1) *Contraceptive services, not limited to the pre-*
23 *scription or provision of a pharmaceutical prepara-*
24 *tion, device, or chemical method.*

25 (2) *Surgical sterilization.*

1 (d) *COVERED MEMBER.*—*In this section, the term*
2 *“covered member” means a member of the Army, Navy, or*
3 *Air Force who—*

4 (1) *in the case of the Army, is a member of the*
5 *Medical Corps, Dental Corps, Nurse Corps, Medical*
6 *Service Corps, Veterinary Corps, or Army Medical*
7 *Specialist Corps or is an enlisted member directly en-*
8 *gaged in or directly supporting medically related ac-*
9 *tivities;*

10 (2) *in the case of the Navy, is a member of the*
11 *Medical Corps, Dental Corps, Nurse Corps, or Medi-*
12 *cal Service Corps or is an enlisted member directly*
13 *engaged in or directly supporting medically related*
14 *activities; and*

15 (3) *in the case of the Air Force, is designated as*
16 *a medical officer, dental officer, Air Force nurse, med-*
17 *ical service officer, or biomedical science officer or is*
18 *an enlisted member directly engaged in or directly*
19 *supporting medically related activities.*

20 (e) *EFFECTIVE DATE.*—*The policy established pursu-*
21 *ant to subsection (a) shall apply with respect to any refusal*
22 *on or after the date of the enactment of this Act to perform*
23 *an abortion (or participate in the performance of an abor-*
24 *tion) or to provide a covered family planning service.*

1 ***Subtitle E—Other Matters***

2 ***SEC. 741. CONTINUED ADMISSION OF CIVILIANS AS STU-***
3 ***DENTS IN PHYSICIAN ASSISTANT TRAINING***
4 ***PROGRAM OF ARMY MEDICAL DEPARTMENT.***

5 (a) *CIVILIAN ATTENDANCE.*—(1) *Chapter 407 of title*
6 *10, United States Code, is amended by adding at the end*
7 *the following new section:*

8 ***“§4416. Academy of Health Sciences: admission of ci-***
9 ***vilians in physician assistant training***
10 ***program***

11 *“(a) RECIPROCAL AGREEMENTS WITH COLLEGES.—*
12 *The Secretary of the Army may enter into an agreement*
13 *with an accredited institution of higher education under*
14 *which students of the institution may attend the physician*
15 *assistant training program conducted by the Army Medical*
16 *Department at the Academy of Health Sciences at Fort*
17 *Sam Houston, Texas, during the didactic portion of the*
18 *program. In exchange for the admission of such students,*
19 *the institution of higher education shall agree to provide*
20 *such academic services as the Secretary and the institution*
21 *consider to be appropriate to support the physician assist-*
22 *ant training program at the Academy. The Secretary shall*
23 *ensure that the Army Medical Department does not incur*
24 *any additional costs as a result of the agreement than the*

1 *Department would incur to obtain such academic services*
2 *in the absence of the agreement.*

3 “(b) *SELECTION OF STUDENTS.*—*The attendance of ci-*
4 *vilian students at the Academy pursuant to an agreement*
5 *under subsection (a) may not result in a decrease in the*
6 *number of members of the armed forces enrolled in the phy-*
7 *sician assistant training program. In consultation with the*
8 *institution of higher education that is a party to the agree-*
9 *ment, the Secretary shall establish qualifications and meth-*
10 *ods of selection for students to receive instruction at the*
11 *Academy. The qualifications established shall be comparable*
12 *to those generally required for admission to the physician*
13 *assistant training program at the Academy.*

14 “(c) *RULES OF ATTENDANCE.*—*Except as the Sec-*
15 *retary determines necessary, a civilian student who receives*
16 *instruction at the Academy pursuant to an agreement en-*
17 *tered into under subsection (a) shall be subject to the same*
18 *regulations governing attendance, discipline, discharge, and*
19 *dismissal as apply to other persons attending the Academy.*

20 “(d) *REPORT.*—*For each year in which an agreement*
21 *under subsection (a) is in effect, the Secretary shall submit*
22 *to Congress a report specifying the number of civilian stu-*
23 *dents who received instruction at the Academy under the*
24 *agreement during the period covered by the report and*
25 *accessing the benefits to the United States of the agreement.*

1 “(e) *ACADEMY DEFINED.*—*In this section, the term*
2 *‘Academy’ means the Academy of Health Sciences of the*
3 *Army Medical Department at Fort Sam Houston, Texas.*”.

4 (2) *The table of sections at the beginning of such chap-*
5 *ter is amended by adding at the end the following new item:*

*“4416. Academy of Health Sciences: admission of civilians in physician assistant
training program.”.*

6 (b) *EFFECT ON EXISTING DEMONSTRATION PRO-*
7 *GRAM.*—*An agreement entered into under the demonstra-*
8 *tion program for the admission of civilians as physician*
9 *assistant students at the Academy of Health Sciences, Fort*
10 *Sam Houston, Texas, established pursuant to section 732*
11 *of the National Defense Authorization Act for Fiscal Year*
12 *1995 (Public Law 103–337; 108 Stat. 2810) shall be treated*
13 *as an agreement entered into under section 4416 of title*
14 *10, United States Code (as added by subsection (a)). The*
15 *agreement may be extended in such manner and for such*
16 *period as the parties to the agreement consider appropriate*
17 *consistent with such section 4416.*

18 **SEC. 742. EMERGENCY HEALTH CARE IN CONNECTION WITH**
19 **OVERSEAS ACTIVITIES OF ON-SITE INSPEC-**
20 **TION AGENCY OF DEPARTMENT OF DEFENSE.**

21 (a) *PAYMENT OF EXPENSES FOR EMERGENCY HEALTH*
22 *CARE.*—*Chapter 152 of title 10, United States Code, is*
23 *amended by inserting after section 2549 the following new*
24 *section:*

1 **“§ 2549a. Emergency health care: overseas activities of**
 2 **On-Site Inspection Agency**

3 “(a) *AUTHORITY TO PAY EXPENSES.*—From funds ap-
 4 propriated for the necessary expenses of the On-Site Inspec-
 5 tion Agency of the Department of Defense, the Secretary of
 6 Defense may pay or reimburse an employee of the Agency,
 7 a member of the uniformed services or a civilian employee
 8 assigned or detailed to the Agency, or an employee of a con-
 9 tractor operating under a contract with the Agency, for
 10 emergency health care services obtained by the employee,
 11 member, or contractor employee while permanently or tem-
 12 porarily on duty in a state of the former Soviet Union or
 13 the former Warsaw Pact.

14 “(b) *INITIAL DEPOSITS.*—The expenses for emergency
 15 health care that may be paid or reimbursed under sub-
 16 section (a) include initial deposits for emergency care and
 17 inpatient care.”.

18 (b) *CLERICAL AMENDMENT.*—The table of sections at
 19 the beginning of such chapter is amended by inserting after
 20 the item relating to section 2549 the following new item:

“2549a. *Emergency health care: overseas activities of On-Site Inspection Agency.*”.

21 **SEC. 743. COMPTROLLER GENERAL STUDY OF ADEQUACY**
 22 **AND EFFECT OF MAXIMUM ALLOWABLE**
 23 **CHARGES FOR PHYSICIANS UNDER CHAMPUS.**

24 (a) *STUDY REQUIRED.*—The Comptroller General
 25 shall conduct a study regarding the adequacy of the maxi-

1 *mum allowable charges for physicians established under the*
2 *Civilian Health and Medical Program of the Uniformed*
3 *Services (CHAMPUS) and the effect of such charges on the*
4 *participation of physicians in CHAMPUS. The study shall*
5 *include an evaluation of the following:*

6 (1) *The methodology used by the Secretary of De-*
7 *fense to establish maximum allowable charges for phy-*
8 *sicians under CHAMPUS, and whether such meth-*
9 *odology conforms to the requirements of section*
10 *1079(h) of title 10, United States Code.*

11 (2) *The differences between the established*
12 *charges under CHAMPUS and reimbursement rates*
13 *for similar services under title XVIII of the Social Se-*
14 *curity Act and other health care programs.*

15 (3) *The basis for physician complaints that the*
16 *CHAMPUS established charges are too low.*

17 (4) *The difficulty of CHAMPUS in ensuring*
18 *physician compliance with the CHAMPUS estab-*
19 *lished charges in the absence of legal mechanisms to*
20 *enforce compliance, and the effect of noncompliance*
21 *on patient out-of-pocket expenses.*

22 (5) *The effect of the established charges under*
23 *CHAMPUS on the participation of physicians in*
24 *CHAMPUS, and the extent and success of Depart-*

1 *ment of Defense efforts to increase physician partici-*
2 *ipation in areas with low participation rates.*

3 *(b) SUBMISSION OF REPORT.—Not later than March*
4 *1, 1998, the Comptroller General shall submit to Congress*
5 *a report containing the results of the study required by sub-*
6 *section (a).*

7 **SEC. 744. COMPTROLLER GENERAL STUDY OF DEPARTMENT**
8 **OF DEFENSE PHARMACY PROGRAMS.**

9 *Not later than March 31, 1998, the Comptroller Gen-*
10 *eral shall submit to Congress a study evaluating the phar-*
11 *macy programs of the Department of Defense. The study*
12 *shall include an examination of the following:*

13 *(1) The merits and feasibility of establishing a*
14 *uniform formulary for military treatment facility*
15 *pharmacies and civilian contractor pharmacy benefit*
16 *administrators.*

17 *(2) The extent of, and cost impacts from, mili-*
18 *tary treatment facility pharmacies denying covered*
19 *beneficiaries under chapter 55 of title 10, United*
20 *States Code, pharmacy care access and shifting such*
21 *beneficiaries to other sources of pharmacy care.*

22 *(3) The merits and feasibility of implementing*
23 *other pharmacy benefit management best practices at*
24 *military treatment facility and civilian contractor*
25 *pharmacies.*

1 (4) *The cost impacts of TRICARE program con-*
2 *tractors being unable to procure pharmaceuticals at*
3 *discounted prices pursuant to section 8126 of title 38,*
4 *United States Code, and potential ways to increase*
5 *the discounts available to TRICARE program con-*
6 *tractors, with appropriate controls.*

7 **SEC. 745. COMPTROLLER GENERAL STUDY OF NAVY GRAD-**
8 **UATE MEDICAL EDUCATION PROGRAM.**

9 (a) *STUDY REQUIRED.*—*The Comptroller General*
10 *shall conduct a study to evaluate the validity of the rec-*
11 *ommendations made by the Medical Education Policy*
12 *Council of the Bureau of Medicine and Surgery of the Navy*
13 *regarding restructuring the graduate medical education*
14 *program of the Department of the Navy. The study shall*
15 *specifically address the Council's recommendations relating*
16 *to residency training conducted at Naval Medical Center,*
17 *Portsmouth, Virginia, and National Naval Medical Center,*
18 *Bethesda, Maryland.*

19 (b) *SUBMISSION OF REPORT.*—*Not later than March*
20 *1, 1998, the Comptroller General shall submit to Congress*
21 *and the Secretary of the Navy a report containing the re-*
22 *sults of the study required by subsection (a).*

23 (c) *MORATORIUM ON RESTRUCTURING.*—*Until the re-*
24 *port required by subsection (b) is submitted to Congress,*
25 *the Secretary of the Navy may not make any change in*

1 *the types of residency programs conducted under the Navy*
2 *graduate medical education program or the locations at*
3 *which such residency programs are conducted or otherwise*
4 *restructure the Navy graduate medical education program.*

5 **SEC. 746. STUDY OF EXPANSION OF PHARMACEUTICALS BY**
6 **MAIL PROGRAM TO INCLUDE ADDITIONAL**
7 **MEDICARE-ELIGIBLE COVERED BENE-**
8 **FICIARIES.**

9 *Not later than six months after the date of the enact-*
10 *ment of this Act, the Secretary of Defense shall submit to*
11 *Congress a report regarding the feasibility and advisability*
12 *of expanding the category of persons eligible to participate*
13 *in the demonstration project for the purchase of prescrip-*
14 *tion pharmaceuticals by mail, as required by section 702(a)*
15 *of the National Defense Authorization Act for Fiscal Year*
16 *1993 (Public Law 102-484; 10 U.S.C. 1079 note), to in-*
17 *clude persons referred to in section 1086(c) of title 10, Unit-*
18 *ed States Code, who are covered by subsection (d)(1) of such*
19 *section and reside in the United States outside of the*
20 *catchment area of a medical treatment facility of the uni-*
21 *formed services.*

1 **TITLE VIII—ACQUISITION POL-**
2 **ICY, ACQUISITION MANAGE-**
3 **MENT, AND RELATED MAT-**
4 **TERS**

5 **Subtitle A—Acquisition Policy**

6 **SEC. 801. CASE-BY-CASE WAIVERS OF DOMESTIC SOURCE**
7 **LIMITATIONS.**

8 (a) *REQUIREMENT FOR CASE-BY-CASE WAIVERS.*—
9 *Section 2534(d) of title 10, United States Code, is amended*
10 *in the matter appearing before paragraph (1) by striking*
11 *out “waive the limitation in subsection (a) with respect to*
12 *the procurement of an item listed in that subsection if the*
13 *Secretary determines” and inserting in lieu thereof the fol-*
14 *lowing: “waive, on a case-by-case basis, the limitation in*
15 *subsection (a) in the case of a specific procurement of an*
16 *item listed in that subsection if the Secretary determines,*
17 *for that specific procurement,”.*

18 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
19 *section (a) shall apply with respect to contracts entered into*
20 *after the expiration of the 30-day period beginning on the*
21 *date of the enactment of this Act.*

1 **SEC. 802. EXPANSION OF AUTHORITY TO ENTER INTO CON-**
 2 **TRACTS CROSSING FISCAL YEARS TO ALL**
 3 **SEVERABLE SERVICES CONTRACTS NOT EX-**
 4 **CEEDING A YEAR.**

5 (a) *EXPANDED AUTHORITY.*—Section 2410a of title
 6 10, United States Code, is amended to read as follows:

7 **“§2410a. Severable services contracts for periods**
 8 **crossing fiscal years**

9 “(a) *AUTHORITY.*—The Secretary of Defense or the
 10 Secretary of a military department may enter into a con-
 11 tract for procurement of severable services for a period that
 12 begins in one fiscal year and ends in the next fiscal year
 13 if (without regard to any option to extend the period of
 14 the contract) the contract period does not exceed one year.

15 “(b) *OBLIGATION OF FUNDS.*—Funds made available
 16 for a fiscal year may be obligated for the total amount of
 17 a contract entered into under the authority of subsection
 18 (a).”

19 (b) *CLERICAL AMENDMENT.*—The item relating to that
 20 section in the table of sections at the beginning of chapter
 21 141 of such title is amended to read as follows:

“2410a. Severable services contracts for periods crossing fiscal years.”

22 **SEC. 803. CLARIFICATION OF VESTING OF TITLE UNDER**
 23 **CONTRACTS.**

24 Section 2307 of title 10, United States Code, is amend-
 25 ed by adding at the end the following new subsection:

1 “(i) *VESTING OF TITLE.*—If a contract made by the
 2 head of an agency provides for title to property to vest in
 3 the United States, such title shall vest in accordance with
 4 the terms of the contract, regardless of any security interest
 5 in the property asserted by the contractor.”.

6 **SEC. 804. EXCLUSION OF DISASTER RELIEF, HUMANI-**
 7 **TARIAN, AND PEACEKEEPING OPERATIONS**
 8 **FROM RESTRICTIONS ON USE OF**
 9 **UNDEFINITIZED CONTRACT ACTIONS.**

10 Section 2326 of title 10, United States Code, is amend-
 11 ed—

12 (1) in subsection (b)—

13 (A) by striking out paragraph (4); and

14 (B) by redesignating paragraph (5) as
 15 paragraph (4); and

16 (2) in subsection (g)(1), by adding at the end the
 17 following new subparagraphs:

18 “(E) Purchases in support of contingency
 19 operations.

20 “(F) Purchases in support of humanitarian
 21 or peacekeeping operations, as defined in
 22 2302(7)(B) of this title.

23 “(G) Purchases in support of emergency
 24 work and other disaster relief operations per-
 25 formed pursuant to the Robert T. Stafford Disas-

1 *ter Relief and Emergency Assistance Act (42*
2 *U.S.C. 5121 et seq.)”.*

3 **SEC. 805. LIMITATION AND REPORT ON PAYMENT OF RE-**
4 **STRUCTURING COSTS UNDER DEFENSE CON-**
5 **TRACTS.**

6 *(a) IN GENERAL.—(1) Chapter 137 of title 10, United*
7 *States Code, is amended by inserting after section 2324 the*
8 *following new section:*

9 **“§2325. Restructuring costs**

10 *“(a) LIMITATION ON PAYMENT OF RESTRUCTURING*
11 *COSTS.—(1) The Secretary of Defense may not pay, under*
12 *section 2324 of this title, a defense contractor for restructur-*
13 *ing costs associated with a business combination of the con-*
14 *tractor unless the Secretary determines in writing either—*

15 *“(A) that the amount of savings for the Depart-*
16 *ment of Defense associated with the restructuring,*
17 *based on audited cost data, will be at least twice the*
18 *amount of the costs allowed; or*

19 *“(B) that the amount of savings for the Depart-*
20 *ment of Defense associated with the restructuring,*
21 *based on audited cost data, will exceed the amount of*
22 *the costs allowed and that the business combination*
23 *will result in the preservation of a critical capability*
24 *that otherwise might be lost to the Department.*

1 “(2) *The Secretary may not delegate the authority to*
2 *make a determination under paragraph (1) to an official*
3 *of the Department of Defense below the level of an Assistant*
4 *Secretary of Defense.*

5 “(b) *REPORT.—Not later than March 1 in each of*
6 *1998, 1999, 2000, 2001, and 2002, the Secretary of Defense*
7 *shall submit to Congress a report containing the following:*

8 “(1) *For each defense contractor to which the*
9 *Secretary has paid, under section 2324 of this title,*
10 *restructuring costs associated with a business com-*
11 *bination, a summary of the following:*

12 “(A) *The amount of savings for the Depart-*
13 *ment of Defense associated with such business*
14 *combination that has been realized as of the date*
15 *of the report, based on audited cost data.*

16 “(B) *An estimate, as of the date of the re-*
17 *port, of the amount of savings for the Depart-*
18 *ment of Defense associated with such business*
19 *combination that is expected to be achieved in*
20 *the future.*

21 “(2) *An identification of any business combina-*
22 *tion for which the Secretary has paid restructuring*
23 *costs under section 2324 of this title during the pre-*
24 *ceding calendar year and, for each such business com-*
25 *bination—*

1 “(A) *the supporting rationale for allowing*
2 *such costs;*

3 “(B) *factual information associated with*
4 *the determination made under subsection (a)*
5 *with respect to such costs; and*

6 “(C) *a discussion of whether the business*
7 *combination would have proceeded without the*
8 *payment of restructuring costs by the Secretary.*

9 “(3) *An assessment of the degree of vertical inte-*
10 *gration resulting from business combinations of de-*
11 *fense contractors and a discussion of the measures*
12 *taken by the Secretary of Defense to increase the abil-*
13 *ity of the Department of Defense to monitor vertical*
14 *integration trends and address any resulting negative*
15 *consequences.*

16 “(c) *DEFINITION.—In this section, the term ‘business*
17 *combination’ includes a merger or acquisition.”.*

18 “(2) *The table of sections at the beginning of such chap-*
19 *ter is amended by inserting after the item relating to section*
20 *2324 the following new item:*

 “2325. *Restructuring costs.*”.

21 “(b) *EFFECTIVE DATE.—Section 2325 of title 10, Unit-*
22 *ed States Code, as added by subsection (a), shall apply with*
23 *respect to business combinations that occur after the date*
24 *of the enactment of this Act.*

1 (c) *REPEAL OF SUPERSEDED PROVISION.*—Subsection
2 (a) of section 818 of the National Defense Authorization Act
3 for Fiscal Year 1995 (10 U.S.C. 2324 note) is repealed.

4 **SEC. 806. AUTHORITY RELATING TO PURCHASE OF CERTAIN**
5 **VEHICLES.**

6 Section 2253(a)(2) of title 10, United States Code, is
7 amended by striking out “\$12,000” and inserting in lieu
8 thereof “\$30,000”.

9 **SEC. 807. MULTIYEAR PROCUREMENT CONTRACTS.**

10 (a) *REQUIREMENT FOR AUTHORIZATION BY LAW IN*
11 *ACTS OTHER THAN APPROPRIATIONS ACTS.*—(1) Sub-
12 section (i) of section 2306b of title 10, United States Code,
13 is amended by adding at the end the following new para-
14 graph:

15 “(3) In the case of the Department of Defense, a
16 multiyear contract may not be entered into for any fiscal
17 year under this section unless the contract is specifically
18 authorized by law in an Act other than an appropriations
19 Act.”.

20 (2) Paragraph (3) of section 2306b(i) of title 10, Unit-
21 ed States Code, as added by paragraph (1), shall not apply
22 with respect to a contract authorized by law before the date
23 of the enactment of this Act.

24 (b) *CODIFICATION OF ANNUAL RECURRING*
25 *MULTIYEAR PROCUREMENT REQUIREMENTS.*—(1) Such

1 *section is further amended by adding at the end the follow-*
2 *ing new subsection:*

3 “(l) *VARIOUS ADDITIONAL REQUIREMENTS WITH RE-*
4 *SPECT TO MULTIYEAR DEFENSE CONTRACTS.—(1)(A) The*
5 *head of an agency may not initiate a contract described*
6 *in subparagraph (B) unless the congressional defense com-*
7 *mittees are notified of the proposed contract at least 30 days*
8 *in advance of the award of the proposed contract.*

9 “(B) *Subparagraph (A) applies to the following con-*
10 *tracts:*

11 “(i) *A multiyear contract—*

12 “(I) *that employs economic order quantity*
13 *procurement in excess of \$20,000,000 in any one*
14 *year of the contract; or*

15 “(II) *that includes an unfunded contingent*
16 *liability in excess of \$20,000,000.*

17 “(ii) *Any contract for advance procurement lead-*
18 *ing to a multiyear contract that employs economic*
19 *order quantity procurement in excess of \$20,000,000*
20 *in any one year.*

21 “(2) *The head of an agency may not initiate a*
22 *multiyear contract for which the economic order quantity*
23 *advance procurement is not funded at least to the limits*
24 *of the Government’s liability.*

1 “(3) *The head of an agency may not initiate a*
2 *multiyear procurement contract for any system (or compo-*
3 *nent thereof) if the value of the multiyear contract would*
4 *exceed \$500,000,000 unless authority for the contract is spe-*
5 *cifically provided in an appropriations Act.*

6 “(4) *The head of an agency may not terminate a*
7 *multiyear procurement contract until 10 days after the date*
8 *on which notice of the proposed termination is provided to*
9 *the congressional defense committees.*

10 “(5) *The execution of multiyear authority shall require*
11 *the use of a present value analysis to determine lowest cost*
12 *compared to an annual procurement.*

13 “(6) *This subsection does not apply to the National*
14 *Aeronautics and Space Administration or to the Coast*
15 *Guard.*

16 “(7) *In this subsection, the term ‘congressional defense*
17 *committees’ means the following:*

18 “(A) *The Committee on Armed Services of the*
19 *Senate and the Subcommittee on Defense of the Com-*
20 *mittee on Appropriations of the Senate.*

21 “(B) *The Committee on National Security of the*
22 *House of Representatives and the Subcommittee on*
23 *National Security of the Committee on Appropria-*
24 *tions of the House of Representatives.”.*

1 (2) *The amendment made by paragraph (1) shall take*
2 *effect on October 1, 1998.*

3 (c) *TECHNICAL AND CONFORMING AMENDMENTS.—*

4 *Such section is further amended as follows:*

5 (1) *Subsection (a) is amended—*

6 (A) *by striking out “finds—” in the matter*
7 *preceding paragraph (1) and inserting in lieu*
8 *thereof “finds each of the following:”;*

9 (B) *by capitalizing the initial letter of the*
10 *first word in each of paragraphs (1) through (6);*

11 (C) *by striking out the semicolon at the end*
12 *of paragraphs (1) through (4) and inserting in*
13 *lieu thereof a period; and*

14 (D) *by striking out “; and” at the end of*
15 *paragraph (5) and inserting in lieu thereof a pe-*
16 *riod.*

17 (2) *Subsection (d)(1) is amended by striking out*
18 *“paragraph (1)” and inserting in lieu thereof “sub-*
19 *section (a)”.*

20 (3) *Subsection (i)(1) is amended by striking*
21 *“five-year” and inserting in lieu thereof “future-*
22 *years”.*

23 (4) *Subsection (k) is amended by striking out*
24 *“subsection” and inserting in lieu thereof “section”.*

1 **SEC. 808. DOMESTIC SOURCE LIMITATION AMENDMENTS.**

2 (a) *ADDITION OF SHIPBOARD WORK STATIONS.*—Section
3 *tion 2534(a)(3)(B) of title 10, United States Code, is*
4 *amended—*

5 (1) *by striking out “and” before “totally”; and*

6 (2) *by inserting before the period at the end the*
7 *following: “, and shipboard work stations”.*

8 (b) *EXTENSION OF DOMESTIC SOURCE LIMITATION*
9 *FOR VALVES AND MACHINE TOOLS.*—Section 2534(c)(2)(C)
10 *of such title is amended by striking out “October 1, 1996”*
11 *and inserting in lieu thereof “October 1, 2001”.*

12 **SEC. 809. REPEAL OF EXPIRATION OF DOMESTIC SOURCE**
13 **LIMITATION FOR CERTAIN NAVAL VESSEL**
14 **PROPELLERS.**

15 *Section 2534(c) of title 10, United States Code, is*
16 *amended by striking out paragraph (4).*

17 **Subtitle B—Other Matters**

18 **SEC. 821. REPEAL OF CERTAIN ACQUISITION REQUIRE-**
19 **MENTS AND REPORTS**

20 (a) *REPEAL OF REPORTING REQUIREMENT FOR*
21 *NONMAJOR ACQUISITION PROGRAMS.*—Section 2220(b) of
22 *title 10, United States Code, is amended by striking out*
23 *“and nonmajor”.*

24 (b) *REPEAL OF ADDITIONAL DOCUMENTATION RE-*
25 *QUIREMENT FOR COMPETITION EXCEPTION FOR INTER-*
26 *NATIONAL AGREEMENTS.*—Section 2304(f) of title 10, *Unit-*

1 *ed States Code, is amended in paragraph (2)(E) by striking*
2 *out “procedures and such document is approved by the com-*
3 *petition advocate for the procuring activity.” and inserting*
4 *in lieu thereof “procedures.”.*

5 *(c) ELIMINATION OF COMPLETION STATUS REQUIRE-*
6 *MENT IN CERTAIN SELECTED ACQUISITION REPORTS.—*
7 *Section 2432(h)(2) of title 10, United States Code, is*
8 *amended—*

9 *(1) by striking out subparagraph (D); and*
10 *(2) by redesignating subparagraphs (E) and (F)*
11 *as subparagraphs (D) and (E), respectively.*

12 *(d) REPEAL OF REQUIREMENT TO ESTABLISH PRO-*
13 *CUREMENT COMPETITION GOALS.—Section 913 of the De-*
14 *partment of Defense Authorization Act, 1986 (Public Law*
15 *99–145; 99 Stat. 687; 10 U.S.C. 2302 note), is repealed.*

16 *(e) REPEAL OF ANNUAL REPORT BY ADVOCATES FOR*
17 *COMPETITION.—Section 20(b) of the Office of Federal Pro-*
18 *curement Policy Act (41 U.S.C. 418(b)) is amended—*

19 *(1) by striking out “and” at the end of para-*
20 *graph (3)(B);*

21 *(2) by striking out paragraph (4); and*

22 *(3) by redesignating paragraphs (5), (6), and (7)*
23 *as paragraphs (4), (5), and (6), respectively.*

24 *(f) REPEAL OF REVIEW AND REPORT RELATING TO*
25 *PROCUREMENT REGULATIONS.—Section 25 of the Office of*

1 *Federal Procurement Policy Act (41 U.S.C. 421) is amend-*
2 *ed—*

3 (1) *by striking out paragraphs (4), (5), and (6)*
4 *of subsection (c); and*

5 (2) *by striking out subsection (g).*

6 **SEC. 822. EXTENSION OF AUTHORITY FOR USE OF TEST**
7 **AND EVALUATION INSTALLATIONS BY COM-**
8 **MERCIAL ENTITIES.**

9 *Section 2681(g) of title 10, United States Code, is*
10 *amended by striking out “September 30, 1998” and insert-*
11 *ing in lieu thereof “September 30, 2000”.*

12 **SEC. 823. REQUIREMENT TO DEVELOP AND MAINTAIN LIST**
13 **OF FIRMS NOT ELIGIBLE FOR DEFENSE CON-**
14 **TRACTS.**

15 *(a) DEVELOPMENT AND MAINTENANCE OF LIST.—Sec-*
16 *tion 2327 of title 10, United States Code, is amended—*

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

19 (2) *by inserting after subsection (c) the following*
20 *new subsection:*

21 “(d) *LIST OF FIRMS SUBJECT TO SUBSECTION (b).—*

22 *(1) The Secretary of Defense shall develop and maintain*
23 *a list of all firms and subsidiaries of firms that have been*
24 *subject to the prohibition in subsection (b) since the date*
25 *occurring five years before the date of the enactment of the*

1 *National Defense Authorization Act for Fiscal Year 1998.*

2 *The Secretary shall make the list available to the public.*

3 “(2) *A firm or subsidiary included on the list main-*
4 *tained under paragraph (1) may request the Secretary of*
5 *Defense to remove such firm or subsidiary from the list if*
6 *its foreign ownership circumstances have significantly*
7 *changed. Upon receipt of such request, the Secretary shall*
8 *determine if paragraphs (1) and (2) of subsection (b) still*
9 *apply to the firm or subsidiary. If the Secretary determines*
10 *such paragraphs no longer apply, the Secretary shall re-*
11 *move the firm or subsidiary from the list.*

12 “(3) *The head of an agency shall provide a copy of*
13 *the list maintained under paragraph (1) to each firm or*
14 *subsidiary of a firm that submits a bid or proposal in re-*
15 *sponse to a solicitation issued by the Department of Defense.*

16 “(4) *The head of an agency shall prohibit each firm*
17 *or subsidiary of a firm awarded a contract by the agency*
18 *from using in the performance of the contract any equip-*
19 *ment, parts, or services that are provided by a firm or sub-*
20 *subsidiary included on the list maintained under paragraph*
21 *(1).”.*

22 **(b) REMOVAL FROM LIST.**—*Section 2327(c)(1)(A) of*
23 *such title is amended by inserting after “United States,”*
24 *the following: “the Secretary shall remove the firm or sub-*

1 *sidiary from the list maintained under subsection (d)(1)*
2 *and”.*

3 **TITLE IX—DEPARTMENT OF DE-**
4 **FENSE ORGANIZATION AND**
5 **MANAGEMENT**

6 **SEC. 901. LIMITATION ON OPERATION AND SUPPORT**
7 **FUNDS FOR THE OFFICE OF THE SECRETARY**
8 **OF DEFENSE.**

9 *(a) REDUCTION IN FUNDS.—The amount of funds ap-*
10 *propriated pursuant to section 301 that are available for*
11 *operation and support activities of the Office of the Sec-*
12 *retary of Defense may not exceed the amount equal to 80*
13 *percent of the amount of funds requested for such purpose*
14 *in the budget submitted by the President to Congress under*
15 *section 1105 of title 31, United States Code, for fiscal year*
16 *1998.*

17 *(b) LIMITATION PENDING RECEIPT OF PREVIOUSLY*
18 *REQUIRED REPORTS.—Of the amount available for fiscal*
19 *year 1998 for operation and support activities of the Office*
20 *of the Secretary of Defense (as limited pursuant to sub-*
21 *section (a)), not more than 90 percent may be obligated*
22 *until each of the following reports has been submitted to*
23 *the congressional defense committees:*

1 (1) *The report required by section 901(c) of the*
2 *National Defense Authorization Act for Fiscal Year*
3 *1996 (Public Law 104–106; 110 Stat. 401).*

4 (2) *The report required by section 904(b) of the*
5 *National Defense Authorization Act for Fiscal Year*
6 *1997 (Public Law 104–201; 110 Stat. 2619).*

7 **SEC. 902. COMPONENTS OF NATIONAL DEFENSE UNIVER-**
8 **SITY.**

9 (a) *EMPLOYMENT AND COMPENSATION OF CIVILIAN*
10 *FACULTY.—Section 1595(d)(2) of title 10, United States*
11 *Code, is amended by striking out “Institute for National*
12 *Strategic Study,” and inserting in lieu thereof “Institute*
13 *for National Strategic Studies, the Information Resources*
14 *Management College,”.*

15 (b) *PREPARATION OF BUDGET REQUESTS.—Section*
16 *2162(d)(2) of such title is amended by inserting after “the*
17 *Armed Forces Staff College,” the following: “the Institute*
18 *for National Strategic Studies, the Information Resources*
19 *Management College,”.*

20 **SEC. 903. AUTHORIZATION FOR THE MARINE CORPS UNI-**
21 **VERSITY TO EMPLOY CIVILIAN PROFESSORS.**

22 (a) *IN GENERAL.—Subsections (a) and (c) of 7478 of*
23 *title 10, United States Code, are amended by striking “or*
24 *at the Marine Corps Command and Staff College” and in-*

1 *serting in lieu thereof “or at a school of the Marine Corps*
2 *University”.*

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

5 **“§ 7478. Naval War College and Marine Corps Univer-**
6 **sity: civilian faculty members”.**

7 (2) *The item relating to such section in the table of*
8 *sections at the beginning of chapter 643 of such title is*
9 *amended to read as follows:*

“7478. Naval War College and Marine Corps University: civilian faculty mem-
bers.”.

10 **SEC. 904. CENTER FOR THE STUDY OF CHINESE MILITARY**
11 **AFFAIRS.**

12 (a) *FINDINGS.—The Congress finds the following:*

13 (1) *The strategic relationship between the United*
14 *States and the People’s Republic of China will be very*
15 *important for future peace and security, not only in*
16 *the Asia-Pacific region but around the world.*

17 (2) *The United States does not view China as an*
18 *enemy, nor consider that the coming century nec-*
19 *essarily will see a new great power competition be-*
20 *tween the two nations.*

21 (3) *The end of the Cold War has eliminated what*
22 *had been the one fundamental common strategic in-*
23 *terest of the United States and China, that of con-*
24 *taining the Soviet Union.*

1 (4) *The rapid economic rise and stated geo-*
2 *political ambitions of China will pose challenges that*
3 *will require careful management in order to preserve*
4 *peace and protect the national security interests of the*
5 *United States.*

6 (5) *The ability of the Department of Defense,*
7 *and the United States Government more generally, to*
8 *develop sound security and military strategies is*
9 *hampered by a limited understanding of Chinese stra-*
10 *tegic goals and military capabilities. The low priority*
11 *accorded the study of Chinese strategic and military*
12 *affairs within the Government and within the aca-*
13 *demie community has contributed to this limited un-*
14 *derstanding.*

15 (6) *There is a need for a United States national*
16 *institute for research and assessment of political, stra-*
17 *tegic, and military affairs in the People's Republic of*
18 *China. Such an institute should be capable of provid-*
19 *ing analysis for the purpose of shaping United States*
20 *military strategy and policy with regard to China*
21 *and should be readily accessible to senior leaders*
22 *within the Department of Defense, but should main-*
23 *tain academic and intellectual independence so that*
24 *that analysis is not first shaped by policy.*

1 (b) *ESTABLISHMENT OF CENTER FOR THE STUDY OF*
2 *CHINESE MILITARY AFFAIRS.*—(1) *Chapter 108 of title 10,*
3 *United States Code, is amended by adding at the end the*
4 *following new section:*

5 “**§2165. National Defense University: Center for the**
6 **Study of Chinese Military Affairs**

7 “(a) *ESTABLISHMENT.*—(1) *The Secretary of Defense*
8 *shall establish a Center for the Study of Chinese Military*
9 *Affairs (hereinafter in this section referred to as the ‘Cen-*
10 *ter’)* *as part of the National Defense University. The Center*
11 *shall be organized as an independent institute under the*
12 *University.*

13 “(2) *The Director of the Center shall be a distinguished*
14 *scholar of proven academic, management, and leadership*
15 *credentials with a superior record of achievement and pub-*
16 *lication regarding Chinese political, strategic, and military*
17 *affairs. The Director shall be appointed by the Secretary*
18 *of Defense in consultation with the chairman and ranking*
19 *minority party member of the Committee on National Secu-*
20 *rity of the House of Representatives and the chairman and*
21 *ranking minority party member of the Committee on*
22 *Armed Services of the Senate.*

23 “(b) *MISSION.*—*The mission of the Center is to study*
24 *the national goals and strategic posture of the People’s Re-*
25 *public of China and the ability of that nation to develop,*

1 *field, and deploy an effective military instrument in sup-*
2 *port of its national strategic objectives.*

3 “(c) *AREAS OF STUDY.*—*The Center shall conduct re-*
4 *search relating to the People’s Republic of China as follows:*

5 “(1) *To assess the potential of that nation to act*
6 *as a global great power, the Center shall conduct re-*
7 *search that considers the policies and capabilities of*
8 *that nation in a regional and world-wide context, in-*
9 *cluding Central Asia, Southwest Asia, Europe, and*
10 *Latin America, as well as the Asia-Pacific region.*

11 “(2) *To provide a fuller assessment of the areas*
12 *of study referred to in paragraph (1), the Center shall*
13 *conduct research on—*

14 “(A) *economic trends relative to strategic*
15 *goals and military capabilities;*

16 “(B) *strengths and weaknesses in the sci-*
17 *entific and technological sector; and*

18 “(C) *relevant demographic and human re-*
19 *source factors on progress in the military sphere.*

20 “(3) *The Center shall conduct research on the*
21 *armed forces of the People’s Republic of China, taking*
22 *into account the character of those armed forces and*
23 *their role in Chinese society and economy, the degree*
24 *of their technological sophistication, and their organi-*

1 *zational and doctrinal concepts. That research shall*
2 *include inquiry into the following matters:*

3 *“(A) Concepts concerning national interests,*
4 *objectives, and strategic culture.*

5 *“(B) Grand strategy, military strategy,*
6 *military operations, and tactics.*

7 *“(C) Doctrinal concepts at each of the four*
8 *levels specified in subparagraph (B).*

9 *“(D) The impact of doctrine on China’s*
10 *force structure choices.*

11 *“(E) The interaction of doctrine and force*
12 *structure at each level to create an integrated*
13 *system of military capabilities through procure-*
14 *ment, officer education, training, and practice*
15 *and other similar factors.*

16 *“(d) FACULTY OF THE CENTER.—(1) The core faculty*
17 *of the Center should comprise mature scholars capable of*
18 *providing diverse perspectives on Chinese political, strate-*
19 *gic, and military thought. Center scholars shall demonstrate*
20 *the following competencies and capabilities:*

21 *“(A) Analysis of national strategy, military*
22 *strategy, and doctrine.*

23 *“(B) Analysis of force structure and military ca-*
24 *pabilities.*

25 *“(C) Analysis of—*

1 “(i) issues relating to weapons of mass de-
2 struction, military intelligence, defense econom-
3 ics, trade, and international economics; and

4 “(ii) the relationship between those issues
5 and grand strategy, science and technology, the
6 sociology of human resources and demography,
7 and political science.

8 “(2) A substantial number of Center scholars shall be
9 competent in the Chinese language. The Center shall include
10 a core of junior scholars capable of providing linguistics
11 and translation support to the Center.

12 “(e) *ACTIVITIES OF THE CENTER.*—The activities of
13 the Center shall include other elements appropriate to its
14 mission, including the following:

15 “(1) The Center should include an active con-
16 ference program with an international reach.

17 “(2) The Center should conduct an international
18 competition for a Visiting Fellowship in Chinese
19 Military Affairs and Chinese Security Issues. The
20 term of the fellowship should be for one year, renew-
21 able for a second. The visitor should contract to
22 produce a major publication in the visitor’s area of
23 expertise.

24 “(3) The Center shall provide funds to support
25 at least one trip per analyst per year to China and

1 *the region and to support visits of Chinese military*
2 *leaders to the Center.*

3 *“(4) The Center shall support well defined, dis-*
4 *tinguished, signature publications.*

5 *“(5) Center scholars shall have appropriate ac-*
6 *cess to intelligence community assessments of Chinese*
7 *military affairs.*

8 *“(f) STUDIES AND REPORTS.—The Director may con-*
9 *tract for studies and reports from the private sector to sup-*
10 *plement the work of the Center.”.*

11 *(2) The table of sections at the beginning of such chap-*
12 *ter is amended by adding at the end the following new item:*

“2165. National Defense University: Center for the Study of Chinese Military Af-
airs.”.

13 *(c) IMPLEMENTATION REPORT.—Not later than Janu-*
14 *ary 1, 1998, the Secretary of Defense shall submit to Con-*
15 *gress a report stating the timetable and organizational plan*
16 *for establishing the Center for the Study of Chinese Military*
17 *Affairs under section 2165 of title 10, United States Code,*
18 *as added by subsection (b).*

19 *(d) STARTUP OF CENTER.—The Secretary shall estab-*
20 *lish the Center for the Study of Chinese Military Affairs*
21 *under section 2165 of title 10, United States Code, as added*
22 *by subsection (b), not later than March 1, 1998, and shall*
23 *appoint the first Director of the Center not later than June*
24 *1, 1998.*

1 (e) *FIRST YEAR FUNDING.*—Of the amount available
2 to the Secretary of Defense for fiscal year 1998 for Defense-
3 wide operation and maintenance (other than funds other-
4 wise available for the activities of the National Defense Uni-
5 versity), the Secretary shall make \$5,000,000 available for
6 the Center for the Study of Chinese Military Affairs estab-
7 lished under section 2165 of title 10, United States Code,
8 as added by subsection (b).

9 **SEC. 905. WHITE HOUSE COMMUNICATIONS AGENCY.**

10 Of the amount appropriated pursuant to section 301
11 for operation and maintenance for fiscal year 1998, not
12 more than \$55,000,000 may be made available for the White
13 House Communications Agency.

14 **SEC. 906. REVISION TO REQUIRED FREQUENCY FOR PROVI-**
15 **SION OF POLICY GUIDANCE FOR CONTIN-**
16 **GENCY PLANS.**

17 Section 113(g)(2) of title 10, United States Code, is
18 amended—

19 (1) in the first sentence, by striking out “annu-
20 ally”; and

21 (2) in the second sentence, by inserting “be pro-
22 vided every two years or more frequently as needed
23 and shall” after “Such guidance shall”.

1 **SEC. 907. TERMINATION OF THE DEFENSE AIRBORNE RE-**
2 **CONNAISSANCE OFFICE.**

3 (a) *TERMINATION OF OFFICE.*—*The organization*
4 *within the Department of Defense known as the Defense*
5 *Airborne Reconnaissance Office is terminated. No funds*
6 *available for the Department of Defense may be used for*
7 *the operation of that Office after the date specified in sub-*
8 *section (d).*

9 (b) *TRANSFER OF FUNCTIONS.*—(1) *Subject to para-*
10 *graphs (2) and (3), the Secretary of Defense shall transfer*
11 *to the Defense Intelligence Agency the functions that were*
12 *performed on the day before the date of the enactment this*
13 *Act by the Defense Airborne Reconnaissance Office relating*
14 *to its responsibilities for management oversight and coordi-*
15 *nation of defense airborne reconnaissance capabilities.*

16 (2) *The Secretary shall determine which functions are*
17 *appropriate for transfer under paragraph (1). In making*
18 *such determination, the Secretary shall ensure that pro-*
19 *gram management, development and acquisition, oper-*
20 *ations, and related responsibilities for individual programs*
21 *within the Defense Airborne Reconnaissance program re-*
22 *main within the military departments.*

23 (3) *Any functions transferred under this subsection*
24 *shall be subject to the authority, direction, and control of*
25 *the Secretary.*

1 (c) *REPORT.*—(1) *Not later than 90 days after the date*
2 *of the enactment of this Act, the Secretary of Defense shall*
3 *submit to the committees named in paragraph (2) a report*
4 *containing the Secretary’s plan for terminating and trans-*
5 *ferring the functions of the Defense Airborne Reconnaissance*
6 *Office.*

7 (2) *The committees referred to in paragraph (1) are—*

8 (A) *the Committee on Armed Services and the*
9 *Select Committee on Intelligence of the Senate; and*

10 (B) *the Permanent Select Committee on Intel-*
11 *ligence and the Committee on National Security of*
12 *the House of Representatives.*

13 (d) *EFFECTIVE DATE.*—*Subsection (a) shall take effect*
14 *at the end of the 120-day period beginning on the date of*
15 *the enactment of this Act.*

16 **TITLE X—GENERAL PROVISIONS**

17 **Subtitle A—Financial Matters**

18 **SEC. 1001. TRANSFER AUTHORITY.**

19 (a) *AUTHORITY TO TRANSFER AUTHORIZATIONS.*—(1)
20 *Upon determination by the Secretary of Defense that such*
21 *action is necessary in the national interest, the Secretary*
22 *may transfer amounts of authorizations made available to*
23 *the Department of Defense in this division for fiscal year*
24 *1998 between any such authorizations for that fiscal year*
25 *(or any subdivisions thereof). Amounts of authorizations so*

1 transferred shall be merged with and be available for the
2 same purposes as the authorization to which transferred.

3 (2) The total amount of authorizations that the Sec-
4 retary of Defense may transfer under the authority of this
5 section may not exceed \$2,000,000,000.

6 (b) LIMITATIONS.—The authority provided by this sec-
7 tion to transfer authorizations—

8 (1) may only be used to provide authority for
9 items that have a higher priority than the items from
10 which authority is transferred; and

11 (2) may not be used to provide authority for an
12 item that has been denied authorization by Congress.

13 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A trans-
14 fer made from one account to another under the authority
15 of this section shall be deemed to increase the amount au-
16 thorized for the account to which the amount is transferred
17 by an amount equal to the amount transferred.

18 (d) NOTICE TO CONGRESS.—The Secretary shall
19 promptly notify Congress of each transfer made under sub-
20 section (a).

21 **SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.**

22 (a) STATUS OF CLASSIFIED ANNEX.—The Classified
23 Annex prepared by the Committee on National Security of
24 the House of Representatives to accompany the bill H.R.

1 1119 of the One Hundred Fifth Congress and transmitted
2 to the President is hereby incorporated into this Act.

3 (b) *CONSTRUCTION WITH OTHER PROVISIONS OF*
4 *ACT.*—The amounts specified in the Classified Annex are
5 not in addition to amounts authorized to be appropriated
6 by other provisions of this Act.

7 (c) *LIMITATION ON USE OF FUNDS.*—Funds appro-
8 priated pursuant to an authorization contained in this Act
9 that are made available for a program, project, or activity
10 referred to in the Classified Annex may only be expended
11 for such program, project, or activity in accordance with
12 such terms, conditions, limitations, restrictions, and re-
13 quirements as are set out for that program, project, or activ-
14 ity in the Classified Annex.

15 (d) *DISTRIBUTION OF CLASSIFIED ANNEX.*—The
16 President shall provide for appropriate distribution of the
17 Classified Annex, or of appropriate portions of the annex,
18 within the executive branch of the Government.

19 **SEC. 1003. AUTHORITY FOR OBLIGATION OF UNAUTHOR-**
20 **IZED FISCAL YEAR 1997 DEFENSE APPROPRIA-**
21 **TIONS.**

22 (a) *AUTHORITY.*—The amounts described in subsection
23 (b) may be obligated and expended for programs, projects,
24 and activities of the Department of Defense in accordance
25 with fiscal year 1997 defense appropriations.

1 (b) *COVERED AMOUNTS.*—*The amounts referred to in*
2 *subsection (a) are the amounts provided for programs,*
3 *projects, and activities of the Department of Defense in fis-*
4 *cal year 1997 defense appropriations that are in excess of*
5 *the amounts provided for such programs, projects, and ac-*
6 *tivities in fiscal year 1997 defense authorizations.*

7 (c) *DEFINITIONS.*—*For the purposes of this section:*

8 (1) *FISCAL YEAR 1997 DEFENSE APPROPRIA-*
9 *TIONS.*—*The term “fiscal year 1997 defense appro-*
10 *priations” means amounts appropriated or otherwise*
11 *made available to the Department of Defense for fiscal*
12 *year 1997 in the Department of Defense Appropria-*
13 *tions Act, 1997 (as contained in section 101(b) of*
14 *Public Law 104–208).*

15 (2) *FISCAL YEAR 1997 DEFENSE AUTHORIZA-*
16 *TIONS.*—*The term “fiscal year 1997 defense author-*
17 *izations” means amounts authorized to be appro-*
18 *priated for the Department of Defense for fiscal year*
19 *1997 in the National Defense Authorization Act for*
20 *Fiscal Year 1997 (Public Law 104–201).*

21 **SEC. 1004. AUTHORIZATION OF SUPPLEMENTAL APPRO-**
22 **PRIATIONS FOR FISCAL YEAR 1997.**

23 *Amounts authorized to be appropriated to the Depart-*
24 *ment of Defense for fiscal year 1997 in the National Defense*
25 *Authorization Act for Fiscal Year 1997 (Public Law 104–*

1 201) are hereby adjusted, with respect to any such author-
2 ized amount, by the amount by which appropriations pur-
3 suant to such authorization were increased (by a supple-
4 mental appropriation) or decreased (by a rescission), or
5 both, in the 1997 Emergency Supplemental Appropriations
6 Act for Recovery from Natural Disasters, and for Overseas
7 Peacekeeping Efforts, Including Those in Bosnia.

8 **SEC. 1005. INCREASE IN FISCAL YEAR 1996 TRANSFER AU-**
9 **THORITY.**

10 Section 1001(a)(2) of the National Defense Authoriza-
11 tion Act for Fiscal Year 1996 (Public Law 104–106; 100
12 Stat. 2630) is amended by striking out “\$2,000,000,000”
13 and inserting in lieu thereof “\$3,100,000,000”.

14 **SEC. 1006. FISHER HOUSE TRUST FUNDS.**

15 Section 2221(c) of title 10, United States Code, is
16 amended by adding at the end the following new paragraph:

17 “(5) There is hereby authorized to be appropriated for
18 any fiscal year from a trust fund specified in subsection
19 (a) any amount referred to in paragraph (1), (2), or (3)
20 (as applicable to that trust fund), such amount to be avail-
21 able only for the purposes stated in that paragraph. With
22 respect to any such amount, the preceding sentence is the
23 specific authorization by law required by section 1321(b)(2)
24 of title 31.”.

1 **SEC. 1007. FLEXIBILITY IN FINANCING CLOSURE OF CER-**
2 **TAIN OUTSTANDING CONTRACTS FOR WHICH**
3 **A SMALL FINAL PAYMENT IS DUE.**

4 (a) *CLOSURE OF OUTSTANDING CONTRACTS.*—*The*
5 *Secretary of Defense may make the final payment on a con-*
6 *tract to which this section applies from the account estab-*
7 *lished pursuant to subsection (d).*

8 (b) *COVERED CONTRACTS.*—*This section applies to*
9 *any contract of the Department of Defense—*

10 (1) *that was entered into before December 5,*
11 *1990; and*

12 (2) *for which an unobligated balance of an ap-*
13 *propriation that had been initially applied to the*
14 *contract was canceled before December 5, 1990, pursu-*
15 *ant to section 1552 of title 31, United States Code,*
16 *as in effect before that date.*

17 (c) *AUTHORITY LIMITED TO SMALL FINAL PAY-*
18 *MENTS.*—*The Secretary may use the authority provided by*
19 *this section only for a contract for which the amount of*
20 *the final payment due is not greater than the micro-pur-*
21 *chase threshold (as defined in section 32 of the Office of*
22 *Federal Procurement Policy Act (41 U.S.C. 428)).*

23 (d) *ACCOUNT.*—*The Secretary may establish an ac-*
24 *count for the purposes of this section. The Secretary may*
25 *from time to time transfer into the account, from funds*
26 *available to the Department of Defense for procurement or*

1 *for research, development, test, and evaluation, such*
2 *amounts as the Secretary determines to be needed for the*
3 *purposes of the account, except that no such transfer may*
4 *be made that would result in the balance of the account*
5 *exceeding \$1,000,000. Amounts in the account may be used*
6 *only for the purposes of this section.*

7 *(e) CLOSURE OF ACCOUNT.—When the Secretary deter-*
8 *mines that all contracts to which this section applies have*
9 *been closed and there is no further need for the account es-*
10 *tablished under subsection (d), the Secretary shall close the*
11 *account. Any amounts remaining in the account shall be*
12 *covered into the Treasury as miscellaneous receipts.*

13 ***Subtitle B—Naval Vessels and***
14 ***Shipyards***

15 ***SEC. 1021. RELATIONSHIP OF CERTAIN LAWS TO DISPOSAL***
16 ***OF VESSELS FOR EXPORT FROM THE NAVAL***
17 ***VESSEL REGISTER AND THE NATIONAL DE-***
18 ***FENSE RESERVE FLEET.***

19 *(a) NAVAL VESSEL REGISTER.—(1) Section 7305 of*
20 *title 10, United States Code, is amended by adding at the*
21 *end the following:*

22 *“(e) RELATIONSHIP TO TOXIC SUBSTANCES CONTROL*
23 *ACT.—(1) Subject to paragraph (2), the sale of a vessel*
24 *under this section for export, or any subsequent resale of*
25 *a vessel sold under this section for export—*

1 “(A) is not a disposal or a distribution in com-
2 merce under section 6 or 12(a) of the Toxic Sub-
3 stances Control Act (15 U.S.C. 2605 and 2611(a)) or
4 an export of hazardous waste under section 3017 of
5 the Solid Waste Disposal Act (42 U.S.C. 6938); and

6 “(B) is not subject to section 12(b) of the Toxic
7 Substances Control Act (15 U.S.C. 2611(b)).

8 “(2)(A) Paragraph (1) applies to a vessel being sold
9 for export only if, before the sale of such vessel, any item
10 listed in subparagraph (B) containing polychlorinated
11 biphenyls is removed from the vessel.

12 “(B) Subparagraph (A) covers any transformer, large
13 high or low voltage capacitor, or hydraulic or heat transfer
14 fluid.”.

15 (2) Section 7306a of such title is amended—

16 (A) in the heading, by adding at the end the fol-
17 lowing: “**or operational training**”;

18 (B) in subsection (a), by inserting “or oper-
19 ational training” after “purposes”; and

20 (C) by adding at the end the following:

21 “(c) *RELATIONSHIP TO OTHER LAWS.*—The sinking of
22 a vessel for an experimental purpose or for operational
23 training pursuant to subsection (a) is not—

1 “(1) a disposal or a distribution in commerce
2 under section 6 or 12(a) of the Toxic Substances Con-
3 trol Act (15 U.S.C. 2605 and 2611(a)); or

4 “(2) the transport of material for the purpose of
5 dumping it into ocean waters, or the dumping of ma-
6 terial transported from a location outside the United
7 States, under section 101 of the Marine Protection,
8 Research, and Sanctuaries Act of 1972 (33 U.S.C.
9 1411).”.

10 (b) NATIONAL DEFENSE RESERVE FLEET.—(1) Sec-
11 tion 510(i) of the Merchant Marine Act, 1936 (46 U.S.C.
12 App. 1160(i)) is amended—

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

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

16 “(2)(A) Subject to subparagraph (B), the sale under
17 this subsection of a vessel from the National Defense Reserve
18 Fleet for export, or any subsequent resale of a vessel sold
19 from the Fleet for export—

20 “(i) is not a disposal or a distribution in com-
21 merce under section 6 or 12(a) of the Toxic Sub-
22 stances Control Act (15 U.S.C. 2605 and 2611(a)) or
23 an export of hazardous waste under section 3017 of
24 the Solid Waste Disposal Act (42 U.S.C. 6938); and

1 “(ii) is not subject to subsection (b) of section 12
2 of the Toxic Substances Control Act (15 U.S.C. 2611).

3 “(B)(i) Subparagraph (A) applies to a vessel being
4 sold for export only if, before the sale of such vessel, any
5 item listed in clause (ii) containing polychlorinated
6 biphenyls is removed from the vessel.

7 “(ii) Clause (i) covers any transformer, large high or
8 low voltage capacitor, or hydraulic or heat transfer fluid.”.

9 (2) Section 6 of the National Maritime Heritage Act
10 of 1994 (Public Law 103-451; 108 Stat. 4776; 16 U.S.C.
11 5405) is amended—

12 (A) in subsections (a)(1) and (b)(2)—

13 (i) by inserting “or 510(i)” after “508”;

14 and

15 (ii) by inserting “or 1160(i)” after “1158”;

16 and

17 (B) in subsection (c)(1)(A), by striking out
18 “1999” and inserting in lieu thereof “2001”.

19 **SEC. 1022. AUTHORITY TO ENTER INTO A LONG-TERM CHAR-**
20 **TER FOR A VESSEL IN SUPPORT OF THE SUR-**
21 **VEILLANCE TOWED-ARRAY SENSOR**
22 **(SURTASS) PROGRAM.**

23 The Secretary of the Navy is authorized to enter into
24 a contract in accordance with section 2401 of title 10, Unit-
25 ed States Code, for the charter, for a period through fiscal

1 year 2003, of the vessel *RV CORY CHOUEST* (United
2 States official number 933435) in support of the Surveil-
3 lance Towed-Array Sensor (*SURTASS*) program.

4 **SEC. 1023. TRANSFER OF TWO SPECIFIED OBSOLETE TUG-**
5 **BOATS OF THE ARMY.**

6 (a) *AUTHORITY TO TRANSFER VESSELS.*—The Sec-
7 retary of the Army may transfer the two obsolete tugboats
8 of the Army described in subsection (b) to the Brownsville
9 Navigation District, Brownsville, Texas.

10 (b) *VESSELS COVERED.*—Subsection (a) applies to the
11 following two decommissioned tugboats of the Army, each
12 of which is listed as of the date of the enactment of this
13 Act as being surplus to the needs of the Army: the Nor-
14 mandy (*LT-1971*) and the Salerno (*LT-1953*).

15 (c) *TRANSFERS TO BE AT NO COST TO UNITED*
16 *STATES.*—A transfer authorized by this section shall be
17 made at no cost to the United States.

18 (d) *TERMS AND CONDITIONS.*—The Secretary may re-
19 quire such additional terms and conditions in connection
20 with the transfers authorized by this section as the Sec-
21 retary considers appropriate.

22 **SEC. 1024. NAMING OF A DDG-51 CLASS DESTROYER THE**
23 **U.S.S. THOMAS F. CONNOLLY.**

24 *It is the sense of Congress that the Secretary of the*
25 *Navy should name a guided missile destroyer of the DDG-*

1 *51 class the U.S.S. Thomas F. Connolly, in honor of Vice*
2 *Admiral Thomas F. Connolly (1909–1996), of the State of*
3 *Minnesota, who during an active-duty naval career extend-*
4 *ing from 1933 to 1971 became a leading architect of the*
5 *modern United States Navy .*

6 **SEC. 1025. CONGRESSIONAL REVIEW PERIOD WITH RE-**
7 **SPECT TO TRANSFER OF THE EX-U.S.S. MID-**
8 **WAY (CV-41).**

9 *In applying section 7306 of title 10, United States*
10 *Code, with respect to the transfer of the decommissioned air-*
11 *craft carrier ex-U.S.S. MIDWAY (CV-41), subsection*
12 *(d)(1)(B) of that section shall be applied by substituting*
13 *“30 calendar days” for “60 days of continuous session of*
14 *Congress”.*

15 ***Subtitle C—Counter-Drug Activities***

16 **SEC. 1031. PROHIBITION ON USE OF NATIONAL GUARD FOR**
17 **CIVIL-MILITARY ACTIVITIES UNDER STATE**
18 **DRUG INTERDICTION AND COUNTER-DRUG**
19 **ACTIVITIES PLAN.**

20 *Section 112 of title 32, United States Code, is amend-*
21 *ed—*

22 *(1) by redesignating subsections (g) and (h) as*
23 *subsections (h) and (i), respectively; and*

24 *(2) by inserting after subsection (f) the following*
25 *new subsection:*

1 “(g) *PROHIBITION ON CERTAIN CIVIL-MILITARY AC-*
2 *TIVITIES.—Funds provided under this section may not be*
3 *used to conduct activities, including community-outreach*
4 *programs, designed to reduce the demand for illegal drugs*
5 *among persons who are not members of the National Guard*
6 *or their dependents.”.*

7 ***Subtitle D—Miscellaneous Report***
8 ***Requirements and Repeals***

9 ***SEC. 1041. REPEAL OF MISCELLANEOUS OBSOLETE RE-***
10 ***PORTS REQUIRED BY PRIOR DEFENSE AU-***
11 ***THORIZATION ACTS.***

12 (a) *REPORT ON REMOVAL OF BASIC POINT DEFENSE*
13 *MISSILE SYSTEM FROM NAVAL AMPHIBIOUS VESSELS.—*
14 *Section 1437 of the Department of Defense Authorization*
15 *Act, 1986 (Public Law 99–145; 99 Stat. 757), is repealed.*

16 (b) *REPORT CONCERNING THE STRETCHOUT OF*
17 *MAJOR DEFENSE ACQUISITION PROGRAMS.—Section 117 of*
18 *the National Defense Authorization Act, Fiscal Year 1989*
19 *(Public Law 100–456; 102 Stat. 1933), is repealed.*

20 (c) *REPORT CONCERNING THE B–2 AIRCRAFT PRO-*
21 *GRAM.—Section 115 of the National Defense Authorization*
22 *Act for Fiscal Years 1990 and 1991 (Public Law 101–189;*
23 *103 Stat. 1373) is repealed.*

1 **SEC. 1042. REPEAL OF ANNUAL REPORT REQUIREMENT RE-**
2 **LATING TO TRAINING OF SPECIAL OPER-**
3 **ATIONS FORCES WITH FRIENDLY FOREIGN**
4 **FORCES.**

5 *Section 2011 of title 10, United States Code, is amend-*
6 *ed by striking out subsection (e).*

7 ***Subtitle E—Other Matters***

8 **SEC. 1051. AUTHORITY FOR SPECIAL AGENTS OF THE DE-**
9 **FENSE CRIMINAL INVESTIGATIVE SERVICE**
10 **TO EXECUTE WARRANTS AND MAKE ARRESTS.**

11 *(a) AUTHORITY.—Chapter 81 of title 10, United States*
12 *Code, is amended by inserting after section 1585 the follow-*
13 *ing new section:*

14 **“§1585a. Special agents of the Defense Criminal In-**
15 **vestigative Service: authority to execute**
16 **warrants and make arrests**

17 *“(a) AUTHORITY.—The Secretary of Defense may au-*
18 *thorize any DCIS special agent—*

19 *“(1) to execute and serve any warrant or other*
20 *process issued under the authority of the United*
21 *States; and*

22 *“(2) to make arrests without a warrant—*

23 *“(A) for any offense against the United*
24 *States committed in the presence of that agent;*
25 *and*

1 “(B) for any felony cognizable under the
2 laws of the United States if the agent has prob-
3 able cause to believe that the person to be ar-
4 rested has committed or is committing the felony.

5 “(b) *ATTORNEY GENERAL GUIDELINES.*—Authority of
6 a DCIS special agent under subsection (a) may be exercised
7 only in accordance with guidelines approved by the Attor-
8 ney General.

9 “(c) *DCIS SPECIAL AGENT DEFINED.*—In this section,
10 the term ‘DCIS special agent’ means an employee of the
11 Department of Defense who is a special agent of the Defense
12 Criminal Investigative Service (or any successor to that
13 service).”.

14 (b) *CLERICAL AMENDMENT.*—The table of sections at
15 the beginning of such chapter is amended by inserting after
16 the item relating to section 1585 the following new item:

“1585a. Special agents of the Defense Criminal Investigative Service: authority
to execute warrants and make arrests.”.

17 **SEC. 1052. STUDY OF INVESTIGATIVE PRACTICES OF MILI-**
18 **TARY CRIMINAL INVESTIGATIVE ORGANIZA-**
19 **TIONS RELATING TO SEX CRIMES.**

20 (a) *INDEPENDENT STUDY REQUIRED.*—(1) The Sec-
21 retary of Defense shall provide for an independent study
22 of the policies, procedures, and practices of the military
23 criminal investigative organizations for the conduct of in-

1 *vestigations of complaints of sex crimes and other criminal*
2 *sexual misconduct arising in the Armed Forces.*

3 (2) *The Secretary shall provide for the study to be con-*
4 *ducted by the National Academy of Public Administration.*
5 *The amount of a contract for the study may not exceed*
6 *\$2,000,000.*

7 (3) *The Secretary shall require that all components of*
8 *the Department of Defense cooperate fully with the organi-*
9 *zation carrying out the study.*

10 (b) *MATTERS TO BE INCLUDED IN STUDY.*—*The Sec-*
11 *retary shall require that the organization conducting the*
12 *study under this section specifically consider each of the fol-*
13 *lowing matters:*

14 (1) *The need (if any) for greater organizational*
15 *independence and autonomy for the military criminal*
16 *investigative organizations than exists under current*
17 *chain-of-command structures within the military de-*
18 *partments.*

19 (2) *The authority of each of the military crimi-*
20 *nal investigative organizations to investigate allega-*
21 *tions of sex crimes and other criminal sexual mis-*
22 *conduct and the policies of those organizations for*
23 *carrying out such investigations.*

24 (3) *The training (including training in skills*
25 *and techniques related to the conduct of interviews)*

1 *provided by each of those organizations to agents or*
2 *prospective agents responsible for conducting or pro-*
3 *viding support to investigations of alleged sex crimes*
4 *and other criminal sexual misconduct, including—*

5 *(A) the extent to which that training is*
6 *comparable to the training provided by the Fed-*
7 *eral Bureau of Investigation and other civilian*
8 *law enforcement agencies; and*

9 *(B) the coordination of training and inves-*
10 *tigative policies related to alleged sex crimes and*
11 *other criminal sexual misconduct of each of those*
12 *organizations with the Federal Bureau of Inves-*
13 *tigation and other civilian Federal law enforce-*
14 *ment agencies.*

15 *(4) The procedures and relevant professional*
16 *standards of each military criminal investigative or-*
17 *ganization with regard to recruitment and hiring of*
18 *agents, including an evaluation of the extent to which*
19 *those procedures and standards provide for—*

20 *(A) sufficient screening of prospective agents*
21 *based on background investigations; and*

22 *(B) obtaining sufficient information about*
23 *the qualifications and relevant experience of pro-*
24 *spective agents.*

1 (5) *The advantages and disadvantages of estab-*
2 *lishing, within each of the military criminal inves-*
3 *tigative organizations or within the Defense Criminal*
4 *Investigative Service only, of a special unit for the in-*
5 *vestigation of alleged sex crimes and other criminal*
6 *sexual misconduct.*

7 (6) *The clarity of guidance for, and consistency*
8 *of investigative tactics used by, each of the military*
9 *criminal investigative organizations for the investiga-*
10 *tion of alleged sex crimes and other criminal sexual*
11 *misconduct, together with a comparison with the*
12 *guidance and tactics used by the Federal Bureau of*
13 *Investigation and other civilian law enforcement*
14 *agencies for such investigations.*

15 (7) *The number of allegations of agent mis-*
16 *conduct in the investigation of sex crimes and other*
17 *criminal sexual misconduct for each of those organi-*
18 *zations, together with a comparison with the number*
19 *of such allegations concerning agents of the Federal*
20 *Bureau of Investigation and other civilian law en-*
21 *forcement agencies for such investigations.*

22 (8) *The procedures of each of the military crimi-*
23 *nal investigative organizations for administrative*
24 *identification (known as “titling”) of persons sus-*
25 *pected of committing sex crimes or other criminal sex-*

1 *ual misconduct, together with a comparison with the*
2 *comparable procedures of the Federal Bureau of In-*
3 *vestigation and other civilian Federal law enforce-*
4 *ment agencies for such investigations.*

5 *(9) The accuracy, timeliness, and completeness of*
6 *reporting of sex crimes and other criminal sexual*
7 *misconduct by each of the military criminal inves-*
8 *tigative organizations to the National Crime Informa-*
9 *tion Center maintained by the Department of Justice.*

10 *(10) Any recommendation for legislation or ad-*
11 *ministrative action to revise the organizational or*
12 *operational arrangements of the military criminal in-*
13 *vestigative organizations or to alter recruitment,*
14 *training, or operational procedures, as they pertain*
15 *to the investigation of sex crimes and other criminal*
16 *sexual misconduct.*

17 *(c) REPORT.—(1) The Secretary of Defense shall re-*
18 *quire the organization conducting the study under this sec-*
19 *tion to submit to the Secretary a report on the study not*
20 *later than one year after the date of the enactment of this*
21 *Act. The organization shall include in the report its find-*
22 *ings and conclusions concerning each of the matters speci-*
23 *fied in subsection (b).*

24 *(2) The Secretary shall submit the report under para-*
25 *graph (1), together with the Secretary's comments on the*

1 report, to Congress not later than 30 days after the date
2 on which the report is submitted to the Secretary under
3 paragraph (1).

4 (d) *MILITARY CRIMINAL INVESTIGATIVE ORGANIZA-*
5 *TION DEFINED.*—For the purposes of this section, the term
6 “military criminal investigative organization” means any
7 of the following:

8 (1) *The Army Criminal Investigation Command.*

9 (2) *The Naval Criminal Investigative Service.*

10 (3) *The Air Force Office of Special Investiga-*
11 *tions.*

12 (4) *The Defense Criminal Investigative Service.*

13 (e) *CRIMINAL SEXUAL MISCONDUCT DEFINED.*—For
14 the purposes of this section, the term “criminal sexual mis-
15 conduct” means conduct by a member of the Armed Forces
16 involving sexual abuse, sexual harassment, or other sexual
17 misconduct that constitutes an offense under the Uniform
18 Code of Military Justice.

19 **SEC. 1053. TECHNICAL AND CLERICAL AMENDMENTS.**

20 (a) *TITLE 10, UNITED STATES CODE.*—Title 10, Unit-
21 ed States Code, is amended as follows:

22 (1) *The tables of chapters at the beginning of*
23 *subtitle A, and at the beginning of part I of subtitle*
24 *A, are each amended by striking out “471” in the*

1 *item relating to chapter 23 and inserting in lieu*
2 *thereof “481”.*

3 (2) *The tables of chapters at the beginning of*
4 *subtitle A, and at the beginning of part IV of subtitle*
5 *A, are each amended by striking out “2540” in the*
6 *item relating to chapter 152 and inserting in lieu*
7 *thereof “2541”.*

8 (3) *Section 116(b)(2) is amended by striking out*
9 *“such subsection” and inserting in lieu thereof “sub-*
10 *section (a)”.*

11 (4) *Section 129c(e) is amended by striking out*
12 *“section 115a(g)(2)” and inserting in lieu thereof*
13 *“section 115a(e)(2)”.*

14 (5) *Section 382(g) is amended by striking out*
15 *“the date of the enactment of the National Defense*
16 *Authorization Act for Fiscal Year 1997” and insert-*
17 *ing in lieu thereof “September 23, 1996”.*

18 (6) *The table of sections at the beginning of sub-*
19 *chapter I of chapter 21 is amended by striking out the*
20 *items relating to sections 424 and 425 and inserting*
21 *in lieu thereof the following:*

“424. Disclosure of organizational and personnel information: exemption for De-
fense Intelligence Agency, National Reconnaissance Office, and
National Imagery and Mapping Agency.”.

22 (7) *Section 445 is amended—*

23 (A) *by striking out “(1)” before “Except*
24 *with”;*

1 (B) by redesignating subparagraphs (A),
2 (B), and (C) as paragraphs (1), (2), and (3), re-
3 spectively;

4 (C) by striking out “(2)” before “Whenever
5 it appears” and inserting in lieu thereof “(b) IN-
6 JUNCTIVE RELIEF.—”; and

7 (D) by striking out “paragraph (1)” and
8 inserting in lieu thereof “subsection (a)”.

9 (8) Section 858b is amended in the first sentence
10 by striking out “forfeiture” and all that follows
11 through “due that member” and inserting in lieu
12 thereof “forfeiture of pay, or of pay and allowances,
13 due that member”.

14 (9) Section 943(c) is amended—

15 (A) in the third sentence, by striking out
16 “such positions” and inserting in lieu thereof
17 “positions referred to in the preceding sen-
18 tences”; and

19 (B) by capitalizing the initial letter of the
20 third word of the subsection heading.

21 (10) Section 954 is amended by striking out
22 “this” and inserting in lieu thereof “his”.

23 (11) Section 972(b) is amended by striking out
24 “the date of the enactment of the National Defense
25 Authorization Act for Fiscal Year 1996” in the mat-

1 *ter preceding paragraph (1) and inserting in lieu*
2 *thereof “February 10, 1996”.*

3 *(12) Section 976(f) is amended by striking out*
4 *“shall,” and all that follows and inserting in lieu*
5 *thereof “shall be fined under title 18 or imprisoned*
6 *not more than 5 years, or both, except that, in the*
7 *case of an organization (as defined in section 18 of*
8 *such title), the fine shall not be less than \$25,000.”.*

9 *(13) Section 977 is amended—*

10 *(A) in subsection (c), by striking out “Be-*
11 *ginning on October 1, 1996, not more than” and*
12 *inserting in lieu thereof “Not more than”; and*

13 *(B) in subsection (d)(2), by striking out*
14 *“before October 1, 1996,” and all that follows*
15 *through “so assigned” the second place it ap-*
16 *pears.*

17 *(14) Section 1129(c) is amended—*

18 *(A) by striking out “the date of the enact-*
19 *ment of this section,” and inserting in lieu there-*
20 *of “November 30, 1993,”; and*

21 *(B) by striking out “before the date of the*
22 *enactment of this section or” and inserting in*
23 *lieu thereof “before such date or”.*

1 (15) *Section 1151(b) is amended by striking out*
2 *“WITH” in the subsection heading and inserting in*
3 *lieu thereof “WITH”.*

4 (16) *Section 1152(g) is amended by inserting*
5 *“(1)” before “The Secretary may”.*

6 (17) *Section 1408(d) is amended—*

7 (A) *by striking out “TO” in the subsection*
8 *heading and inserting in lieu thereof “TO”; and*

9 (B) *by redesignating the second paragraph*
10 *(6) as paragraph (7).*

11 (18) *Section 1599c(c)(1)(F) is amended by strik-*
12 *ing out “Sections 106(f)” and inserting in lieu thereof*
13 *“Sections 106(e)”.*

14 (19) *Section 1763 is amended—*

15 (A) *by striking out “On and after October*
16 *1, 1993, the Secretary of Defense” and inserting*
17 *in lieu thereof “The Secretary of Defense”; and*

18 (B) *by striking out “secretaries” and insert-*
19 *ing in lieu thereof “Secretaries”.*

20 (20) *Section 2010(e) is repealed.*

21 (21) *Section 2208(k) is repealed.*

22 (22)(A) *Section 2306(h) is amended by inserting*
23 *“for the purchase of property” after “Multiyear con-*
24 *tracting authority”.*

1 (B)(i) *The heading of section 2306b is amended*
2 *to read as follows:*

3 **“§2306b. Multiyear contracts: acquisition of prop-**
4 **erty”.**

5 (ii) *The item relating to such section in the table*
6 *of sections at the beginning of chapter 137 of such*
7 *title is amended to read as follows:*

 “2306b. *Multiyear contracts: acquisition of property.*”.

8 (23) *Section 2306b(k) is amended by striking out*
9 *“this subsection” in the first sentence and inserting in*
10 *lieu thereof “this section”.*

11 (24) *Section 2315(a) is amended by striking out*
12 *“the Information Technology Management Reform*
13 *Act of 1996” and inserting in lieu thereof “division*
14 *E of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401*
15 *et seq.)”.*

16 (25) *Section 2371a is amended by inserting “De-*
17 *fense” before “Advanced Research Projects Agency”.*

18 (26) *Section 2401a(a) is amended by striking*
19 *out “leasing of such vehicles” and inserting in lieu*
20 *thereof “such leasing”.*

21 (27) *Section 2466(e) is repealed.*

22 (28) *Section 2684(b) is amended by striking out*
23 *“, United States Code,”.*

24 (29) *Section 2885 is amended by striking out*
25 *“five years after the date of the enactment of the Na-*

1 *tional Defense Authorization Act for Fiscal Year*
2 *1996” and inserting in lieu thereof “on February 10,*
3 *2001”.*

4 *(30) Section 12733(3) is amended—*

5 *(A) by inserting a comma after “(B)”;* and

6 *(B) by striking out “the date of the enact-*
7 *ment of the National Defense Authorization Act*
8 *for Fiscal Year 1997” and inserting in lieu*
9 *thereof “September 23, 1996,”.*

10 *(b) TITLE 37, UNITED STATES CODE.—Section 205(d)*
11 *of title 37, United States Code, is amended by striking out*
12 *the period after “August 1, 1979” and inserting in lieu*
13 *thereof a comma.*

14 *(c) PUBLIC LAW 104–201.—Effective as of September*
15 *23, 1996, and as if included therein as enacted, the Na-*
16 *tional Defense Authorization Act for Fiscal Year 1997 (Pub-*
17 *lic Law 104–201) is amended as follows:*

18 *(1) Section 367 (110 Stat. 2496) is amended—*

19 *(A) in subsection (a), by striking out “Sub-*
20 *chapter II of chapter” and inserting in lieu*
21 *thereof “Chapter”;* and

22 *(B) in subsection (b), by striking out “sub-*
23 *chapter” and inserting in lieu thereof “chapter”.*

1 (2) Section 614(b)(2)(B) (110 Stat. 2544) is
2 amended by striking out “the period” and inserting
3 in lieu thereof “the semicolon”.

4 (3) Section 802(1) (110 Stat. 2604) is amended
5 by striking out “1995” in the first quoted matter
6 therein and inserting in lieu thereof “1996”.

7 (4) Section 829(c) (110 Stat. 2612) is amend-
8 ed—

9 (A) in paragraph (2), by striking out “Sec-
10 tion 2502(b)” and inserting in lieu thereof “Sec-
11 tion 2502(c)”; and

12 (B) by redesignating paragraph (3) as sub-
13 paragraph (C) of paragraph (2).

14 (d) OTHER ANNUAL DEFENSE AUTHORIZATION
15 ACTS.—

16 (1) of The National Defense Authorization Act
17 for Fiscal Year 1996 (Public Law 104–106) is
18 amended as follows:

19 (A) Section 533(b) (110 Stat. 315) is
20 amended by inserting before the period at the
21 end the following: “and the amendments made by
22 subsection (b), effective as of October 5, 1994”.

23 (B) Section 1501(d)(1) (110 Stat. 500) is
24 amended by striking out “337(b)” and “2717”

1 *and inserting in lieu thereof “377(b)” and*
2 *“2737”, respectively.*

3 *(2) Section 845 of the National Defense Author-*
4 *ization Act for Fiscal Year 1994 (Public Law 103-*
5 *160; 10 U.S.C. 2371 note) is amended—*

6 *(A) in subsection (a), by inserting “De-*
7 *fense” before “Advanced”; and*

8 *(B) in the section heading, by inserting*
9 *“**DEFENSE**” after the third word.*

10 *(3) The National Defense Authorization Act for*
11 *Fiscal Year 1993 (Public Law 102-484) is amended*
12 *as follows:*

13 *(A) Section 812(c) (10 U.S.C. 1723 note) is*
14 *amended by inserting “and Technology” after*
15 *“for Acquisition”.*

16 *(B) Subsection (e) of section 4471 (10*
17 *U.S.C. 2501 note) is amended—*

18 *(i) by realigning that subsection so as*
19 *to be flush to the margin; and*

20 *(ii) by capitalizing the initial letter of*
21 *the third word of the subsection heading.*

22 *(4) Section 807(b)(2)(A) of the National Defense*
23 *Authorization Act for Fiscal Years 1992 and 1993*
24 *(Public Law 102-190; 10 U.S.C. 2320 note) is*

1 amended by inserting before the period the following:
2 “and Technology”.

3 (5) *The National Defense Authorization Act for*
4 *Fiscal Year 1991 (Public Law 101–510) is amended*
5 *as follows:*

6 (A) *Section 1205 (10 U.S.C. 1746 note) is*
7 *amended by striking out “Under Secretary of*
8 *Defense for Acquisition” each place it appears*
9 *and inserting in lieu thereof “Under Secretary of*
10 *Defense for Acquisition and Technology”.*

11 (B) *Section 2921 (10 U.S.C. 2687 note) is*
12 *amended—*

13 (i) *in subsection (e)(3)(B), by striking*
14 *out “Subcommittees” and inserting in lieu*
15 *thereof “Subcommittee”; and*

16 (ii) *in subsection (f)(2), by striking out*
17 *“the Committees on Armed Services of the*
18 *Senate and House of Representatives” and*
19 *inserting in lieu thereof “the Committee on*
20 *Armed Services of the Senate and the Com-*
21 *mittee on National Security of the House of*
22 *Representatives”.*

23 (6) *Section 1121(c) of the National Defense Au-*
24 *thorization Act for Fiscal Years 1988 and 1989 (Pub-*
25 *lic Law 100–180; 10 U.S.C. 113 note) is amended by*

1 *striking out “under this section—” and all that fol-*
2 *low through “fiscal year 1990” and inserting in lieu*
3 *thereof “under this section may not exceed 5,000 dur-*
4 *ing any fiscal year”.*

5 *(d) TITLE 5, UNITED STATES CODE.—Title 5, United*
6 *States Code, is amended as follows:*

7 *(1) Section 3329(b) is amended by striking out*
8 *“a position described in subsection (c)” the second*
9 *place it appears.*

10 *(2) Section 5315 is amended—*

11 *(A) in the item relating to the Chief Infor-*
12 *mation Officer of the Department of the Interior,*
13 *by inserting “the” before “Interior”; and*

14 *(B) in the item relating to the Chief Infor-*
15 *mation Officer of the Department of the Treas-*
16 *ury, by inserting “the” before “Treasury”.*

17 *(3) Section 5316 is amended by striking out*
18 *“Atomic Energy” after “Assistant to the Secretary of*
19 *Defense for” and inserting in lieu thereof “Nuclear*
20 *and Chemical and Biological Defense Programs”.*

21 *(e) ACQUISITION POLICY STATUTES.—*

22 *(1) Section 309 of the Federal Property and Ad-*
23 *ministrative Services Act of 1949 (41 U.S.C. 259) is*
24 *amended by striking out “and” at the end of sub-*
25 *section (b)(2).*

1 (2) *The Office of Federal Procurement Policy Act*
2 *is amended as follows:*

3 (A) *The item relating to section 27 in the*
4 *table of contents in section 1 is amended to read*
5 *as follows:*

“Sec. 27. Restrictions on disclosing and obtaining contractor bid or proposal in-
formation or source selection information.”.

6 (B) *Section 6(d) (41 U.S.C. 405(d)) is*
7 *amended—*

8 (i) *by striking out the period at the*
9 *end of paragraph (5)(J) and inserting in*
10 *lieu thereof a semicolon;*

11 (ii) *by moving paragraph (6) two ems*
12 *to the left; and*

13 (iii) *in paragraph (12), by striking out*
14 *“small business” and inserting in lieu*
15 *thereof “small businesses”.*

16 (C) *Section 35(b)(2) (41 U.S.C. 431(b)(2))*
17 *is amended by striking out “commercial” and*
18 *inserting in lieu thereof “commercially avail-*
19 *able”.*

20 (3) *Section 6 of the Contract Disputes Act of*
21 *1978 (41 U.S.C. 605) is amended in subsections (d)*
22 *and (e) by striking out “(as in effect on September*
23 *30, 1995)” each place it appears.*

1 (4) *Subsections (d)(1) and (e) of section 16 of the*
2 *Small Business Act (15 U.S.C. 645) are each amend-*
3 *ed by striking out “concerns” and inserting in lieu*
4 *thereof “concern”.*

5 (f) *COORDINATION WITH OTHER AMENDMENTS.—For*
6 *purposes of applying amendments made by provisions of*
7 *this Act other than provisions of this section, this section*
8 *shall be treated as having been enacted immediately before*
9 *the other provisions of this Act.*

10 **SEC. 1054. DISPLAY OF POW/MIA FLAG.**

11 (a) *REQUIRED DISPLAY.—The POW/MIA flag shall be*
12 *displayed at the locations specified in subsection (c) each*
13 *year on POW/MIA flag display days. Such display shall*
14 *serve (1) as the symbol of the Nation’s concern and commit-*
15 *ment to achieving the fullest possible accounting of Ameri-*
16 *cans who, having been prisoners of war or missing in ac-*
17 *tion, still remain unaccounted for, and (2) as the symbol*
18 *of the Nation’s commitment to achieving the fullest possible*
19 *accounting for Americans who in the future may become*
20 *prisoners of war, missing in action, or otherwise unac-*
21 *counted for as a result of hostile action.*

22 (b) *DAYS FOR FLAG DISPLAY.—(1) For purposes of*
23 *this section, POW/MIA flag display days are the following:*

24 (A) *Armed Forces Day, the third Saturday in*
25 *May.*

1 (B) *Memorial Day, the last Monday in May.*

2 (C) *Flag Day, June 14.*

3 (D) *Independence Day, July 4.*

4 (E) *National POW/MIA Recognition Day.*

5 (F) *Veterans Day, November 11.*

6 (2) *In the case of display at United States Postal Serv-*
7 *ice post offices (required by subsection (c)(8)), POW/MIA*
8 *flag display days in any year include, in addition to the*
9 *days specified in paragraph (1), the last business day before*
10 *each such day that itself is not a business day.*

11 (c) *LOCATIONS FOR FLAG DISPLAY.—The locations for*
12 *the display of the POW/MIA flag under this section are the*
13 *following:*

14 (1) *The Capitol.*

15 (2) *The White House.*

16 (3) *The Korean War Veterans Memorial and the*
17 *Vietnam Veterans Memorial.*

18 (4) *Each national cemetery.*

19 (5) *The buildings containing the primary offices*
20 *of—*

21 (A) *the Secretary of State;*

22 (B) *the Secretary of Defense;*

23 (C) *the Secretary of Veterans Affairs; and*

24 (D) *the Director of the Selective Service*
25 *System.*

1 (6) *Each major military installation, as des-*
2 *ignated by the Secretary of Defense.*

3 (7) *Each Department of Veterans Affairs medical*
4 *center.*

5 (8) *Each United States Postal Service post office.*

6 (d) *COORDINATION WITH OTHER DISPLAY REQUIRE-*
7 *MENT.—Display of the POW/MIA flag at the Capitol pursu-*
8 *ant to paragraph (1) of subsection (c) is in addition to the*
9 *display of that flag in the Rotunda of the Capitol required*
10 *by Senate Concurrent Resolution 5 of the 101st Congress,*
11 *agreed to on February 22, 1989 (103 Stat. 2533).*

12 (e) *REQUIREMENTS CONCERNING DISPLAY AT SPECI-*
13 *FIED LOCATIONS.—(1) Display of the POW/MIA flag at the*
14 *buildings specified in paragraphs (1), (2), (5), and (7) of*
15 *subsection (c) shall be on, or on the grounds of, each such*
16 *building.*

17 (2) *Display of that flag pursuant to paragraph (5) of*
18 *subsection (c) at the buildings containing the primary of-*
19 *fices of the officials specified in that paragraph shall be in*
20 *an area visible to the public.*

21 (3) *Display of that flag at United States Postal Service*
22 *post offices pursuant to paragraph (8) of subsection (c) shall*
23 *be on the grounds or in the public lobby of each such post*
24 *office.*

1 (f) *POW/MIA FLAG DEFINED.*—As used in this sec-
2 tion, the term “POW/MIA flag” means the National League
3 of Families POW/MIA flag recognized officially and des-
4 ignated by section 2 of Public Law 101–355 (36 U.S.C.
5 189).

6 (g) *REGULATIONS FOR IMPLEMENTATION.*—Within
7 180 days after the date of the enactment of this Act, the
8 head of each department, agency, or other establishment re-
9 sponsible for a location specified in subsection (c) (other
10 than the Capitol) shall prescribe such regulations as nec-
11 essary to carry out this section.

12 (h) *PROCUREMENT AND DISTRIBUTION OF FLAGS.*—
13 Within 30 days after the date of the enactment of this Act,
14 the Administrator of General Services shall procure POW/
15 MIA flags and distribute them as necessary to carry out
16 this section.

17 (i) *REPEAL OF PRIOR LAW.*—Section 1084 of Public
18 Law 102–190 (36 U.S.C. 189 note) is repealed.

19 **SEC. 1055. CERTIFICATION REQUIRED BEFORE OBSERV-**
20 **ANCE OF MORATORIUM ON USE BY ARMED**
21 **FORCES OF ANTIPERSONNEL LANDMINES.**

22 Any moratorium imposed by law (whether enacted be-
23 fore, on, or after the date of the enactment of this Act) on
24 the use of antipersonnel landmines by the Armed Forces
25 may be implemented only if (and after) the Secretary of

1 *Defense, after consultation with the Chairman of the Joint*
2 *Chiefs of Staff, certifies to Congress that—*

3 *(1) the moratorium will not adversely affect the*
4 *ability of United States forces to defend against at-*
5 *tack on land by hostile forces; and*

6 *(2) the Armed Forces have systems that are effec-*
7 *tive substitutes for antipersonnel landmines.*

8 **SEC. 1056. PROTECTION OF SAFETY-RELATED INFORMA-**
9 **TION VOLUNTARILY PROVIDED BY AIR CAR-**
10 **RIERS.**

11 *(a) AUTHORITY TO PROTECT INFORMATION.—Section*
12 *2640 of title 10, United States Code, is amended—*

13 *(1) by redesignating subsections (h) and (i) as*
14 *subsections (i) and (j), respectively; and*

15 *(2) by inserting after subsection (g) the following*
16 *new subsection:*

17 *“(h) AUTHORITY TO PROTECT SAFETY-RELATED IN-*
18 *FORMATION VOLUNTARILY PROVIDED BY AN AIR CAR-*
19 *RIER.—(1) In any case in which an air carrier voluntarily*
20 *provides safety-related information to the Secretary for pur-*
21 *poses of this section, the Secretary may (notwithstanding*
22 *any other provision of law) withhold the information from*
23 *public disclosure if the Secretary determines that—*

1 “(A) disclosure of the information would inhibit
2 the air carrier from voluntarily providing safety-re-
3 lated information to the Secretary; and

4 “(B) the information would aid—

5 “(i) the Secretary in carrying out his re-
6 sponsibilities under this section; or

7 “(ii) the head of another agency in carrying
8 out the safety responsibilities of the agency.

9 “(2) If the Secretary provides to the head of another
10 agency safety-related information described in paragraph
11 (1) with respect to which the Secretary has made a deter-
12 mination described in that paragraph, the head of that
13 agency shall (notwithstanding any other provision of law)
14 withhold the information from public disclosure.”.

15 (b) *APPLICABILITY.*—Subsection (h) of section 2640 of
16 title 10, United States Code, as added by subsection (a),
17 shall apply with respect to requests for information made
18 on or after the date of the enactment of this Act.

19 **SEC. 1057. NATIONAL GUARD CHALLENGE PROGRAM TO**
20 **CREATE OPPORTUNITIES FOR CIVILIAN**
21 **YOUTH.**

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

1 **“§ 509. National Guard Challenge Program of oppor-**
2 **tunities for civilian youth**

3 “(a) PROGRAM AUTHORITY AND PURPOSE.—The Sec-
4 retary of Defense, acting through the Chief of the National
5 Guard Bureau, may conduct a National Guard civilian
6 youth opportunities program (to be known as the ‘National
7 Guard Challenge Program’) to use the National Guard to
8 provide military-based training, including supervised work
9 experience in community service and conservation projects,
10 to civilian youth who cease to attend secondary school before
11 graduating so as to improve the life skills and employment
12 potential of such youth.

13 “(b) CONDUCT OF THE PROGRAM.—The Secretary of
14 Defense shall provide for the conduct of the National Guard
15 Challenge Program in such States as the Secretary consid-
16 ers to be appropriate, except that Federal expenditures
17 under the program may not exceed \$50,000,000 for any fis-
18 cal year.

19 “(c) PROGRAM AGREEMENTS.—(1) To carry out the
20 National Guard Challenge Program in a State, the Sec-
21 retary of Defense shall enter into an agreement with the
22 Governor of the State or, in the case of the District of Co-
23 lumbia, with the commanding general of the District of Co-
24 lumbia National Guard, under which the Governor or the
25 commanding general will establish, organize, and admin-
26 ister the National Guard Challenge Program in the State.

1 “(2) *The agreement may provide for the Secretary to*
2 *provide funds to the State for civilian personnel costs at-*
3 *tributable to the use of civilian employees of the National*
4 *Guard in the conduct of the National Guard Challenge Pro-*
5 *gram.*

6 “(d) *MATCHING FUNDS REQUIRED.—The amount of*
7 *assistance provided under this section to a State program*
8 *of the National Guard Challenge Program may not ex-*
9 *ceed—*

10 “(1) *for fiscal year 1998, 75 percent of the costs*
11 *of operating the State program during that year;*

12 “(2) *for fiscal year 1999, 70 percent of the costs*
13 *of operating the State program during that year;*

14 “(3) *for fiscal year 2000, 65 percent of the costs*
15 *of operating the State program during that year; and*

16 “(4) *for fiscal year 2001 and each subsequent fis-*
17 *cal year, 60 percent of the costs of operating the State*
18 *program during that year.*

19 “(e) *PERSONS ELIGIBLE TO PARTICIPATE IN PRO-*
20 *GRAM.—A school dropout from secondary school shall be eli-*
21 *gible to participate in the National Guard Challenge Pro-*
22 *gram. The Secretary of Defense shall prescribe the stand-*
23 *ards and procedures for selecting participants from among*
24 *school dropouts.*

1 “(f) *AUTHORIZED BENEFITS FOR PARTICIPANTS.—(1)*
2 *To the extent provided in an agreement entered into in ac-*
3 *cordance with subsection (c) and subject to the approval of*
4 *the Secretary of Defense, a person selected for training in*
5 *the National Guard Challenge Program may receive the fol-*
6 *lowing benefits in connection with that training:*

7 “(A) *Allowances for travel expenses, personal ex-*
8 *penses, and other expenses.*

9 “(B) *Quarters.*

10 “(C) *Subsistence.*

11 “(D) *Transportation.*

12 “(E) *Equipment.*

13 “(F) *Clothing.*

14 “(G) *Recreational services and supplies.*

15 “(H) *Other services.*

16 “(I) *Subject to paragraph (2), a temporary sti-*
17 *pend upon the successful completion of the training,*
18 *as characterized in accordance with procedures pro-*
19 *vided in the agreement.*

20 “(2) *In the case of a person selected for training in*
21 *the National Guard Challenge Program who afterwards be-*
22 *comes a member of the Civilian Community Corps under*
23 *subtitle E of title I of the National and Community Service*
24 *Act of 1990 (42 U.S.C. 12611 et seq.), the person may not*
25 *receive a temporary stipend under paragraph (1)(I) while*

1 *the person is a member of that Corps. The person may re-*
2 *ceive the temporary stipend after completing service in the*
3 *Corps unless the person elects to receive benefits provided*
4 *under subsection (f) or (g) of section 158 of such Act (42*
5 *U.S.C. 12618).*

6 “(g) *PROGRAM PERSONNEL.—(1) Personnel of the Na-*
7 *tional Guard of a State in which the National Guard Chal-*
8 *lenge Program is conducted may serve on full-time National*
9 *Guard duty for the purpose of providing command, admin-*
10 *istrative, training, or supporting services for the program.*
11 *For the performance of those services, any such personnel*
12 *may be ordered to duty under section 502(f) of this title*
13 *for not longer than the period of the program.*

14 “(2) *A Governor participating in the National Guard*
15 *Challenge Program and the commanding general of the Dis-*
16 *trict of Columbia National Guard (if the District of Colum-*
17 *bia National Guard is participating in the program) may*
18 *procure by contract the temporary full time services of such*
19 *civilian personnel as may be necessary to augment National*
20 *Guard personnel in carrying out the National Guard Chal-*
21 *lenge Program in that State.*

22 “(3) *Civilian employees of the National Guard per-*
23 *forming services for the National Guard Challenge Program*
24 *and contractor personnel performing such services may be*
25 *required, when appropriate to achieve the purposes of the*

1 *program, to be members of the National Guard and to wear*
2 *the military uniform.*

3 “(h) *EQUIPMENT AND FACILITIES.—(1) Equipment*
4 *and facilities of the National Guard, including military*
5 *property of the United States issued to the National Guard,*
6 *may be used in carrying out the National Guard Challenge*
7 *Program.*

8 “(2) *Activities under the National Guard Challenge*
9 *Program shall be considered noncombat activities of the Na-*
10 *tional Guard for purposes of section 710 of this title.*

11 “(i) *STATUS OF PARTICIPANTS.—(1) A person receiv-*
12 *ing training under the National Guard Challenge Program*
13 *shall be considered an employee of the United States for*
14 *the purposes of the following provisions of law:*

15 “(A) *Subchapter I of chapter 81 of title 5 (relat-*
16 *ing to compensation of Federal employees for work in-*
17 *juries).*

18 “(B) *Section 1346(b) and chapter 171 of title 28*
19 *and any other provision of law relating to the liabil-*
20 *ity of the United States for tortious conduct of em-*
21 *ployees of the United States.*

22 “(2) *In the application of the provisions of law re-*
23 *ferred to in paragraph (1)(A) to a person referred to in*
24 *paragraph (1)—*

1 “(A) the person shall not be considered to be in
2 the performance of duty while the person is not at the
3 assigned location of training or other activity or duty
4 authorized in accordance with a program agreement
5 referred to in subsection (c), except when the person
6 is traveling to or from that location or is on pass
7 from that training or other activity or duty;

8 “(B) the person’s monthly rate of pay shall be
9 deemed to be the minimum rate of pay provided for
10 grade GS–2 of the General Schedule under section
11 5332 of title 5; and

12 “(C) the entitlement of a person to receive com-
13 pensation for a disability shall begin on the day fol-
14 lowing the date on which the person’s participation
15 in the National Guard Challenge Program is termi-
16 nated.

17 “(3) A person referred to in paragraph (1) may not
18 be considered an employee of the United States for any pur-
19 pose other than a purpose set forth in that paragraph.

20 “(j) SUPPLEMENTAL RESOURCES.—(1) To carry out
21 the National Guard Challenge Program in a State, the Gov-
22 ernor of the State or, in the case of the District of Columbia,
23 the commanding general of the District of Columbia Na-
24 tional Guard may supplement funds made available under
25 the program out of other resources (including gifts) avail-

1 *able to the Governor or the commanding general. The Gov-*
2 *ernor or the commanding general may accept, use, and dis-*
3 *pose of gifts or donations of money, other property, or serv-*
4 *ices for the National Guard Challenge Program.*

5 “(k) *REPORT.*—*Within 90 days after the end of each*
6 *fiscal year, the Secretary of Defense shall submit to Con-*
7 *gress a report on the design, conduct, and effectiveness of*
8 *the National Guard Challenge Program during the preced-*
9 *ing fiscal year. In preparing the report, the Secretary shall*
10 *coordinate with the Governor of each State in which the*
11 *National Guard Challenge Program is carried out and, if*
12 *the program is carried out in the District of Columbia, with*
13 *the commanding general of the District of Columbia Na-*
14 *tional Guard.*

15 “(l) *DEFINITIONS.*—*In this section:*

16 “(1) *The term ‘State’ includes the Common-*
17 *wealth of Puerto Rico, the territories, and the District*
18 *of Columbia.*

19 “(2) *The term ‘school dropout’ means an indi-*
20 *vidual who is no longer attending any school and who*
21 *has not received a secondary school diploma or a cer-*
22 *tificate from a program of equivalency for such a di-*
23 *ploma.”.*

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

“509. National Guard Challenge Program of opportunities for civilian youth.”.

4 **SEC. 1058. LEASE OF NON-EXCESS PERSONAL PROPERTY OF**
5 **THE MILITARY DEPARTMENTS.**

6 (a) *RECEIPT OF FAIR MARKET VALUE.*—*Subsection*
7 *(b)(4) of section 2667 of title 10, United States Code, is*
8 *amended by striking out “, in the case of the lease of real*
9 *property,”.*

10 (b) *COMPETITIVE SELECTION.*—*Such section is further*
11 *amended—*

12 (1) *by redesignating subsection (g) as subsection*
13 *(h); and*

14 (2) *by inserting after subsection (f) the following*
15 *new subsection:*

16 “*(g)(1) If a proposed lease under subsection (a) in-*
17 *volves only personal property, the lease term exceeds one*
18 *year, and the fair market value of the lease interest exceeds*
19 *\$100,000, as determined by the Secretary concerned, the*
20 *Secretary shall use competitive procedures to select the les-*
21 *see.*”

22 “*(2) Not later than 45 days before entering into a lease*
23 *referred to in paragraph (1), the Secretary concerned shall*
24 *submit to Congress written notice describing the terms of*

1 *the proposed lease and the competitive procedures used to*
2 *select the lessee.”.*

3 **SEC. 1059. COMMENDATION OF MEMBERS OF THE ARMED**
4 **FORCES AND GOVERNMENT CIVILIAN PER-**
5 **SONNEL WHO SERVED DURING THE COLD**
6 **WAR.**

7 *(a) FINDINGS.—The Congress finds the following:*

8 *(1) During the period of the Cold War, from the*
9 *end of World War II until the collapse of the Soviet*
10 *Union in 1991, the United States and the Soviet*
11 *Union engaged in a global military rivalry.*

12 *(2) This rivalry, potentially the most dangerous*
13 *military confrontation in the history of mankind, has*
14 *come to a close without a direct superpower military*
15 *conflict.*

16 *(3) Military and civilian personnel of the De-*
17 *partment of Defense, personnel in the intelligence*
18 *community, members of the foreign service, and other*
19 *officers and employees of the United States faithfully*
20 *performed their duties during the Cold War.*

21 *(4) Many such personnel performed their duties*
22 *while isolated from family and friends and served*
23 *overseas under frequently arduous conditions in order*
24 *to protect the United States and achieve a lasting*
25 *peace.*

1 **SEC. 1102. FISCAL YEAR 1998 FUNDING ALLOCATIONS.**

2 (a) *IN GENERAL.*—*Of the fiscal year 1998 Cooperative*
3 *Threat Reduction funds, not more than the following*
4 *amounts may be obligated for the purposes specified:*

5 (1) *For strategic offensive arms elimination in*
6 *Russia, \$77,900,000.*

7 (2) *For strategic nuclear arms elimination in*
8 *Ukraine, \$76,700,000.*

9 (3) *For fissile material containers in Russia,*
10 *\$7,000,000.*

11 (4) *For planning and design of a chemical weap-*
12 *ons destruction facility in Russia, \$14,400,000.*

13 (5) *For planning, design, and construction of a*
14 *storage facility for Russian fissile material,*
15 *\$57,700,000.*

16 (6) *For weapons storage security in Russia,*
17 *\$23,500,000.*

18 (7) *For activities designated as Defense and*
19 *Military-to-Military Contacts in Russia, Ukraine,*
20 *and Kazakhstan, \$7,000,000.*

21 (8) *For military-to-military programs of the*
22 *United States that focus on countering the threat of*
23 *proliferation of weapons of mass destruction and that*
24 *include the security forces of the independent states of*
25 *the former Soviet Union other than Russia, Ukraine,*
26 *Belarus, and Kazakstan, \$2,000,000.*

1 (9) *For activities designated as Other Assess-*
2 *ments/Administrative Support \$18,500,000.*

3 (b) *LIMITED AUTHORITY TO VARY INDIVIDUAL*
4 *AMOUNTS.—(1) If the Secretary of Defense determines that*
5 *it is necessary to do so in the national interest, the Sec-*
6 *retary may, subject to paragraph (2), obligate amounts for*
7 *the purposes stated in any of the paragraphs of subsection*
8 *(a) in excess of the amount specified for those purposes in*
9 *that paragraph, but not in excess of 115 percent of that*
10 *amount. However, the total amount obligated for the pur-*
11 *poses stated in the paragraphs in subsection (a) may not*
12 *by reason of the use of the authority provided in the preced-*
13 *ing sentence exceed the sum of the amounts specified in*
14 *those paragraphs.*

15 (2) *An obligation for the purposes stated in any of the*
16 *paragraphs in subsection (a) in excess of the amount speci-*
17 *fied in that paragraph may be made using the authority*
18 *provided in paragraph (1) only after—*

19 (A) *the Secretary submits to Congress notifica-*
20 *tion of the intent to do so together with a complete*
21 *discussion of the justification for doing so; and*

22 (B) *15 days have elapsed following the date of*
23 *the notification.*

1 **SEC. 1103. PROHIBITION ON USE OF FUNDS FOR SPECIFIED**
2 **PURPOSES.**

3 (a) *IN GENERAL.*—No fiscal year 1998 Cooperative
4 Threat Reduction funds, and no funds appropriated for Co-
5 operative Threat Reduction programs for any prior fiscal
6 year and remaining available for obligation, may be obli-
7 gated or expended for any of the following purposes:

8 (1) *Conducting with Russia any peacekeeping*
9 *exercise or other peacekeeping-related activity.*

10 (2) *Provision of housing.*

11 (3) *Provision of assistance to promote environ-*
12 *mental restoration.*

13 (4) *Provision of assistance to promote job re-*
14 *training.*

15 (b) *LIMITATION WITH RESPECT TO DEFENSE CONVER-*
16 *SION ASSISTANCE.*—None of the funds appropriated pursu-
17 ant to this Act or any other Act may be obligated or ex-
18 pended for the provision of assistance to Russia or any
19 other state of the former Soviet Union to promote defense
20 conversion.

21 **SEC. 1104. PROHIBITION ON USE OF FUNDS UNTIL SPECI-**
22 **FIED REPORTS ARE SUBMITTED.**

23 No fiscal year 1998 Cooperative Threat Reduction
24 funds may be obligated or expended until 15 days after the
25 date that is the latest of the following:

1 (1) *The date on which the President submits to*
2 *Congress the determinations required under subsection*
3 *(c) of section 211 of Public Law 102–228 (22 U.S.C.*
4 *2551 note) with respect to any certification transmit-*
5 *ted to Congress under subsection (b) of that section*
6 *during the period beginning on September 23, 1996,*
7 *and ending on the date of the enactment of this Act.*

8 (2) *The date on which the Secretary of Defense*
9 *submits to Congress the annual report required to be*
10 *submitted not later than January 31, 1998, under*
11 *section 1206(a) of the National Defense Authorization*
12 *Act for Fiscal Year 1996 (Public Law 104–106; 110*
13 *Stat. 471; 22 U.S.C. 5955 note).*

14 (3) *The date on which the Secretary of Defense*
15 *submits to Congress the report for fiscal year 1997 re-*
16 *quired under section 1205(c) of the National Defense*
17 *Authorization Act for Fiscal Year 1995 (Public Law*
18 *103–337; 108 Stat. 2883; 22 U.S.C. 5952 note).*

19 **SEC. 1105. LIMITATION ON USE OF FUNDS UNTIL SUBMIS-**
20 **SION OF CERTIFICATION.**

21 (a) *LIMITATION ON USE OF FUNDS UNTIL SUBMIS-*
22 *SION OF CERTIFICATION.—No fiscal year 1998 Cooperative*
23 *Threat Reduction funds may be obligated or expended for*
24 *strategic offensive arms elimination projects in Russia re-*
25 *lated to the START II Treaty (as defined in section 1302(d)*

1 *of the National Defense Authorization Act for Fiscal Year*
2 *1997 (Public Law 104–201; 110 Stat. 2701)) until 30 days*
3 *after the date on which the President submits to Congress*
4 *a certification in writing that—*

5 (1) *implementation of the projects would benefit*
6 *the national security interest of the United States;*
7 *and*

8 (2) *Russia has agreed to share the cost for the*
9 *projects.*

10 (b) *REPORT.—Not later than 15 days after the date*
11 *that the President submits to Congress the certification*
12 *under subsection (a), the Secretary of Defense shall submit*
13 *to the congressional defense committees a report describing*
14 *the arrangement between the United States and Russia with*
15 *respect to the sharing of costs for strategic offensive arms*
16 *elimination projects in Russia related to the START II*
17 *Treaty.*

18 **SEC. 1106. USE OF FUNDS FOR CHEMICAL WEAPONS DE-**
19 **STRUCTION FACILITY.**

20 (a) *LIMITATION ON USE OF FUNDS UNTIL SUBMIS-*
21 *SION OF NOTIFICATIONS TO CONGRESS.—No fiscal year*
22 *1998 Cooperative Threat Reduction funds may be obligated*
23 *or expended for planning and design of a chemical weapons*
24 *destruction facility until 15 days after the date that is the*
25 *later of the following:*

1 (1) *The date on which the Secretary of Defense*
2 *submits to Congress notification of an agreement be-*
3 *tween the United States and Russia with respect to*
4 *such chemical weapons destruction facility that in-*
5 *cludes—*

6 (A) *an agreement providing for a limitation*
7 *on the financial contribution by the United*
8 *States for the facility;*

9 (B) *an agreement that the United States*
10 *will not pay the costs for infrastructure deter-*
11 *mined by Russia to be necessary to support the*
12 *facility; and*

13 (C) *an agreement on the site of the facility.*

14 (2) *The date on which the Secretary of Defense*
15 *submits to Congress notification that the Government*
16 *of Russia has formally approved a plan—*

17 (A) *that allows for the destruction of chemi-*
18 *cal weapons in Russia; and*

19 (B) *that commits Russia to pay a portion*
20 *of the cost for the facility.*

21 (b) *PROHIBITION ON USE OF FUNDS FOR FACILITY*
22 *CONSTRUCTION.—No fiscal year 1998 Cooperative Threat*
23 *Reduction funds authorized to be obligated in section*
24 *1102(a)(4) for planning and design of a chemical weapons*

1 *destruction facility in Russia may be used for construction*
2 *of such facility.*

3 **SEC. 1107. LIMITATION ON USE OF FUNDS FOR STORAGE**
4 **FACILITY FOR RUSSIAN FISSILE MATERIAL.**

5 (a) *LIMITATION ON USE OF FISCAL YEAR 1998*
6 *FUNDS.—No fiscal year 1998 Cooperative Threat Reduction*
7 *funds may be obligated or expended for planning, design,*
8 *or construction of a storage facility for Russian fissile mate-*
9 *rial until 15 days after the date that is the later of the*
10 *following:*

11 (1) *The date on which the Secretary of Defense*
12 *submits to Congress notification of an agreement be-*
13 *tween the United States and Russia that the total*
14 *share of the cost to the United States for such facility*
15 *will not exceed \$275,000,000.*

16 (2) *The date on which the Secretary submits to*
17 *Congress notification of an agreement between the*
18 *United States and Russia incorporating the principle*
19 *of transparency with respect to the use of the facility.*

20 (b) *LIMITATION ON USE OF FUNDS FOR FISCAL YEARS*
21 *BEFORE FISCAL YEAR 1998.—None of the funds appro-*
22 *priated for Cooperative Threat Reduction programs for a*
23 *fiscal year before fiscal year 1998 and remaining available*
24 *for obligation on the date of the enactment of this Act may*

1 *be obligated or expended for planning, design, or construc-*
2 *tion of a storage facility for Russian fissile material until—*

3 *(1) the Secretary of Defense submits to the con-*
4 *gressional defense committees a report on the costs*
5 *and schedule for the planning, design, and construc-*
6 *tion of the facility and transparency issues relating*
7 *to the facility; and*

8 *(2) 15 days have elapsed following the date of the*
9 *notification.*

10 **SEC. 1108. LIMITATION ON USE OF FUNDS FOR WEAPONS**

11 **STORAGE SECURITY.**

12 *No fiscal year 1998 Cooperative Threat Reduction*
13 *funds may be obligated or expended for weapons storage se-*
14 *curity in Russia until—*

15 *(1) the Secretary of Defense submits to the con-*
16 *gressional defense committees notification of an agree-*
17 *ment between the United States and Russia on audits*
18 *and examinations with respect to weapons storage se-*
19 *curity; and*

20 *(2) 15 days have elapsed following the date of the*
21 *notification.*

1 **SEC. 1109. REPORT TO CONGRESS ON ISSUES REGARDING**
2 **PAYMENT OF TAXES OR DUTIES ON ASSIST-**
3 **ANCE PROVIDED TO RUSSIA UNDER COOPER-**
4 **ATIVE THREAT REDUCTION PROGRAMS.**

5 *Not later than September 30, 1997, the Secretary of*
6 *Defense shall submit to Congress a report on—*

7 *(1) any disputes between the United States and*
8 *Russia with respect to payment by the United States*
9 *of taxes or duties on assistance provided to Russia*
10 *under a Cooperative Threat Reduction program, in-*
11 *cluding a description of the nature of each dispute,*
12 *the amount of payment disputed, whether the dispute*
13 *was resolved, and if the dispute was resolved, the*
14 *means by which the dispute was resolved;*

15 *(2) the actions taken by the Secretary to prevent*
16 *disputes between the United States and Russia with*
17 *respect to payment by the United States of taxes or*
18 *duties on assistance provided to Russia under a Co-*
19 *operative Threat Reduction program;*

20 *(3) any agreements between the United States*
21 *and Russia with respect to payment by the United*
22 *States of taxes or duties on assistance provided to*
23 *Russia under a Cooperative Threat Reduction pro-*
24 *gram; and*

25 *(4) any proposals of the Secretary on actions*
26 *that should be taken to prevent disputes between the*

1 *United States and Russia with respect to payment*
2 *by the United States of taxes or duties on assistance*
3 *provided to Russia under a Cooperative Threat Re-*
4 *duction program.*

5 **SEC. 1110. LIMITATION ON OBLIGATION OF FUNDS FOR A**
6 **SPECIFIED PERIOD.**

7 *(a) IN GENERAL.—(1) Chapter 20 of title 10, United*
8 *States Code, is amended by adding at the end the following*
9 *new section:*

10 **“§406. Use of Cooperative Threat Reduction program**
11 **funds: limitation**

12 *“(a) IN GENERAL.—In carrying out Cooperative*
13 *Threat Reduction programs during any fiscal year, the Sec-*
14 *retary of Defense may use funds appropriated for those pro-*
15 *grams only to the extent that those funds were appropriated*
16 *for that fiscal year or for either of the two preceding fiscal*
17 *years.*

18 *“(b) DEFINITION OF COOPERATIVE THREAT REDUC-*
19 *TION PROGRAMS.—In this section, the term ‘Cooperative*
20 *Threat Reduction programs’ means the following programs*
21 *with respect to states of the former Soviet Union:*

22 *“(1) Programs to facilitate the elimination, and*
23 *the safe and secure transportation and storage, of nu-*
24 *clear, chemical, and other weapons and their delivery*
25 *vehicles.*

1 “(2) Programs to facilitate the safe and secure
2 storage of fissile materials derived from the elimi-
3 nation of nuclear weapons.

4 “(3) Programs to prevent the proliferation of
5 weapons, components, and weapons-related technology
6 and expertise.

7 “(4) Programs to expand military-to-military
8 and defense contacts.”.

9 (2) The table of sections at the beginning of such chap-
10 ter is amended by adding at the end the following new item:

 “406. Use of Cooperative Threat Reduction program funds: limitation.”.

11 (b) *EFFECTIVE DATE.*—Section 406 of title 10, United
12 States Code, as added by subsection (a), shall apply with
13 respect to fiscal years beginning with fiscal year 1998.

14 **SEC. 1111. AVAILABILITY OF FUNDS.**

15 Funds appropriated pursuant to the authorization of
16 appropriations in section 301 for Cooperative Threat Re-
17 duction programs shall be available for obligation for three
18 fiscal years.

19 **TITLE XII—MATTERS RELATING**
20 **TO OTHER NATIONS**

21 **SEC. 1201. REPORTS TO CONGRESS RELATING TO UNITED**
22 **STATES FORCES IN BOSNIA.**

23 (a) *SECRETARY OF DEFENSE REPORTS ON NON-*
24 *MILITARY TASKS CARRIED OUT BY UNITED STATES*
25 *FORCES.*—(1) The Secretary of Defense shall submit to the

1 congressional defense committees two reports identifying
2 each activity being carried out, as of the date of the report,
3 by covered United States forces in Bosnia that is an activ-
4 ity that (as determined by the Secretary) is expected to be
5 performed by an international or local civilian organiza-
6 tion once the multinational peacekeeping mission in Bosnia
7 is concluded.

8 (2) For purposes of this paragraph, covered United
9 States forces in Bosnia are United States ground forces in
10 the Republic of Bosnia and Herzegovina that are assigned
11 to the multinational peacekeeping force known as the Sta-
12 bilization Force (SFOR) or to any other multinational
13 peacekeeping force that is a successor to the Stabilization
14 Force.

15 (3) The Secretary shall include in each report under
16 paragraph (1), for each activity identified in that para-
17 graph, the following:

18 (A) The number of United States military per-
19 sonnel involved.

20 (B) Whether forces assigned to the SFOR (or
21 successor multinational force) from other nations also
22 participated in that activity.

23 (C) The justification for using military forces
24 rather than civilian organizations to perform that ac-
25 tivity.

1 (4) *The first report under paragraph (1) shall be sub-*
2 *mitted not later than December 1, 1997. The second such*
3 *report shall be submitted not later than March 31, 1998.*

4 (b) *PRESIDENTIAL REPORT ON POLITICAL AND MILI-*
5 *TARY CONDITIONS IN BOSNIA.—(1) Not later than Decem-*
6 *ber 15, 1997, the President shall submit to Congress a report*
7 *on the political and military conditions in the Republic of*
8 *Bosnia and Herzegovina (hereafter in this section referred*
9 *to as Bosnia-Herzegovina). Of the funds available to the*
10 *Secretary of Defense for fiscal year 1998 for the operation*
11 *of United States ground forces in Bosnia-Herzegovina dur-*
12 *ing that fiscal year, no more than 60 percent may be ex-*
13 *pended before the report is submitted.*

14 (2) *The report under paragraph (1) shall include a*
15 *discussion of the following:*

16 (A) *The date on which the transition from the*
17 *multinational force known as the Stabilization Force*
18 *to the planned multinational successor force to be*
19 *known as the Deterrence Force will occur and how the*
20 *decision as to that date will impact the estimates of*
21 *costs associated with the operation of United States*
22 *ground forces in Bosnia-Herzegovina during fiscal*
23 *year 1998 as contained in the President's budget for*
24 *fiscal year 1998.*

1 (B) *The military and political considerations*
2 *that will affect the decision to carry out such a tran-*
3 *sition.*

4 (C) *The incremental, per-month cost increases*
5 *the Department of Defense resulting from a decision*
6 *to delay the transition from the Stabilization Force to*
7 *the Deterrence Force.*

8 (D) *The unresolved political, economic, and mili-*
9 *tary issues within Bosnia-Herzegovina that may af-*
10 *fect the estimate of the Secretary of the costs of com-*
11 *plete withdrawal of United States forces from Bosnia-*
12 *Herzegovina, the timeframe for force reductions for*
13 *such withdrawal, and the timing of complete with-*
14 *drawal of United States forces from Bosnia-*
15 *Herzegovina.*

16 (E) *A detailed explanation and timetable for*
17 *carrying out the President's commitment to withdraw*
18 *all United States ground forces from Bosnia-*
19 *Herzegovina by the end of June 1998, including the*
20 *planned date of commencement and completion of the*
21 *withdrawal.*

22 (F) *Any plan to maintain or expand other*
23 *Bosnia-related operations (such as the operation des-*
24 *ignated as Operation Deliberate Guard) if tensions in*
25 *Bosnia-Herzegovina remain sufficient to delay the*

1 (2) *in subsection (f), by striking out “1997” and*
2 *inserting in lieu thereof “1998”.*

3 **SEC. 1203. REPORT ON FUTURE MILITARY CAPABILITIES**
4 **AND STRATEGY OF THE PEOPLE’S REPUBLIC**
5 **OF CHINA.**

6 (a) *REPORT.—The Secretary of Defense shall prepare*
7 *a report, in both classified and unclassified form, on the*
8 *future pattern of military modernization of the People’s Re-*
9 *public of China. The report shall address the probable*
10 *course of military-technological development in the People’s*
11 *Liberation Army and the development of Chinese grand*
12 *strategy, security strategy, and military strategy, and of*
13 *military organizations and operational concepts, through*
14 *2015.*

15 (b) *MATTERS TO BE INCLUDED.—The report shall in-*
16 *clude analyses and forecasts of the following:*

17 (1) *The goals of Chinese grand strategy, security*
18 *strategy, and military strategy.*

19 (2) *Trends in Chinese political grand strategy*
20 *meant to establish the People’s Republic of China as*
21 *the leading political power in the Asia-Pacific region*
22 *and as a political and military presence in other re-*
23 *gions of the world, including Central Asia, Southwest*
24 *Asia, Europe, and Latin America.*

1 (3) *Developments in Chinese military doctrine,*
2 *focusing on (but not limited to) efforts to exploit the*
3 *emerging Revolution in Military Affairs or to conduct*
4 *preemptive strikes.*

5 (4) *Efforts by the People’s Republic of China to*
6 *develop long-range air-to-air or air defense missiles*
7 *designed to target special support aircraft such as*
8 *Airborne Warning and Control System (AWACS) air-*
9 *craft, Joint Surveillance and Target Attack Radar*
10 *System (JSTARS) aircraft, or other command and*
11 *control, intelligence, airborne early warning, or elec-*
12 *tronic warfare aircraft.*

13 (5) *Efforts by the People’s Republic of China to*
14 *develop a capability to conduct “information war-*
15 *fare” at the strategic, operational, and tactical levels*
16 *of war.*

17 (6) *Efforts by the People’s Republic of China to*
18 *develop a capability to establish control of space or to*
19 *deny access and use of military and commercial space*
20 *systems in times of crisis or war, including programs*
21 *to place weapons in space or to develop earth-based*
22 *weapons capable of attacking space-based systems.*

23 (7) *Trends that would lead the People’s Republic*
24 *of China toward the development of advanced intel-*
25 *ligence, surveillance, and reconnaissance capabilities,*

1 *including gaining access to commercial or third-party*
2 *systems with military significance.*

3 (8) *Efforts by the People's Republic of China to*
4 *develop highly accurate and stealthy ballistic and*
5 *cruise missiles, including sea-launched cruise missiles,*
6 *particularly in numbers sufficient to conduct attacks*
7 *capable of overwhelming projected defense capabilities*
8 *in the Asia-Pacific region.*

9 (9) *Development by the People's Republic of*
10 *China of command and control networks, particularly*
11 *those capable of battle management of long-range pre-*
12 *cision strikes.*

13 (10) *Programs of the People's Republic of China*
14 *involving unmanned aerial vehicles, particularly*
15 *those with extended ranges or loitering times or po-*
16 *tential strike capabilities.*

17 (11) *Exploitation by the People's Republic of*
18 *China for military purposes of the Global Positioning*
19 *System or other similar systems (including commer-*
20 *cial land surveillance satellites), with such analysis*
21 *and forecasts focusing particularly on those signs in-*
22 *dicative of an attempt to increase accuracy of weap-*
23 *ons or situational awareness of operating forces.*

24 (12) *Development by the People's Republic of*
25 *China of capabilities for denial of sea control, includ-*

1 *ing such systems as advanced sea mines, improved*
 2 *submarine capabilities, or land-based sea-denial sys-*
 3 *tems.*

4 *(13) Continued development by the People’s Re-*
 5 *public of China of follow-on forces, particularly forces*
 6 *capable of rapid air or amphibious assault.*

7 *(c) SUBMISSION OF REPORT.—The report shall be sub-*
 8 *mitted to Congress not later than March 15, 1998.*

9 **SEC. 1204. TEMPORARY USE OF GENERAL PURPOSE VEHI-**
 10 **CLES AND NONLETHAL MILITARY EQUIPMENT**
 11 **UNDER ACQUISITION AND CROSS SERVICING**
 12 **AGREEMENTS.**

13 *Section 2350(1) of title 10, United States Code, is*
 14 *amended by striking out “other items” in the second sen-*
 15 *tence and all that follows through “United States Munitions*
 16 *List” and inserting in lieu thereof “other nonlethal items*
 17 *of military equipment which are not designated as signifi-*
 18 *cant military equipment on the United States Munitions*
 19 *List promulgated”.*

20 **DIVISION B—MILITARY CON-**
 21 **STRUCTION AUTHORIZA-**
 22 **TIONS**

23 **SEC. 2001. SHORT TITLE.**

24 *This division may be cited as the “Military Construc-*
 25 *tion Authorization Act for Fiscal Year 1998”.*

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Arizona</i>	<i>Fort Huachuca</i>	\$20,000,000
<i>California</i>	<i>Fort Irwin</i>	\$11,150,000
	<i>Naval Weapons Station, Concord</i>	\$23,000,000
<i>Colorado</i>	<i>Fort Carson</i>	\$47,300,000
<i>Georgia</i>	<i>Fort Gordon</i>	\$22,000,000
	<i>Hunter Army Air Field, Fort Stewart</i>	\$54,000,000
<i>Hawaii</i>	<i>Schofield Barracks</i>	\$44,000,000
<i>Indiana</i>	<i>Crane Army Ammunition Activity</i> ...	\$7,700,000
<i>Kansas</i>	<i>Fort Leavenworth</i>	\$63,000,000
	<i>Fort Riley</i>	\$25,800,000
<i>Kentucky</i>	<i>Fort Campbell</i>	\$43,700,000
	<i>Fort Knox</i>	\$7,200,000
<i>Missouri</i>	<i>Fort Leonard Wood</i>	\$3,200,000
<i>New Jersey</i>	<i>Fort Monmouth</i>	\$2,050,000
<i>New Mexico</i>	<i>White Sands Missile Range</i>	\$6,900,000
<i>New York</i>	<i>Fort Drum</i>	\$24,400,000
<i>North Carolina</i>	<i>Fort Bragg</i>	\$61,900,000
<i>Oklahoma</i>	<i>Fort Sill</i>	\$25,000,000
<i>South Carolina</i>	<i>Fort Jackson</i>	\$5,400,000
	<i>Naval Weapons Station, Charleston</i> ...	\$7,700,000
<i>Texas</i>	<i>Fort Bliss</i>	\$7,700,000
	<i>Fort Hood</i>	\$27,200,000
	<i>Fort Sam Houston</i>	\$16,000,000
<i>Virginia</i>	<i>Fort A.P. Hill</i>	\$5,400,000
	<i>Fort Myer</i>	\$8,200,000
	<i>Fort Story</i>	\$2,050,000
<i>Washington</i>	<i>Fort Lewis</i>	\$33,000,000
<i>CONUS Classified</i>	<i>Classified Location</i>	\$6,500,000
	<i>Total</i>	\$614,900,000

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may

- 1 *acquire real property and carry out military construction*
- 2 *projects for the locations outside the United States, and in*
- 3 *the amounts, set forth in the following table:*

Army: Outside the United States

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Germany</i>	<i>Ansbach</i>	\$22,000,000
	<i>Heidelberg</i>	\$8,800,000
	<i>Mannheim</i>	\$6,200,000
	<i>Military Support Group, Kaiserslautern</i>	\$6,000,000
<i>Korea</i>	<i>Camp Casey</i>	\$5,100,000
	<i>Camp Castle</i>	\$8,400,000
	<i>Camp Humphreys</i>	\$32,000,000
	<i>Camp Red Cloud</i>	\$23,600,000
	<i>Camp Stanley</i>	\$7,000,000
<i>Overseas Classified</i>	<i>Overseas Classified</i>	\$37,000,000
	<i>Total</i>	\$156,100,000

4 **SEC. 2102. FAMILY HOUSING.**

- 5 (a) *CONSTRUCTION AND ACQUISITION.—Using*
- 6 *amounts appropriated pursuant to authorization of appro-*
- 7 *priations in section 2104(a)(5)(A), the Secretary of the*
- 8 *Army may construct or acquire family housing units (in-*
- 9 *cluding land acquisition) at the installations, for the pur-*
- 10 *poses, and in the amounts set forth in the following table:*

Army: Family Housing

<i>State</i>	<i>Installation or Location</i>	<i>Purpose</i>	<i>Amount</i>
<i>Arizona</i>	<i>Fort Huachuca</i>	<i>55 Units</i>	\$8,000,000
<i>Hawaii</i>	<i>Schofield Barracks</i>	<i>132 Units</i>	\$26,600,000
<i>Maryland</i>	<i>Fort George Meade</i>	<i>56 Units</i>	\$7,900,000
<i>New Jersey</i>	<i>Picatinny Arsenal</i>	<i>35 Units</i>	\$7,300,000
<i>North Carolina</i>	<i>Fort Bragg</i>	<i>174 Units</i>	\$20,150,000
<i>Texas</i>	<i>Fort Bliss</i>	<i>91 Units</i>	\$12,900,000
	<i>Fort Hood</i>	<i>130 Units</i>	\$18,800,000
		<i>Total</i>	\$103,950,000

- 11 (b) *PLANNING AND DESIGN.—Using amounts appro-*
- 12 *priated pursuant to the authorization of appropriations in*
- 13 *section 2104(a)(5)(A), the Secretary of the Army may carry*

1 *out architectural and engineering services and construction*
2 *design activities with respect to the construction or im-*
3 *provement of family housing units in an amount not to*
4 *exceed \$9,550,000.*

5 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
6 **UNITS.**

7 *Subject to section 2825 of title 10, United States Code,*
8 *and using amounts appropriated pursuant to the author-*
9 *ization of appropriations in sections 2104(a)(5)(A), the*
10 *Secretary of the Army may improve existing military fam-*
11 *ily housing units in an amount not to exceed \$89,200,000.*

12 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

13 *(a) IN GENERAL.—Funds are hereby authorized to be*
14 *appropriated for fiscal years beginning after September 30,*
15 *1997, for military construction, land acquisition, and mili-*
16 *tary family housing functions of the Department of the*
17 *Army in the total amount of \$2,055,364,000 as follows:*

18 *(1) For military construction projects inside the*
19 *United States authorized by section 2101(a),*
20 *\$425,850,000.*

21 *(2) For the military construction projects outside*
22 *the United States authorized by section 2101(b),*
23 *\$162,600,000.*

1 (3) *For unspecified minor military construction*
2 *projects authorized by section 2805 of title 10, United*
3 *States Code, \$6,000,000.*

4 (4) *For architectural and engineering services*
5 *and construction design under section 2807 of title*
6 *10, United States Code, \$71,577,000.*

7 (5) *For military family housing functions:*

8 (A) *For construction and acquisition, plan-*
9 *ning and design and improvement of military*
10 *family housing and facilities, \$200,400,000.*

11 (B) *For support of military family housing*
12 *(including the functions described in section*
13 *2833 of title 10, United States Code),*
14 *\$1,148,937,000.*

15 (6) *For the construction of the National Range*
16 *Control Center, White Sands Missile Range, New*
17 *Mexico, authorized by section 2101(a) of the Military*
18 *Construction Authorization Act for Fiscal Year 1997*
19 *(division B of Public Law 104–201; 110 Stat. 2763),*
20 *\$18,000,000.*

21 (7) *For the construction of the whole barracks*
22 *complex renewal, Fort Knox, Kentucky, authorized by*
23 *section 2101(a) of the Military Construction Author-*
24 *ization Act for Fiscal Year 1997 (division B of Public*
25 *Law 104–201; 110 Stat. 2763), \$22,000,000.*

1 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
2 *PROJECTS.*—*Notwithstanding the cost variations author-*
3 *ized by section 2853 of title 10, United States Code, and*
4 *any other cost variation authorized by law, the total cost*
5 *of all projects carried out under section 2101 of this Act*
6 *may not exceed—*

7 (1) *the total amount authorized to be appro-*
8 *priated under paragraphs (1) and (2) of subsection*
9 *(a);*

10 (2) *\$14,400,000 (the balance of the amount au-*
11 *thorized under section 2101(a) for the construction of*
12 *the Force XXI Soldier Development School at Fort*
13 *Hood, Texas);*

14 (3) *\$24,000,000 (the balance of the amount au-*
15 *thorized under section 2101(a) for rail yard expan-*
16 *sion at Fort Carson, Colorado);*

17 (4) *\$43,000,000 (the balance of the amount au-*
18 *thorized under section 2101(a) for the construction of*
19 *a disciplinary barracks at Fort Leavenworth, Kan-*
20 *sas);*

21 (5) *\$36,500,000 (the balance of the amount au-*
22 *thorized under section 2101(a) for the construction of*
23 *a barracks at Hunter Army Airfield, Fort Stewart,*
24 *Georgia);*

1 (6) \$44,200,000 (the balance of the amount au-
2 thorized under section 2101(a) for the construction of
3 a barracks at Fort Bragg, North Carolina); and

4 (7) \$17,000,000 (the balance of the amount au-
5 thorized under section 2101(a) for the construction of
6 a barracks at Fort Sill, Oklahoma).

7 **SEC. 2105. CORRECTION IN AUTHORIZED USES OF FUNDS,**
8 **FORT IRWIN, CALIFORNIA.**

9 *In the case of amounts appropriated pursuant to the*
10 *authorization of appropriations in section 2104(a)(1) of the*
11 *Military Construction Authorization Act for Fiscal Year*
12 *1995 (division B of Public Law 103–337; 108 Stat. 3029)*
13 *and section 2104(a)(1) of the Military Construction Author-*
14 *ization Act for Fiscal Year 1996 (division B of Public Law*
15 *104–106; 110 Stat. 524) for a military construction project*
16 *for Fort Irwin, California, involving the construction of an*
17 *air field for the National Training Center at Barstow-*
18 *Daggett, California, the Secretary of the Army may use*
19 *such amounts for the construction of a heliport at the same*
20 *location.*

21 **TITLE XXII—NAVY**

22 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
23 **ACQUISITION PROJECTS.**

24 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
25 propriated pursuant to the authorization of appropriations

1 *in section 2204(a)(1), the Secretary of the Navy may ac-*
 2 *quire real property and carry out military construction*
 3 *projects for the installations and locations inside the United*
 4 *States, and in the amounts, set forth in the following table:*

Navy: Inside the United States

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Arizona</i>	<i>Marine Corps Air Station, Yuma</i>	<i>\$12,250,000</i>
	<i>Navy Detachment, Camp Navajo</i>	<i>\$11,426,000</i>
<i>California</i>	<i>Marine Corps Air Station, Camp Pendleton</i>	<i>\$24,150,000</i>
	<i>Marine Corps Air Station, Miramar</i>	<i>\$8,700,000</i>
	<i>Marine Corps Air-Ground Combat Center, Twentynine Palms</i>	<i>\$3,810,000</i>
	<i>Marine Corps Base, Camp Pendleton</i>	<i>\$60,069,000</i>
	<i>Naval Air Facility, El Centro</i>	<i>\$11,000,000</i>
	<i>Naval Air Station, North Island</i>	<i>\$19,600,000</i>
	<i>Naval Amphibious Base, Coronado</i>	<i>\$10,100,000</i>
	<i>Naval Construction Battalion Center, Port Hueneme</i>	<i>\$3,200,000</i>
<i>Connecticut</i>	<i>Naval Submarine Base, New London</i>	<i>\$18,300,000</i>
<i>Florida</i>	<i>Naval Air Station, Jacksonville</i>	<i>\$3,480,000</i>
	<i>Naval Air Station, Whiting Field</i>	<i>\$1,300,000</i>
	<i>Naval Station, Mayport</i>	<i>\$17,940,000</i>
<i>Hawaii</i>	<i>Marine Corps Air Station, Kaneohe Bay</i>	<i>\$19,000,000</i>
	<i>Naval Communications and Telecommunications Area Master Station Eastern Pacific, Honolulu</i>	<i>\$3,900,000</i>
	<i>Naval Station, Pearl Harbor</i>	<i>\$25,000,000</i>
<i>Illinois</i>	<i>Naval Training Center, Great Lakes</i>	<i>\$41,220,000</i>
<i>Indiana</i>	<i>Naval Surface Warfare Center, Crane</i>	<i>\$4,120,000</i>
<i>Maryland</i>	<i>Naval Electronics System Command, St. Ingoes</i>	<i>\$2,610,000</i>
<i>Mississippi</i>	<i>Naval Air Station, Meridian</i>	<i>\$7,050,000</i>
<i>North Carolina</i>	<i>Marine Corps Air Station, Cherry Point</i>	<i>\$8,800,000</i>
	<i>Marine Corps Air Station, New River</i>	<i>\$19,900,000</i>
<i>Rhode Island</i>	<i>Naval Undersea Warfare Center Division, Newport</i>	<i>\$8,900,000</i>
<i>South Carolina</i>	<i>Marine Corps Air Station, Beaufort</i> ..	<i>\$17,730,000</i>
	<i>Marine Corps Reserve Detachment Parris Island</i>	<i>\$3,200,000</i>
<i>Texas</i>	<i>Naval Air Station, Corpus Christi</i>	<i>\$800,000</i>
<i>Virginia</i>	<i>AEGIS Training Center, Dahlgren</i>	<i>\$6,600,000</i>
	<i>Fleet Combat Training Center, Dam Neck</i>	<i>\$7,000,000</i>
	<i>Naval Air Station, Norfolk</i>	<i>\$18,240,000</i>
	<i>Naval Air Station, Oceana</i>	<i>\$34,000,000</i>
	<i>Naval Amphibious Base, Little Creek</i>	<i>\$8,685,000</i>
	<i>Naval Shipyard, Norfolk, Portsmouth</i>	<i>\$29,410,000</i>
	<i>Naval Station, Norfolk</i>	<i>\$18,850,000</i>
	<i>Naval Surface Warfare Center, Dahlgren</i>	<i>\$13,880,000</i>
	<i>Naval Weapons Station, Yorktown</i>	<i>\$14,547,000</i>
<i>Washington</i>	<i>Naval Air Station, Whidbey Island</i> ..	<i>\$1,100,000</i>

Navy: Inside the United States—Continued

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
	<i>Puget Sound Naval Shipyard, Bremerton</i>	\$4,400,000
	<i>Total</i>	\$524,267,000

1 **(b) OUTSIDE THE UNITED STATES.**—Using amounts
2 appropriated pursuant to the authorization of appropri-
3 ations in section 2204(a)(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the installations and locations outside the Unit-
6 ed States, and in the amounts, set forth in the following
7 table:

Navy: Outside the United States

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Bahrain</i>	<i>Administrative Support Unit, Bahrain</i>	\$30,100,000
<i>Guam</i>	<i>Naval Communications and Telecommunications Area Master Station Western Pacific, Guam</i>	\$4,050,000
<i>Italy</i>	<i>Naval Air Station, Sigonella</i>	\$21,440,000
	<i>Naval Support Activity, Naples</i>	\$8,200,000
<i>Puerto Rico</i>	<i>Naval Station, Roosevelt Roads</i>	\$500,000
<i>United Kingdom</i>	<i>Joint Maritime Communications Center, St. Mawgan</i>	\$2,330,000
	<i>Total</i>	\$66,620,000

8 SEC. 2202. FAMILY HOUSING.

9 **(a) CONSTRUCTION AND ACQUISITION.**—Using
10 amounts appropriated pursuant to the authorization of ap-
11 propriations in section 2204(a)(5)(A), the Secretary of the
12 Navy may construct or acquire family housing units (in-
13 cluding land acquisition) at the installations, for the pur-
14 poses, and in the amounts set forth in the following table:

1 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

2 (a) *IN GENERAL.*—*Funds are hereby authorized to be*
3 *appropriated for fiscal years beginning after September 30,*
4 *1997, for military construction, land acquisition, and mili-*
5 *tary family housing functions of the Department of the*
6 *Navy in the total amount of \$2,053,025,000 as follows:*

7 (1) *For military construction projects inside the*
8 *United States authorized by section 2201(a),*
9 *\$524,267,000.*

10 (2) *For military construction projects outside the*
11 *United States authorized by section 2201(b),*
12 *\$66,120,000.*

13 (3) *For unspecified minor construction projects*
14 *authorized by section 2805 of title 10, United States*
15 *Code, \$9,960,000.*

16 (4) *For architectural and engineering services*
17 *and construction design under section 2807 of title*
18 *10, United States Code, \$46,659,000.*

19 (5) *For military family housing functions:*

20 (A) *For construction and acquisition, plan-*
21 *ning and design and improvement of military*
22 *family housing and facilities, \$409,178,000.*

23 (B) *For support of military housing (in-*
24 *cluding functions described in section 2833 of*
25 *title 10, United States Code), \$976,504,000.*

1 (6) *For construction of bachelor enlisted quarters*
2 *at Naval Hospital, Great Lakes, Illinois, authorized*
3 *by section 2201(a) of the Military Construction Au-*
4 *thorization Act for Fiscal Year 1997 (division B of*
5 *Public Law 104–201; 110 Stat. 2766), \$5,200,000.*

6 (7) *For construction of bachelor enlisted quarters*
7 *at Naval Station, Roosevelt Roads, Puerto Rico, au-*
8 *thorized by section 2201(a) of the Military Construc-*
9 *tion Authorization Act for Fiscal Year 1997 (division*
10 *B of Public Law 104–201; 110 Stat. 2767),*
11 *\$14,600,000.*

12 (8) *For construction of a large anechoic chamber*
13 *facility at Patuxent River Naval Air Warfare Center,*
14 *Maryland, authorized by section 2201(a) of the Mili-*
15 *tary Construction Authorization Act for Fiscal Year*
16 *1993 (division B of Public Law 102–484; 106 Stat.*
17 *2590), \$9,000,000.*

18 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
19 *PROJECTS.—Notwithstanding the cost variations author-*
20 *ized by section 2853 of title 10, United States Code, and*
21 *any other cost variation authorized by law, the total cost*
22 *of all projects carried out under section 2201 of this Act*
23 *may not exceed the total amount authorized to be appro-*
24 *priated under paragraphs (1) and (2) of subsection (a).*

1 (c) *ADJUSTMENT.*—*The total amount authorized to be*
 2 *appropriated pursuant to paragraphs (1) through (8) of*
 3 *subsection (a) is the sum of the amounts authorized to be*
 4 *appropriated in such paragraphs, reduced by \$8,463,000,*
 5 *which represents the combination of project savings result-*
 6 *ing from favorable bids, reduced overhead costs, and can-*
 7 *cellations due to force structure changes.*

8 **SEC. 2205. AUTHORIZATION OF MILITARY CONSTRUCTION**
 9 **PROJECT AT NAVAL AIR STATION,**
 10 **PASCAGOULA, MISSISSIPPI, FOR WHICH**
 11 **FUNDS HAVE BEEN APPROPRIATED.**

12 (a) *AUTHORIZATION.*—*The table in section 2201(a) of*
 13 *the Military Construction Authorization Act for Fiscal Year*
 14 *1997 (division B of Public Law 104–201; 110 Stat. 2766)*
 15 *is amended—*

16 (1) *by striking out the amount identified as the*
 17 *total and inserting in lieu thereof “\$594,982,000”;*
 18 *and*

19 (2) *by inserting after the item relating to Sten-*
 20 *nis Space Center, Mississippi, the following new item:*

	<i>Naval Air Station, Pascagoula</i>	<i>\$4,990,000</i>
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21 (b) *CONFORMING AMENDMENTS.*—*Section 2204(a) of*
 22 *such Act (110 Stat. 2769) is amended—*

1 (1) in the matter preceding the paragraphs, by
2 striking out “\$2,213,731,000” and inserting in lieu
3 thereof “\$2,218,721,000”; and

4 (2) in paragraph (1), by striking out
5 “\$579,312,000” and inserting in lieu thereof
6 “\$584,302,000”.

7 **TITLE XXIII—AIR FORCE**

8 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 9 **LAND ACQUISITION PROJECTS.**

10 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
11 propriated pursuant to the authorization of appropriations
12 in section 2304(a)(1), the Secretary of the Air Force may
13 acquire real property and carry out military construction
14 projects for the installations and locations inside the United
15 States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Alabama</i>	<i>Maxwell Air Force Base</i>	<i>\$14,874,000</i>
<i>Alaska</i>	<i>Clear Air Station</i>	<i>\$67,069,000</i>
	<i>Eielson Air Force Base</i>	<i>\$7,764,000</i>
	<i>Indian Mountain</i>	<i>\$1,991,000</i>
<i>Arizona</i>	<i>Luke Air Force Base</i>	<i>\$10,000,000</i>
<i>Arkansas</i>	<i>Little Rock Air Force Base</i>	<i>\$3,400,000</i>
<i>California</i>	<i>Eduards Air Force Base</i>	<i>\$2,887,000</i>
	<i>Vandenberg Air Force Base</i>	<i>\$26,876,000</i>
<i>Colorado</i>	<i>Buckley Air National Guard Base</i>	<i>\$6,718,000</i>
	<i>Falcon Air Force Station</i>	<i>\$10,551,000</i>
	<i>Peterson Air Force Base</i>	<i>\$4,081,000</i>
	<i>United States Air Force Academy</i>	<i>\$15,229,000</i>
<i>Florida</i>	<i>Eglin Auxiliary Field 9</i>	<i>\$6,470,000</i>
	<i>MacDill Air Force Base</i>	<i>\$1,543,000</i>
<i>Georgia</i>	<i>Moody Air Force Base</i>	<i>\$9,100,000</i>
	<i>Robins Air Force Base</i>	<i>\$27,763,000</i>
<i>Idaho</i>	<i>Mountain Home Air Force Base</i>	<i>\$17,719,000</i>
<i>Kansas</i>	<i>McConnell Air Force Base</i>	<i>\$11,669,000</i>
<i>Louisiana</i>	<i>Barksdale Air Force Base</i>	<i>\$19,410,000</i>
<i>Mississippi</i>	<i>Keesler Air Force Base</i>	<i>\$30,855,000</i>
<i>Missouri</i>	<i>Whiteman Air Force Base</i>	<i>\$40,419,000</i>
<i>Nevada</i>	<i>Nellis Air Force Base</i>	<i>\$1,950,000</i>
<i>New Jersey</i>	<i>McGuire Air Force Base</i>	<i>\$18,754,000</i>
<i>North Carolina</i>	<i>Pope Air Force Base</i>	<i>\$20,656,000</i>

Air Force: Inside the United States—Continued

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>North Dakota</i>	<i>Grand Forks Air Force Base</i>	\$8,560,000
	<i>Minot Air Force Base</i>	\$5,200,000
<i>Ohio</i>	<i>Wright-Patterson Air Force Base</i>	\$19,350,000
<i>Oklahoma</i>	<i>Tinker Air Force Base</i>	\$9,655,000
	<i>Vance Air Force Base</i>	\$6,700,000
<i>South Carolina</i>	<i>Shaw Air Force Base</i>	\$6,072,000
<i>South Dakota</i>	<i>Ellsworth Air Force Base</i>	\$6,600,000
<i>Tennessee</i>	<i>Arnold Air Force Base</i>	\$20,650,000
<i>Texas</i>	<i>Dyess Air Force Base</i>	\$10,000,000
	<i>Laughlin Air Force Base</i>	4,800,000
	<i>Randolph Air Force Base</i>	\$2,488,000
<i>Utah</i>	<i>Hill Air Force Base</i>	\$6,470,000
<i>Virginia</i>	<i>Langley Air Force Base</i>	\$4,031,000
<i>Washington</i>	<i>Fairchild Air Force Base</i>	\$7,366,000
	<i>McChord Air Force Base</i>	\$9,655,000
<i>CONUS Classified</i>	<i>Classified Location</i>	\$6,175,000
	<i>Total</i>	\$511,520,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2304(a)(2), the Secretary of the Air Force
4 may acquire real property and carry out military construc-
5 tion projects for the installations and locations outside the
6 United States, and in the amounts, set forth in the following
7 table:

Air Force: Outside the United States

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Germany</i>	<i>Spangdahlem Air Base</i>	\$18,500,000
<i>Italy</i>	<i>Aviano Air Base</i>	\$15,220,000
<i>Korea</i>	<i>Kunsan Air Base</i>	\$10,325,000
	<i>Osan Air Base</i>	\$11,100,000
<i>Portugal</i>	<i>Lajes Field, Azores</i>	\$4,800,000
<i>United Kingdom</i>	<i>Royal Air Force, Lakenheath</i>	\$11,400,000
<i>Overseas Classified</i>	<i>Classified Location</i>	\$31,100,000
	<i>Total</i>	\$102,445,000

8 SEC. 2302. FAMILY HOUSING.

9 (a) *CONSTRUCTION AND ACQUISITION.*—Using
10 amounts appropriated pursuant to the authorization of ap-
11 propriations in section 2304(a)(5)(A), the Secretary of the

1 *Air Force may construct or acquire family housing units*
 2 *(including land acquisition) at the installations, for the*
 3 *purposes, and in the amounts set forth in the following*
 4 *table:*

Air Force: Family Housing

<i>State</i>	<i>Installation or Location</i>	<i>Purpose</i>	<i>Amount</i>
<i>Arizona</i>	<i>Davis-Monthan Air Force Base</i>	<i>70 Units</i>	<i>\$9,800,000</i>
<i>California</i>	<i>Edwards Air Force Base</i>	<i>95 Units</i>	<i>\$16,800,000</i>
	<i>Travis Air Force Base</i>	<i>70 Units</i>	<i>\$9,714,000</i>
	<i>Vandenberg Air Force Base</i>	<i>108 Units</i>	<i>\$17,100,000</i>
<i>Delaware</i>	<i>Dover Air Force Base</i>	<i>Ancillary Facility</i>	<i>\$831,000</i>
<i>District of Columbia</i>	<i>Bolling Air Force Base</i>	<i>46 Units</i>	<i>\$5,100,000</i>
<i>Florida</i>	<i>MacDill Air Force Base</i>	<i>58 Units</i>	<i>\$10,000,000</i>
	<i>Tyndall Air Force Base</i>	<i>32 Units</i>	<i>\$4,200,000</i>
<i>Georgia</i>	<i>Robins Air Force Base</i>	<i>60 Units</i>	<i>\$6,800,000</i>
<i>Idaho</i>	<i>Mountain Home Air Force Base</i>	<i>60 Units</i>	<i>\$11,032,000</i>
<i>Kansas</i>	<i>McConnell Air Force Base</i>	<i>19 Units</i>	<i>\$2,951,000</i>
	<i>McConnell Air Force Base</i>	<i>Ancillary Facility</i>	<i>\$581,000</i>
<i>Mississippi</i>	<i>Columbus Air Force Base</i>	<i>50 Units</i>	<i>\$6,200,000</i>
	<i>Keesler Air Force Base</i>	<i>40 Units</i>	<i>\$5,000,000</i>
<i>Montana</i>	<i>Malmstrom Air Force Base</i>	<i>28 Units</i>	<i>\$4,842,000</i>
<i>New Mexico</i>	<i>Kirtland Air Force Base</i>	<i>180 Units</i>	<i>\$20,900,000</i>
<i>North Dakota</i>	<i>Grand Forks Air Force Base</i>	<i>42 Units</i>	<i>\$7,936,000</i>
<i>Texas</i>	<i>Dyess Air Force Base</i>	<i>70 Units</i>	<i>\$10,503,000</i>
	<i>Goodfellow Air Force Base</i>	<i>3 Units</i>	<i>\$500,000</i>
	<i>Lackland Air Force Base</i>	<i>50 Units</i>	<i>\$7,400,000</i>
	<i>Sheppard Air Force Base</i>	<i>40 Units</i>	<i>\$7,400,000</i>
<i>Wyoming</i>	<i>F. E. Warren Air Force Base</i>	<i>52 Units</i>	<i>\$6,853,000</i>
	<i>Total</i>		<i>\$172,443,000</i>

5 (b) *PLANNING AND DESIGN.*—Using amounts appro-
 6 priated pursuant to the authorization of appropriations in
 7 section 2304(a)(5)(A), the Secretary of the Air Force may
 8 carry out architectural and engineering services and con-
 9 struction design activities with respect to the construction

1 *or improvement of military family housing units in an*
2 *amount not to exceed \$11,971,000.*

3 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
4 **UNITS.**

5 *Subject to section 2835 of title 10, United States Code,*
6 *and using amounts appropriated pursuant to the author-*
7 *ization of appropriations in section 2304(a)(5)(A), the Sec-*
8 *retary of the Air Force may improve existing military fam-*
9 *ily housing units in an amount not to exceed \$156,995,000.*

10 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
11 **FORCE.**

12 *(a) IN GENERAL.—Funds are hereby authorized to be*
13 *appropriated for fiscal years beginning after September 30,*
14 *1997, for military construction, land acquisition, and mili-*
15 *tary family housing functions of the Department of the Air*
16 *Force in the total amount of \$1,810,090,000 as follows:*

17 *(1) For military construction projects inside the*
18 *United States authorized by section 2301(a),*
19 *\$505,435,000.*

20 *(2) For military construction projects outside the*
21 *United States authorized by section 2301(b),*
22 *\$102,445,000.*

23 *(3) For unspecified minor construction projects*
24 *authorized by section 2805 of title 10, United States*
25 *Code, \$8,545,000.*

1 (4) *For architectural and engineering services*
2 *and construction design under section 2807 of title*
3 *10, United States Code, \$45,880,000.*

4 (5) *For military housing functions:*

5 (A) *For construction and acquisition, plan-*
6 *ning and design and improvement of military*
7 *family housing and facilities, \$341,409,000.*

8 (B) *For support of military family housing*
9 *(including the functions described in section*
10 *2833 of title 10, United States Code),*
11 *\$830,234,000.*

12 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
13 *PROJECTS.—Notwithstanding the cost variations author-*
14 *ized by section 2853 of title 10, United States Code, and*
15 *any other cost variation authorized by law, the total cost*
16 *of all projects carried out under section 2301 of this Act*
17 *may not exceed—*

18 (1) *the total amount authorized to be appro-*
19 *priated under paragraphs (1) and (2) of subsection*
20 *(a); and*

21 (2) *\$11,000,000 (the balance of the amount au-*
22 *thorized under section 2301(a) for the construction of*
23 *a B-2 low observability restoration facility at White-*
24 *man Air Force Base, Missouri).*

1 (c) *ADJUSTMENT.*—*The total amount authorized to be*
2 *appropriated pursuant to paragraphs (1) through (5) of*
3 *subsection (a) is the sum of the amounts authorized to be*
4 *appropriated in such paragraphs, reduced by \$23,858,000,*
5 *which represents the combination of project savings result-*
6 *ing from favorable bids, reduced overhead costs, and can-*
7 *cellations due to force structure changes.*

8 **SEC. 2305. AUTHORIZATION OF MILITARY CONSTRUCTION**
9 **PROJECT AT MCCONNELL AIR FORCE BASE,**
10 **KANSAS, FOR WHICH FUNDS HAVE BEEN AP-**
11 **PROPRIATED.**

12 (a) *AUTHORIZATION.*—*The table in section 2301(a) of*
13 *the Military Construction Authorization Act for Fiscal Year*
14 *1997 (division B of Public Law 104–201; 110 Stat. 2771)*
15 *is amended in the item relating to McConnell Air Force*
16 *Base, Kansas, by striking out “\$19,130,000” in the amount*
17 *column and inserting in lieu thereof “\$25,830,000”.*

18 (b) *CONFORMING AMENDMENTS.*—*Section 2304 of such*
19 *Act (110 Stat. 2774) is amended—*

20 (1) *in the matter preceding the paragraph, by*
21 *striking out “\$1,894,594,000” and inserting in lieu*
22 *thereof “\$1,901,294,000” and*

23 (2) *in paragraph (1), by striking out*
24 *“\$603,834,000” and inserting in lieu thereof*
25 *“\$610,534,000”.*

**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 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States.

<i>Agency</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Defense Commissary Agency ...</i>	<i>Fort Lee, Virginia</i>	<i>\$9,300,000</i>
<i>Defense Finance and Accounting Service</i>	<i>Columbus Center, Ohio</i>	<i>\$9,722,000</i>
	<i>Naval Air Station, Millington, Tennessee</i>	<i>\$6,906,000</i>
	<i>Naval Station, Norfolk, Virginia</i>	<i>\$12,800,000</i>
	<i>Naval Station, Pearl Harbor, Hawaii</i>	<i>\$10,000,000</i>
<i>Defense Intelligence Agency</i>	<i>Bolling Air Force Base, District of Columbia</i>	<i>\$7,000,000</i>
	<i>Redstone Arsenal, Alabama</i>	<i>\$32,700,000</i>
<i>Defense Logistics Agency</i>	<i>Defense Distribution Depot—DDNV, Virginia</i>	<i>\$16,656,000</i>
	<i>Defense Distribution New Cumberland—DDSP, Pennsylvania</i>	<i>\$15,500,000</i>
	<i>Defense Fuel Support Point, Craney Island, Virginia</i>	<i>\$22,100,000</i>
	<i>Defense General Supply Center, Richmond (DLA), Virginia</i>	<i>\$5,200,000</i>
	<i>Elmendorf Air Force Base, Alaska</i>	<i>\$21,700,000</i>
	<i>Naval Air Station, Jacksonville, Florida</i>	<i>\$9,800,000</i>
	<i>Truax Field, Wisconsin</i>	<i>\$4,500,000</i>
	<i>Westover Air Reserve Base, Massachusetts</i>	<i>\$4,700,000</i>
	<i>CONUS Various, CONUS Various</i>	<i>\$11,275,000</i>
<i>Defense Medical Facilities Office</i>	<i>Fort Campbell, Kentucky</i>	<i>\$13,600,000</i>

Defense Agencies: Inside the United States.—Continued

<i>Agency</i>	<i>Installation or Location</i>	<i>Amount</i>	
<i>National Security Agency</i>	<i>Fort Detrick, Maryland</i>	\$5,300,000	
	<i>Fort Lewis, Washington</i>	\$5,000,000	
	<i>Hill Air Force Base, Utah</i>	\$3,100,000	
	<i>Holloman Air Force Base, New Mexico</i>	\$3,000,000	
	<i>Lackland Air Force Base, Texas</i>	\$3,000,000	
	<i>Marine Corps Combat Dev Com, Quantico, Virginia</i>	\$19,000,000	
	<i>McGuire Air Force Base, New Jersey</i>	\$35,217,000	
	<i>Naval Air Station, Pensacola, Florida</i>	\$2,750,000	
	<i>Naval Station, Everett, Washington</i> ...	\$7,500,000	
	<i>Naval Station, San Diego, California</i>	\$2,100,000	
	<i>Naval Submarine Base, New London, Connecticut</i>	\$2,300,000	
	<i>Robins Air Force Base, Georgia</i>	\$19,000,000	
	<i>Tinker Air Force Base, Oklahoma</i>	\$6,500,000	
	<i>Wright-Patterson Air Force Base, Ohio</i>	\$2,750,000	
	<i>Special Operations Command</i>	<i>Fort Meade, Maryland</i>	\$29,800,000
		<i>Eglin Auxiliary Field 3, Florida</i>	\$6,100,000
		<i>Fort Benning, Georgia</i>	\$12,314,000
		<i>Fort Bragg, North Carolina</i>	\$1,500,000
		<i>Hurlburt Field, Florida</i>	\$2,450,000
		<i>Naval Amphibious Base, Coronado, California</i>	\$7,400,000
	<i>Total</i>	\$389,440,000	

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropri-
3 ations in section 2405(a)(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations and locations outside the Unit-
6 ed States, and in the amounts, set forth in the following
7 table:

Defense Agencies: Outside the United States.

<i>Agency</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Ballistic Missile Defense Organization.</i>	<i>Pacific Missile Range, Kwajalein Atoll</i>	\$4,565,000
<i>Defense Logistics Agency</i>	<i>Defense Fuel Support Point, Guam</i> ...	\$16,000,000
	<i>Moron Air Base, Spain</i>	\$14,400,000
<i>Defense Medical Facilities Office</i>	<i>Andersen Air Force Base, Guam</i>	\$3,700,000
	<i>Total</i>	\$38,665,000

1 **SEC. 2402. MILITARY HOUSING PLANNING AND DESIGN.**

2 *Using amounts appropriated pursuant to the author-*
3 *ization of appropriations in section 2405(a)(13)(A), the*
4 *Secretary of Defense may carry out architectural and engi-*
5 *neering services and construction design activities with re-*
6 *spect to the construction or improvement of military family*
7 *housing units in an amount not to exceed \$50,000.*

8 **SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
9 **UNITS.**

10 *Subject to section 2825 of title 10, United States Code,*
11 *and using amounts appropriated pursuant to the author-*
12 *ization of appropriation in section 2405(a)(12)(A), the Sec-*
13 *retary of Defense may improve existing military family*
14 *housing units in an amount not to exceed \$4,900,000.*

15 **SEC. 2404. ENERGY CONSERVATION PROJECTS.**

16 *Using amounts appropriated pursuant to the author-*
17 *ization of appropriations in section 2405(a)(10), the Sec-*
18 *retary of Defense may carry out energy conservation*
19 *projects under section 2865 of title 10, United States Code.*

20 **SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE**
21 **AGENCIES.**

22 *(a) IN GENERAL.—Funds are hereby authorized to be*
23 *appropriated for fiscal years beginning after September 30,*
24 *1997, for military construction, land acquisition, and mili-*
25 *tary family housing functions of the Department of Defense*

1 *(other than the military departments), in the total amount*
2 *of \$2,711,761,000 as follows:*

3 *(1) For military construction projects inside the*
4 *United States authorized by section 2401(a),*
5 *\$382,390,000*

6 *(2) For military construction projects outside the*
7 *United States authorized by section 2401(a),*
8 *\$34,965,000.*

9 *(3) For military construction projects at Annis-*
10 *ton Army Depot, Alabama, ammunition demilitariza-*
11 *tion facility, authorized by section 2101(a) of the*
12 *Military Construction Authorization Act for Fiscal*
13 *Year 1993 (division B of the Public Law 102-484;*
14 *106 Stat. 2587), which was originally authorized as*
15 *an Army construction project, but which became a*
16 *Defense Agencies construction project by reason of the*
17 *amendments made by section 142 of the National De-*
18 *fense Authorization Act for Fiscal Year 1995 (Public*
19 *Law 103-337; 108 Stat. 2689), \$9,900,000.*

20 *(4) For military construction projects at Walter*
21 *Reed Army Institute of Research, Maryland, hospital*
22 *replacement, authorized by section 2401(a) of the*
23 *Military Construction Authorization Act for Fiscal*
24 *Year 1993 (division B of Public Law 102-484; 106*
25 *Stat. 2599), \$20,000,000.*

1 (5) *For military construction projects at*
2 *Umatilla Army Depot, Oregon, authorized by section*
3 *2401(a) of the Military Construction Authorization*
4 *Act for Fiscal Year 1995 (division B of the Public*
5 *Law 103–337; 108 Stat. 3040), as amended by section*
6 *2407 of the Military Construction Authorization Act*
7 *for Fiscal Year 1996 (110 Stat. 539) and section*
8 *2407(2) of this Act, \$57,427,000.*

9 (6) *For military construction projects at Defense*
10 *Finance and Accounting Service, Columbus, Ohio,*
11 *authorized by section 2401(a) of the Military Con-*
12 *struction Authorization Act of Fiscal Year 1996 (divi-*
13 *sion B of Public Law 104–106; 110 Stat. 535),*
14 *\$14,200,000.*

15 (7) *For contingency construction projects of the*
16 *Secretary of Defense under section 2804 of title 10,*
17 *United States Code, \$9,844,000.*

18 (8) *For unspecified minor construction projects*
19 *under section 2805 of title 10, United States Code,*
20 *\$25,257,000.*

21 (9) *For architectural and engineering services*
22 *and construction design under section 2807 of title*
23 *10, United States Code, \$34,350,000.*

24 (10) *For Energy Conservation projects author-*
25 *ized by section 2403, \$25,000,000.*

1 (11) *For base closure and realignment activities*
2 *as authorized by the Defense Base Closure and Re-*
3 *alignment Act of 1990 (part A of title XXIX of Public*
4 *Law 101–510; 10 U.S.C. 2687 note), \$2,060,854,000.*

5 (12) *For military family housing functions:*

6 (A) *For improvement and planning of mili-*
7 *tary family housing and facilities, \$4,950,000.*

8 (B) *For support of military housing (in-*
9 *cluding functions described in section 2833 of*
10 *title 10, United States Code), \$32,724,000 of*
11 *which not more than \$27,673,000 may be obli-*
12 *gated or expended for the leasing of military*
13 *family housing units worldwide.*

14 (b) *LIMITATION OF TOTAL COST OF CONSTRUCTION*
15 *PROJECTS.—Notwithstanding the cost variation authorized*
16 *by section 2853 of title 10, United States Code, and any*
17 *other cost variations authorized by law, the total cost of*
18 *all projects carried out under section 2401 of this Act may*
19 *not exceed the total amount authorized to be appropriated*
20 *under paragraphs (1) and (2) of subsection (a).*

21 **SEC. 2406. CORRECTION IN AUTHORIZED USES OF FUNDS,**

22 **MCCLELLAN AIR FORCE BASE, CALIFORNIA.**

23 *In the case of amounts appropriated pursuant to the*
24 *authorization of appropriations in section 2405(a)(1) of the*
25 *Military Construction Authorization Act for Fiscal Year*

1 1995 (division B of Public Law 103–337; 108 Stat. 3041)
2 for a military construction project involving the upgrade
3 of the hospital facility at McClellan Air Force Base, Califor-
4 nia, the Secretary of Defense may use such amounts for the
5 following medical construction projects authorized by sec-
6 tion 2401 of this Act:

7 (1) The Aeromedical Clinic Addition at Ander-
8 sen Air Base, Guam, in the amount of \$3,700,000.

9 (2) The Occupational Health Clinic Facility at
10 Tinker Air Force Base, Oklahoma, in the amount of
11 \$6,500,000.

12 **SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT**
13 **FISCAL YEAR 1995 PROJECTS.**

14 The table in section 2401 of the Military Construction
15 Authorization Act for Fiscal Year 1995 (division B of Pub-
16 lic Law 103–337; 108 Stat. 3040), as amended by section
17 2407 of the Military Construction Authorization Act for
18 Fiscal Year 1996 (division B of Public Law 104–106; 110
19 Stat. 539), under the agency heading relating to Chemical
20 Weapons and Munitions Destruction, is further amended—

21 (1) in the item relating to Pine Bluff Arsenal,
22 Arkansas, by striking out “\$115,000,000” in the
23 amount column and inserting in lieu thereof
24 “\$134,000,000”; and

1 (2) *in the item relating to Umatilla Army*
2 *Depot, Oregon, by striking out “\$186,000,000” in the*
3 *amount column and inserting in lieu thereof*
4 *“\$187,000,000”.*

5 **TITLE XXV—NORTH ATLANTIC**
6 **TREATY ORGANIZATION SE-**
7 **CURITY INVESTMENT PRO-**
8 **GRAM**

9 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
10 **ACQUISITION PROJECTS.**

11 *The Secretary of Defense may make contributions for*
12 *the North Atlantic Treaty Organization Security Invest-*
13 *ment program as provided in section 2806 of title 10, Unit-*
14 *ed States Code, in an amount not to exceed the sum of the*
15 *amount authorized to be appropriated for this purpose in*
16 *section 2502 and the amount collected from the North At-*
17 *lantic Treaty Organization as a result of construction pre-*
18 *viously financed by the United States.*

19 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

20 *Funds are hereby authorized to be appropriated for fis-*
21 *cal years beginning after September 30, 1997, for contribu-*
22 *tions by the Secretary of Defense under section 2806 of title*
23 *10, United States Code, for the share of the United States*
24 *of the cost of projects for the North Atlantic Treaty Organi-*

1 zation Security Investment program authorized by section
2 2501, in the amount of \$166,300,000.

3 **TITLE XXVI—GUARD AND**
4 **RESERVE FORCES FACILITIES**

5 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
6 **TION AND LAND ACQUISITION PROJECTS.**

7 (a) *IN GENERAL.*—There are authorized to be appro-
8 priated for fiscal years beginning after September 30, 1997,
9 for the costs of acquisition, architectural and engineering
10 services, and construction of facilities for the Guard and
11 Reserve Forces, and for contributions therefor, under chap-
12 ter 1803 of title 10, United States Code (including the cost
13 of acquisition of land for those facilities), the following
14 amounts:

15 (1) *For the Department of the Army—*

16 (A) *for the Army National Guard of the*
17 *United States, \$45,098,000; and*

18 (B) *for the Army Reserve, \$69,831,000.*

19 (2) *For the Department of the Navy, for the*
20 *Naval and Marine Corps Reserve, \$40,561,000.*

21 (3) *For the Department of the Air Force—*

22 (A) *for the Air National Guard of the Unit-*
23 *ed States, \$137,275,000; and*

24 (B) *for the Air Force Reserve, \$34,443,000.*

1 (b) *ADJUSTMENT.*—*The amount authorized to be ap-*
2 *propriated pursuant to subsection (a)(1)(B) is reduced by*
3 *\$7,900,000, which represents the combination of project sav-*
4 *ings resulting from favorable bids, reduced overhead costs,*
5 *and cancellations due to force structure changes.*

6 **SEC. 2602. AUTHORIZATION OF MILITARY CONSTRUCTION**
7 **PROJECTS FOR WHICH FUNDS HAVE BEEN**
8 **APPROPRIATED.**

9 (a) *ARMY NATIONAL GUARD, HILO, HAWAII.*—*Para-*
10 *graph (1)(A) of section 2601 of the Military Construction*
11 *Authorization Act for Fiscal Year 1997 (division B of Pub-*
12 *lic Law 104–201; 110 Stat. 2780) is amended by striking*
13 *out “\$59,194,000” and inserting in lieu thereof*
14 *“\$65,094,000” to account for a project involving additions*
15 *and alterations to an Army aviation support facility in*
16 *Hilo, Hawaii.*

17 (b) *NAVAL AND MARINE CORPS RESERVE, NEW ORLE-*
18 *ANS.*—*Paragraph (2) of such section is amended by striking*
19 *out “\$32,779,000” and inserting in lieu thereof*
20 *“\$37,579,000” to account for a project for the construction*
21 *of bachelor enlisted quarters at Naval Air Station, New Or-*
22 *leans, Louisiana.*

1 **SEC. 2603. ARMY RESERVE CONSTRUCTION PROJECT, SALT**
2 **LAKE CITY, UTAH.**

3 *With regard to the military construction project for*
4 *the Army Reserve concerning construction of a reserve cen-*
5 *ter and organizational maintenance shop in Salt Lake*
6 *City, Utah, to be carried out using funds appropriated pur-*
7 *suant to the authorization of appropriations in section*
8 *2601(1)(B), the Secretary of the Army may enter into an*
9 *agreement with the State of Utah under which the State*
10 *agrees to provide financial or in-kind contributions toward*
11 *land acquisition, site preparation, environmental assess-*
12 *ment and remediation, relocation, and other costs in con-*
13 *nection with the project.*

14 **TITLE XXVII—EXPIRATION AND**
15 **EXTENSION OF AUTHORIZA-**
16 **TIONS**

17 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
18 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
19 **LAW.**

20 *(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE*
21 *YEARS.—Except as provided in subsection (b), all author-*
22 *izations contained in titles XXI through XXVI for military*
23 *construction projects, land acquisition, family housing*
24 *projects and facilities, and contributions to the North At-*
25 *lantic Treaty Organization Security Investment program*

1 *(and authorizations of appropriations therefor) shall expire*
2 *on the later of—*

3 *(1) October 1, 2000; or*

4 *(2) the date for the enactment of an Act author-*
5 *izing funds for military construction for fiscal year*
6 *2001.*

7 *(b) EXCEPTION.—Subsection (a) shall not apply to au-*
8 *thorizations for military construction projects, land acqui-*
9 *sition, family housing projects and facilities, and contribu-*
10 *tions to the North Atlantic Treaty Organization Security*
11 *Investment program (and authorizations of appropriations*
12 *therefor), for which appropriated funds have been obligated*
13 *before the later of—*

14 *(1) October 1, 2000; or*

15 *(2) the date of the enactment of an Act authoriz-*
16 *ing funds for fiscal year 2001 for military construc-*
17 *tion projects, land acquisition, family housing*
18 *projects and facilities, or contributions to the North*
19 *Atlantic Treaty Organization Security Investment*
20 *program.*

21 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
22 **FISCAL YEAR 1995 PROJECTS.**

23 *(a) EXTENSION.—Notwithstanding section 2701 of the*
24 *Military Construction Authorization Act for Fiscal Year*
25 *1995 (division B of Public Law 103–337, 108 Stat. 3046),*

1 authorizations for the projects set forth in the tables in sub-
 2 section (b), as provided in section 2101, 2201, 2202, 2301,
 3 2302, 2401, or 2601 of that Act, shall remain in effect until
 4 October 1, 1998, or the date of the enactment of an Act
 5 authorizing funds for military construction for fiscal year
 6 1999, whichever is later.

7 (b) TABLES.—The tables referred to in subsection (a)
 8 are as follows:

Army: Extension of 1995 Project Authorization

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>California</i>	<i>Fort Irwin</i>	<i>National Training Center Airfield Phase I</i>	\$10,000,000

Navy: Extension of 1995 Project Authorizations

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Maryland</i>	<i>Indian Head Naval Surface Warfare Center</i> ...	<i>Upgrade Power Plant</i>	\$4,000,000
	<i>Indian Head Naval Surface Warfare Center</i> ...	<i>Denitrification/Acid Mixing Facility</i>	\$6,400,000
<i>Virginia</i>	<i>Norfolk Marine Corps Security Force Battalion Atlantic</i>	<i>Bachelor Enlisted Quarters</i>	\$6,480,000
<i>Washington</i>	<i>Naval Station Puget Sound, Everett</i>	<i>New Construction (Housing Office)</i>	\$780,000
<i>Conus Classified</i>	<i>Classified Location</i>	<i>Aircraft Fire/Rescue & Vehicle Maintenance Facility</i>	\$2,200,000

Air Force: Extension of 1995 Project Authorizations

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>California</i>	<i>Beale Air Force Base</i>	<i>Consolidated Support Center</i>	\$10,400,000

Air Force: Extension of 1995 Project Authorizations—Continued

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>North Carolina</i>	<i>Los Angeles Air Force Station</i>	<i>Family Housing (50 Units)</i>	\$8,962,000
	<i>Pope Air Force Base</i>	<i>Combat Control Team Facility</i>	\$2,400,000
	<i>Pope Air Force Base</i>	<i>Fire Training Center</i>	\$1,100,000

Defense Agencies: Extension of 1995 Project Authorizations

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Alabama</i>	<i>Anniston Army Depot</i> ...	<i>Carbon Filtration System</i> ..	\$5,000,000
<i>Arkansas</i>	<i>Pine Bluff Arsenal</i>	<i>Ammunition Demilitarization Facility</i>	\$115,000,000
<i>California</i>	<i>Defense Contract Management Office, El Segundo</i>	<i>Administrative Facility</i>	\$5,100,000
<i>Oregon</i>	<i>Umatilla Army Depot</i> ...	<i>Ammunition Demilitarization Facility</i>	\$186,000,000

Army National Guard: Extension of 1995 Project Authorization

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>California</i>	<i>Camp Roberts</i>	<i>Combat Pistol Range</i> ..	\$952,000

Naval Reserve: Extension of 1995 Project Authorization

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Georgia</i>	<i>Naval Air Station Marietta</i>	<i>Training Center</i>	\$2,650,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
2 **FISCAL YEAR 1994 PROJECTS.**

3 (a) *EXTENSION.*—Notwithstanding section 2701 of the
4 *Military Construction Authorization Act for Fiscal Year*
5 *1994 (division B of Public Law 103–160, 107 Stat. 1880),*
6 *authorizations for the projects set forth in the table in sub-*
7 *section (b), as provided in section 2201 of that Act and ex-*
8 *tended by section 2702 of the Military Construction Author-*

1 ization Act for Fiscal Year 1997 (division B of Public Law
 2 104–201; 110 Stat. 2783), shall remain in effect until Octo-
 3 ber 1, 1998, or the date of the enactment of an Act authoriz-
 4 ing funds for military construction for fiscal year 1999,
 5 whichever is later.

6 (b) *TABLE.*—The table referred to in subsection (a) is
 7 as follows:

Navy: Extension of 1994 Project Authorizations

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>California</i>	<i>Camp Pendleton Marine Corps Base</i>	<i>Sewage Facility</i>	\$7,930,000
<i>Connecticut</i>	<i>New London Naval Sub- marine Base</i>	<i>Hazardous Waste Facil- ity</i>	\$1,450,000

8 ***SEC. 2704. EXTENSION OF AUTHORIZATIONS OF CERTAIN***
 9 ***FISCAL YEAR 1993 PROJECTS.***

10 (a) *EXTENSION.*—Notwithstanding section 2701 of the
 11 *Military Construction Authorization Act for Fiscal Year*
 12 *1993* (division B of Public Law 102–484; 106 Stat. 2602),
 13 the authorizations for the projects set forth in the tables in
 14 subsection (b), as provided in section 2101 or 2601 of that
 15 Act and extended by section 2702 of the *Military Construc-*
 16 *tion Authorization Act for Fiscal Year 1996* (division B
 17 of Public Law 104–106; 110 Stat. 541) and section 2703
 18 of the *Military Construction Authorization Act for Fiscal*
 19 *Year 1997* (division B of Public Law 104–201; 110 Stat.
 20 2784), shall remain in effect until October 1, 1998, or the

1 *date of the enactment of an Act authorizing funds for mili-*
 2 *tary construction for fiscal year 1999, whichever is later.*

3 (b) *TABLES.—The tables referred to in subsection (a)*
 4 *are as follows:*

Army: Extension of 1993 Project Authorization

<i>State</i>	<i>Installation or loca- tion</i>	<i>Project</i>	<i>Amount</i>
<i>Arkansas</i>	<i>Pine Bluff Arsenal</i>	<i>Ammunition Demili- tarization Support Facility</i>	<i>\$15,000,000</i>

Army National Guard: Extension of 1993 Project Authorization

<i>State</i>	<i>Installation or Loca- tion</i>	<i>Project</i>	<i>Amount</i>
<i>Alabama</i>	<i>Union Springs</i>	<i>Armory</i>	<i>\$813,000</i>

5 **SEC. 2705. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 6 **FISCAL YEAR 1992 PROJECTS.**

7 (a) *EXTENSION.—Notwithstanding section 2701 of the*
 8 *Military Construction Authorization Act for Fiscal Year*
 9 *1992 (division B of Public Law 102–190; 105 Stat. 1535),*
 10 *authorizations for the projects set forth in the table in sub-*
 11 *section (b), as provided in section 2101 of that Act and ex-*
 12 *tended by section 2702 of the Military Construction Author-*
 13 *ization Act for Fiscal Year 1995 (division B of Public Law*
 14 *103–337; 108 Stat. 3047), section 2703 of the Military Con-*
 15 *struction Authorization Act for Fiscal Year 1996 (division*
 16 *B of Public Law 104–106; 110 Stat. 543), and section 2704*
 17 *of the Military Construction Authorization Act for Fiscal*
 18 *Year 1997 (division B of Public Law 104–201; 110 Stat.*
 19 *2784), shall remain in effect until October 1, 1998, or the*

1 *date of the enactment of an Act authorizing funds for mili-*
 2 *tary construction for fiscal year 1999, whichever is later.*

3 (b) *TABLE.—The table referred to in subsection (a) is*
 4 *as follows:*

Army: Extension of 1992 Project Authorizations

<i>State</i>	<i>Installation or loca- tion</i>	<i>Project</i>	<i>Amount</i>
<i>Oregon</i>	<i>Umatilla Army Depot</i>	<i>Ammunition Demili- tarization Support Facility</i>	<i>\$3,600,000</i>
	<i>Umatilla Army Depot</i>	<i>Ammunition Demili- tarization Utilities</i>	<i>\$7,500,000</i>

5 **SEC. 2706. EXTENSION OF AVAILABILITY OF FUNDS FOR**
 6 **CONSTRUCTION OF OVER-THE-HORIZON**
 7 **RADAR IN PUERTO RICO.**

8 *Amounts appropriated under the heading “DRUG*
 9 *INTERDICTION AND COUNTER-DRUG ACTIVITIES, DE-*
 10 *FENSE” in the Department of Defense Appropriations Act,*
 11 *1995 (Public Law 103–335; 108 Stat. 2615), and trans-*
 12 *ferred to the “Military Construction, Navy” appropriation*
 13 *for construction of a Relocatable Over-the-Horizon Radar*
 14 *at Naval Station Roosevelt Roads, Puerto Rico, shall re-*
 15 *main available for obligation until October 1, 1998, or the*
 16 *date of the enactment of an Act authorizing funds for mili-*
 17 *tary construction for fiscal year 1999, whichever is later.*

18 **SEC. 2707. EFFECTIVE DATE.**

19 *Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall*
 20 *take effect on the later of—*

21 (1) *October 1, 1997; or*

1 (2) *the date of the enactment of this Act.*

2 **TITLE XXVIII—GENERAL**
3 **PROVISIONS**

4 **Subtitle A—Military Construction**
5 **Program and Military Family**
6 **Housing Changes**

7 **SEC. 2801. USE OF MOBILITY ENHANCEMENT FUNDS FOR**
8 **UNSPECIFIED MINOR CONSTRUCTION.**

9 (a) **CONGRESSIONAL NOTIFICATION.**—Subsection
10 (b)(2) of section 2805 of title 10, United States Code, is
11 amended by adding at the end the following new sentence:
12 “This paragraph shall apply even though the project is to
13 be carried out using funds made available to enhance the
14 deployment and mobility of military forces and supplies.”.

15 (b) **RESTRICTION ON USE OF OPERATION AND MAIN-**
16 **TENANCE FUNDS.**—Subsection (c) of such section is amend-
17 ed—

18 (1) in paragraph (1), by striking out “para-
19 graph (2)” and inserting in lieu thereof “paragraphs
20 (2) and (3)”; and

21 (2) by adding at the end the following new para-
22 graph:

23 “(3) The limitations specified in paragraph (1) shall
24 not apply if the unspecified minor military construction
25 project is to be carried out using funds made available to

1 *enhance the deployment and mobility of military forces and*
2 *supplies.”.*

3 (c) *TECHNICAL AMENDMENTS.—Such section is fur-*
4 *ther amended—*

5 (1) *in subsection (a)(1)—*

6 (A) *by striking out “minor military con-*
7 *struction projects” in the first sentence and in-*
8 *serting in lieu thereof “unspecified minor mili-*
9 *tary construction projects”;*

10 (B) *by striking out “A minor” in the second*
11 *sentence and inserting in lieu thereof “An un-*
12 *specified minor”;* and

13 (C) *by striking out “a minor” in the last*
14 *sentence and inserting in lieu thereof “an un-*
15 *specified minor”;*

16 (2) *in subsection (b)(1), by striking out “A*
17 *minor” and inserting in lieu thereof “An unspecified*
18 *minor”;*

19 (3) *in subsection (b)(2), by striking out “a*
20 *minor” and inserting in lieu thereof “an unspecified*
21 *minor”;* and

22 (4) *in subsection (c), by striking out “unspecified*
23 *military” each place it appears and inserting in lieu*
24 *thereof “unspecified minor military”.*

1 **SEC. 2802. LIMITATION ON USE OF OPERATION AND MAIN-**
2 **TENANCE FUNDS FOR FACILITY REPAIR**
3 **PROJECTS.**

4 *Section 2811 of title 10, United States Code, is amend-*
5 *ed by adding at the end the following new subsections:*

6 “(d) *CONGRESSIONAL NOTIFICATION.*—*When a deci-*
7 *sion is made to carry out a repair project under this section*
8 *with an estimated cost in excess of \$10,000,000, the Sec-*
9 *retary concerned shall submit to the appropriate committees*
10 *of Congress a report containing—*

11 *“(1) the justification for the repair project and*
12 *the current estimate of the cost of the project; and*

13 *“(2) the justification for carrying out the project*
14 *under this section.*

15 “(e) *REPAIR PROJECT DEFINED.*—*In this section, the*
16 *term ‘repair project’ means a project to restore a real prop-*
17 *erty facility, system, or component to such a condition that*
18 *it may effectively be used for its designated functional pur-*
19 *pose.”.*

20 **SEC. 2803. LEASING OF MILITARY FAMILY HOUSING, UNIT-**
21 **ED STATES SOUTHERN COMMAND, MIAMI,**
22 **FLORIDA.**

23 (a) *LEASES TO EXCEED MAXIMUM RENTAL.*—*Section*
24 *2828(b) of title 10, United States Code, is amended—*

1 (1) *in paragraph (2), by striking out “para-*
2 *graph (3)” and inserting in lieu thereof “paragraphs*
3 *(3) and (4)”;*

4 (2) *by redesignating paragraph (4) as para-*
5 *graph (5); and*

6 (3) *by inserting after paragraph (3) the follow-*
7 *ing new paragraph:*

8 “(4) *The Secretary of the Army may lease not more*
9 *than eight housing units in the vicinity of Miami, Florida,*
10 *for key and essential personnel, as designated by the Sec-*
11 *retary, for the United States Southern Command for which*
12 *the expenditure for the rental of such units (including the*
13 *cost of utilities, maintenance, and operation, including se-*
14 *curity enhancements) exceeds the expenditure limitations in*
15 *paragraphs (2) and (3). The total amount for all leases*
16 *under this paragraph may not exceed \$280,000 per year,*
17 *and no lease on any individual housing unit may exceed*
18 *\$60,000 per year.”.*

19 (b) *CONFORMING AMENDMENT.—Paragraph (5) of*
20 *such section, as redesignated by subsection (a)(2), is amend-*
21 *ed by striking out “paragraphs (2) and (3)” and inserting*
22 *in lieu thereof “paragraphs (2), (3), and (4)”.*

1 **SEC. 2804. USE OF FINANCIAL INCENTIVES PROVIDED AS**
2 **PART OF ENERGY SAVINGS AND WATER CON-**
3 **SERVATION ACTIVITIES.**

4 (a) *ENERGY SAVINGS.*—Section 2865 of title 10, Unit-
5 *ed States Code, is amended—*

6 (1) *in subsection (b)(1), by striking out “and fi-*
7 *ancial incentives described in subsection (d)(2)”;*

8 (2) *in subsection (d)(2), by adding at the end the*
9 *following new sentence: “Financial incentives received*
10 *under this paragraph or section 2866(a)(2) of this*
11 *title shall be credited to an appropriation account*
12 *designated by the Secretary of Defense.”; and*

13 (3) *in subsection (f), by adding at the end the*
14 *following new sentence: “Each report shall also de-*
15 *scribe the types and amount of financial incentives*
16 *received under subsection (d)(2) and section*
17 *2866(a)(2) of this title during the period covered by*
18 *the report and the appropriation account or accounts*
19 *to which the incentives were credited.”.*

20 (b) *WATER CONSERVATION.*—Section 2866(b) of such
21 *title is amended—*

22 (1) *by striking out “SAVINGS.—” in the sub-*
23 *section heading and inserting in lieu thereof “SAV-*
24 *INGS AND FINANCIAL INCENTIVES.—(1)”;* and

25 (2) *by adding at the end the following new para-*
26 *graph:*

1 “(2) *Financial incentives received under this section*
2 *shall be used as provided in section 2865(d)(2) of this*
3 *title.*”.

4 **SEC. 2805. CONGRESSIONAL NOTIFICATION REQUIREMENTS**
5 **REGARDING USE OF DEPARTMENT OF DE-**
6 **FENSE HOUSING FUNDS FOR INVESTMENTS**
7 **IN NONGOVERNMENTAL ENTITIES.**

8 *Section 2875 of title 10, United States Code, is amend-*
9 *ed by adding at the end the following new subsection:*

10 “(e) **CONGRESSIONAL NOTIFICATION REQUIRED.**—
11 *Amounts in the Department of Defense Family Housing*
12 *Improvement Fund or the Department of Defense Military*
13 *Unaccompanied Housing Improvement Fund may be used*
14 *to make a cash investment under this section in a non-*
15 *governmental entity only after the end of the 30-day period*
16 *beginning on the date the Secretary of Defense submits writ-*
17 *ten notice of, and justification for, the investment to the*
18 *appropriate committees of Congress.*”.

19 **Subtitle B—Real Property And**
20 **Facilities Administration**

21 **SEC. 2811. INCREASE IN CEILING FOR MINOR LAND ACQUI-**
22 **SITION PROJECTS.**

23 “(a) **INCREASE.**—*Section 2672 of title 10, United States*
24 *Code, is amended by striking out “\$200,000” both places*

1 *it appears in subsection (a) and inserting in lieu thereof*
2 *“\$500,000”.*

3 *(b) CLERICAL AMENDMENTS.—(1) The section heading*
4 *for such section is amended to read as follows:*

5 **“§2672. Acquisition: interests in land when cost is not**
6 **more than \$500,000”.**

7 *(2) The table of sections at the beginning of chapter*
8 *159 of such title is amended by striking out the item relat-*
9 *ing to section 2672 and inserting in lieu thereof the follow-*
10 *ing new item:*

“2672. Acquisition: interests in land when cost is not more than \$500,000.”.

11 **SEC. 2812. ADMINISTRATIVE EXPENSES FOR CERTAIN REAL**
12 **PROPERTY TRANSACTIONS.**

13 *(a) IN GENERAL.—Chapter 159 of title 10, United*
14 *States Code, is amended by adding at the end the following*
15 *new section:*

16 **“§2695. Acceptance of funds to cover administrative**
17 **expenses relating to certain real property**
18 **transactions**

19 *“(a) AUTHORITY TO ACCEPT.—In connection with a*
20 *real property transaction described in subsection (b) with*
21 *a non-Federal person or entity, the Secretary of a military*
22 *department may accept amounts provided by the person or*
23 *entity to cover administrative expenses incurred by the Sec-*
24 *retary in entering into the transaction.*

1 “(b) *COVERED TRANSACTIONS.*—Subsection (a) ap-
2 *plies to the following transactions:*

3 “(1) *The conveyance or exchange of real prop-*
4 *erty.*

5 “(2) *The grant of an easement over, in, or upon*
6 *real property of the United States.*

7 “(3) *The lease or license of real property of the*
8 *United States.*

9 “(c) *USE OF AMOUNTS COLLECTED.*—Amounts col-
10 *lected under subsection (a) for administrative expenses shall*
11 *be credited to the appropriation, fund, or account from*
12 *which the expenses were paid. Amounts so credited shall be*
13 *merged with funds in such appropriation, fund, or account*
14 *and shall be available for the same purposes and subject*
15 *to the same limitations as the funds with which merged.”.*

16 “(b) *CLERICAL AMENDMENT.*—The table of sections at
17 *the beginning of chapter 159 of such title is amended by*
18 *adding at the end the following:*

*“2695. Acceptance of funds to cover administrative expenses relating to certain
real property transactions.”.*

19 **SEC. 2813. DISPOSITION OF PROCEEDS FROM SALE OF AIR**
20 **FORCE PLANT 78, BRIGHAM CITY, UTAH.**

21 *Notwithstanding subparagraph (A) of section*
22 *204(h)(2) of the Federal Property and Administrative Serv-*
23 *ices Act of 1949 (40 U.S.C. 485(h)(2)), the entire amount*
24 *derived from the sale of Air Force Plant 78 in Brigham*

1 *City, Utah, and deposited in the special account in the*
2 *Treasury established pursuant to such section shall, to the*
3 *extent provided in appropriations Acts, be available to the*
4 *Secretary of the Air Force for facility maintenance, repair,*
5 *or environmental restoration at other industrial plants of*
6 *the Department of the Air Force.*

7 ***Subtitle C—Defense Base Closure***
8 ***and Realignment***

9 ***SEC. 2821. CONSIDERATION OF MILITARY INSTALLATIONS***
10 ***AS SITES FOR NEW FEDERAL FACILITIES.***

11 *(a) 1988 LAW.—Section 204(b)(5) of the Defense Au-*
12 *thorization Amendments and Base Closure and Realign-*
13 *ment Act (Public Law 100–526; 10 U.S.C. 2687 note) is*
14 *amended—*

15 *(1) in subparagraph (A), by striking out “sub-*
16 *paragraph (B)” and inserting in lieu thereof “sub-*
17 *paragraphs (B) and (C)”;* and

18 *(2) by adding at the end the following new sub-*
19 *paragraph:*

20 *“(C)(i) Before acquiring non-Federal real property as*
21 *the location for a new or replacement Federal facility of*
22 *any type, the head of the Federal agency acquiring the*
23 *property shall consult with the Secretary regarding the fea-*
24 *sibility and cost advantages of using Federal property or*
25 *facilities at a military installation to be closed or realigned*

1 *under this title as the location for the new or replacement*
2 *facility. In considering the availability and suitability of*
3 *a specific military installation, the Secretary and the head*
4 *of the Federal agency involved shall consult with the rede-*
5 *velopment authority with respect to the installation and*
6 *comply with the redevelopment plan for the installation.*

7 “(ii) *Not later than 30 days after acquiring non-Fed-*
8 *eral real property as the location for a new or replacement*
9 *Federal facility, the head of the Federal agency acquiring*
10 *the property shall submit to Congress a report containing*
11 *the results of the consultation under clause (i) and the rea-*
12 *sons why military installations referred to in such clause*
13 *that are located within the area to be served by the new*
14 *or replacement Federal facility or within a 200-mile radius*
15 *of the new or replacement facility, whichever area is great-*
16 *er, were considered to be unsuitable or unavailable for the*
17 *site of the new or replacement facility.”*

18 (b) 1990 LAW.—*Section 2905(b)(5) of the Defense Base*
19 *Closure and Realignment Act of 1990 (Public Law 101-*
20 *510; 10 U.S.C. 2687 note) is amended—*

21 (1) *in subparagraph (A), by striking out “sub-*
22 *paragraph (B)” and inserting in lieu thereof “sub-*
23 *paragraphs (B) and (C)”;* and

24 (2) *by adding at the end the following new sub-*
25 *paragraph:*

1 “(C)(i) *Before acquiring non-Federal real property as*
2 *the location for a new or replacement Federal facility of*
3 *any type, the head of the Federal agency acquiring the*
4 *property shall consult with the Secretary regarding the fea-*
5 *sibility and cost advantages of using Federal property or*
6 *facilities at a military installation to be closed or realigned*
7 *under this part as the location for the new or replacement*
8 *facility. In considering the availability and suitability of*
9 *a specific military installation, the Secretary and the head*
10 *of the Federal agency involved shall consult with the rede-*
11 *velopment authority with respect to the installation and*
12 *comply with the redevelopment plan for the installation.*

13 “(ii) *Not later than 30 days after acquiring non-Fed-*
14 *eral real property as the location for a new or replacement*
15 *Federal facility, the head of the Federal agency acquiring*
16 *the property shall submit to Congress a report containing*
17 *the results of the consultation under clause (i) and the rea-*
18 *sons why military installations referred to in such clause*
19 *that are located within the area to be served by the new*
20 *or replacement Federal facility or within a 200-mile radius*
21 *of the new or replacement facility, whichever area is great-*
22 *er, were considered to be unsuitable or unavailable for the*
23 *site of the new or replacement facility.”.*

1 **SEC. 2822. PROHIBITION AGAINST CONVEYANCE OF PROP-**
2 **ERTY AT MILITARY INSTALLATIONS TO**
3 **STATE-OWNED SHIPPING COMPANIES.**

4 (a) *PROHIBITION AGAINST DIRECT CONVEYANCE.*—In
5 *disposing of real property in connection with the closure*
6 *of a military installation under the Defense Base Closure*
7 *and Realignment Act of 1990 (part A of title XXIX of Pub-*
8 *lic Law 101–510; 10 U.S.C. 2687 note), the Secretary of*
9 *Defense may not convey any portion of the property (by*
10 *sale, lease, or other method) to a State-owned shipping com-*
11 *pany.*

12 (b) *PROHIBITION AGAINST INDIRECT CONVEYANCE.*—
13 *The Secretary of Defense shall impose as a condition on*
14 *each conveyance of real property located at such an instal-*
15 *lation the requirement that the property may not be subse-*
16 *quently conveyed (by sale, lease, or other method) to a State-*
17 *owned shipping company.*

18 (c) *REVERSIONARY INTEREST.*—*If the Secretary deter-*
19 *mines at any time that real property located at such an*
20 *installation and conveyed under the Defense Base Closure*
21 *and Realignment Act of 1990 has been conveyed to a State-*
22 *owned shipping company in violation of subsection (b) or*
23 *is otherwise being used by a State-owned shipping company*
24 *in violation of such subsection, all right, title, and interest*
25 *in and to the property shall revert to the United States,*

1 *and the United States shall have immediate right of entry*
2 *thereon.*

3 (d) *DEFINITION.*—*In this section, the term “State-*
4 *owned shipping company” means a commercial shipping*
5 *company owned or controlled by a foreign country.*

6 ***Subtitle D—Land Conveyances***

7 ***Part I—Army Conveyances***

8 ***SEC. 2831. LAND CONVEYANCE, JAMES T. COKER ARMY RE-*** 9 ***SERVE CENTER, DURANT, OKLAHOMA.***

10 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
11 *Army may convey, without consideration, to Big Five Com-*
12 *munity Services, Incorporated, a nonprofit organization*
13 *operating in Durant, Oklahoma, all right, title, and interest*
14 *of the United States in and to a parcel of real property*
15 *located at 1500 North First Street in Durant, Oklahoma,*
16 *and containing the James T. Coker Army Reserve Center,*
17 *if the Secretary determines that the Reserve Center is excess*
18 *to the needs of the Armed Forces.*

19 (b) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
20 *and legal description of the real property to be conveyed*
21 *under subsection (a) shall be determined by a survey satis-*
22 *factory to the Secretary. The cost of the survey shall be borne*
23 *by Big Five Community Services, Incorporated.*

24 (c) *CONDITION ON CONVEYANCE.*—*The conveyance au-*
25 *thorized under subsection (a) shall be subject to the condi-*

1 *tion that Big Five Community Services, Incorporated, re-*
2 *tain the conveyed property for educational purposes.*

3 *(d) REVERSION.—If the Secretary determines at any*
4 *time that the real property conveyed under subsection (a)*
5 *is not being used for the purpose specified in subsection (c),*
6 *all right, title, and interest in and to such real property,*
7 *including any improvements thereon, shall revert to the*
8 *United States, and the United States shall have the right*
9 *of immediate entry thereon.*

10 *(e) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
11 *retary may require such additional terms and conditions*
12 *in connection with the conveyance under subsection (a) as*
13 *the Secretary considers appropriate to protect the interests*
14 *of the United States.*

15 **SEC. 2832. LAND CONVEYANCE, FORT A. P. HILL, VIRGINIA.**

16 *(a) CONVEYANCE AUTHORIZED.—The Secretary of the*
17 *Army may convey to Caroline County, Virginia (in this*
18 *section referred to as the “County”), all right, title, and*
19 *interest of the United States in and to a parcel of unim-*
20 *proved real property consisting of approximately 10 acres*
21 *located at Fort A. P. Hill, Virginia. The purpose of the*
22 *conveyance is to permit the County to establish a solid*
23 *waste transfer and recycling facility on the property.*

24 *(b) CONSIDERATION.—As consideration for the convey-*
25 *ance under subsection (a), the County shall permit the*

1 *Army, at no cost, to dispose of not less than 1,800 tons of*
2 *solid waste annually at the facility established on the con-*
3 *veyed property. The obligation of the County to accept solid*
4 *waste under this subsection shall not commence until after*
5 *the solid waste transfer and recycling facility on the con-*
6 *veyed property becomes operational, and the establishment*
7 *of a solid waste collection and transfer site on the .36-acre*
8 *parcel described in subsection (d)(2) shall not be construed*
9 *to impose the obligation.*

10 *(c) DISCLAIMER.—The United States shall not be re-*
11 *sponsible for the provision or cost of utilities or any other*
12 *improvements necessary to carry out the conveyance under*
13 *subsection (a) or to establish or operate the solid waste*
14 *transfer and recycling facility intended for the property.*

15 *(d) REVERSION.—(1) Except as provided in para-*
16 *graph (2), if the Secretary determines that a solid waste*
17 *transfer and recycling facility is not operational, before De-*
18 *cember 31, 1999, on the real property conveyed under sub-*
19 *section (a), all right, title, and interest in and to such real*
20 *property, including any improvements thereon, shall revert*
21 *to the United States, and the United States shall have the*
22 *right of immediate entry thereon.*

23 *(2) Paragraph (1) shall not apply with respect to a*
24 *parcel of approximately .36 acres of the approximately 10-*
25 *acre parcel to be conveyed under subsection (a), which is*

1 *included in the larger conveyance to permit the County to*
2 *establish a solid waste collection and transfer site for resi-*
3 *dential waste.*

4 *(e) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
5 *retary may require such additional terms and conditions*
6 *in connection with the conveyance under subsection (a) as*
7 *the Secretary considers appropriate to protect the interests*
8 *of the United States.*

9 **SEC. 2833. EXPANSION OF LAND CONVEYANCE, INDIANA**
10 **ARMY AMMUNITION PLANT, CHARLESTOWN,**
11 **INDIANA.**

12 *(a) ADDITIONAL CONVEYANCE.—Subsection (a) of sec-*
13 *tion 2858 of the National Defense Authorization Act for Fis-*
14 *cal Year 1996 (Public Law 104–106; 110 Stat. 571) is*
15 *amended—*

16 *(1) by inserting “(1)” before “The Secretary of*
17 *the Army”; and*

18 *(2) by adding at the end the following new para-*
19 *graph:*

20 *“(2) The Secretary may also convey to the State, with-*
21 *out consideration, an additional parcel of real property at*
22 *the Indiana Army Ammunition Plant consisting of ap-*
23 *proximately 500 acres located along the Ohio River.”.*

24 *(b) CONFORMING AMENDMENTS.—Such section is fur-*
25 *ther amended by striking out “conveyance” both places it*

1 *appears in subsections (b) and (d) and inserting in lieu*
2 *thereof “conveyances”.*

3 **SEC. 2834. MODIFICATION OF LAND CONVEYANCE, LOMPOC,**
4 **CALIFORNIA.**

5 *(a) CHANGE IN AUTHORIZED USES OF LAND.—Sec-*
6 *tion 834(b)(1) of the Military Construction Authorization*
7 *Act, 1985 (Public Law 98–407; 98 Stat. 1526), is amended*
8 *by striking out subparagraphs (A) and (B) and inserting*
9 *in lieu thereof the following new subparagraphs:*

10 *“(A) for educational and recreational purposes;*

11 *“(B) for open space; or”.*

12 *(b) CONFORMING DEED CHANGES.—With respect to*
13 *the land conveyance made pursuant to section 834 of the*
14 *Military Construction Authorization Act, 1985, the Sec-*
15 *retary of the Army shall execute and file in the appropriate*
16 *office or offices an amended deed or other appropriate in-*
17 *strument effectuating the changes to the authorized uses of*
18 *the conveyed property resulting from the amendment made*
19 *by subsection (a).*

20 **SEC. 2835. MODIFICATION OF LAND CONVEYANCE, ROCKY**
21 **MOUNTAIN ARSENAL, COLORADO.**

22 *Section 5(c) of Public Law 102–402 (106 Stat. 1966)*
23 *is amended by striking out “The transferred property shall*
24 *be sold in advertised sales” and inserting in lieu thereof*

1 *“The Administrator shall convey the transferred property*
 2 *to Commerce City, Colorado, in a negotiated sale.”.*

3 **SEC. 2836. CORRECTION OF LAND CONVEYANCE AUTHOR-**
 4 **ITY, ARMY RESERVE CENTER, ANDERSON,**
 5 **SOUTH CAROLINA.**

6 (a) *IDENTIFICATION OF RECIPIENT.*—Subsection (a) of
 7 section 2824 of the Military Construction Authorization Act
 8 for Fiscal Year 1997 (division B of Public Law 104–201;
 9 110 Stat. 2793) is amended by striking out “County of An-
 10 derson, South Carolina (in this section referred to as the
 11 ‘County’)” and inserting in lieu thereof “Board of Edu-
 12 cation, Anderson County, South Carolina (in this section
 13 referred to as the ‘Board’)”.

14 (b) *CONFORMING AMENDMENTS.*—Subsections (b) and
 15 (c) of such section are amended by striking out “County”
 16 each place it appears and inserting in lieu thereof “Board”.

17 **SEC. 2837. LAND CONVEYANCE, FORT BRAGG, NORTH CARO-**
 18 **LINA.**

19 (a) *CONVEYANCE AUTHORIZED.*—The Secretary of the
 20 Army may convey, without consideration, to the Town of
 21 Spring Lake, North Carolina (in this section referred to as
 22 the “Town”), all right, title, and interest of the United
 23 States in and to a parcel of unimproved real property con-
 24 sisting of approximately 50 acres located at Fort Bragg,
 25 North Carolina. The purpose of the conveyance is to im-

1 *prove access by the Town to a waste treatment facility and*
2 *to permit economic development.*

3 **(b) DESCRIPTION OF PROPERTY.**—*The exact acreage*
4 *and legal description of the real property to be conveyed*
5 *under subsection (a) shall be determined by a survey satis-*
6 *factory to the Secretary. The cost of the survey shall be borne*
7 *by the Town.*

8 **(c) ADDITIONAL TERMS AND CONDITIONS.**—*The Sec-*
9 *retary may require such additional terms and conditions*
10 *in connection with the conveyance under subsection (a) as*
11 *the Secretary considers appropriate to protect the interests*
12 *of the United States.*

13 **SEC. 2838. LAND CONVEYANCE, GIBSON ARMY RESERVE**
14 **CENTER, CHICAGO, ILLINOIS.**

15 **(a) CONVEYANCE AUTHORIZED.**—*The Secretary of the*
16 *Army may convey, without consideration, to the Lawndale*
17 *Business and Local Development Corporation (in this sec-*
18 *tion referred to as the “Corporation”), a nonprofit organi-*
19 *zation organized in the State of Illinois, all right, title, and*
20 *interest of the United States in and to a parcel of real prop-*
21 *erty, including improvements thereon, that is located at*
22 *4454 West Cermak Road in Chicago, Illinois, and contains*
23 *the Gibson Army Reserve Center.*

24 **(b) DESCRIPTION OF PROPERTY.**—*The exact acreage*
25 *and legal description of the real property to be conveyed*

1 *under subsection (a) shall be determined by a survey satis-*
2 *factory to the Secretary. The cost of the survey shall be borne*
3 *by the Corporation.*

4 (c) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
5 *retary may require such additional terms and conditions*
6 *in connection with the conveyance under subsection (a) as*
7 *the Secretary considers appropriate to protect the interests*
8 *of the United States.*

9 **SEC. 2839. LAND CONVEYANCE, FORT DIX, NEW JERSEY.**

10 (a) *CONVEYANCE AUTHORIZED.—The Secretary of the*
11 *Army may convey, without consideration, to the Borough*
12 *of Wrightstown, New Jersey (in this section referred to as*
13 *the “Borough”), all right, title, and interest of the United*
14 *States in and to a parcel of real property (including im-*
15 *provements thereon) consisting of approximately 44.69*
16 *acres located at Fort Dix, New Jersey, for the purpose of*
17 *permitting the Borough to develop the parcel for edu-*
18 *cational and economic purposes.*

19 (b) *DESCRIPTION OF PROPERTY.—The exact acreage*
20 *and legal description of the real property to be conveyed*
21 *under subsection (a) shall be determined by a survey satis-*
22 *factory to the Secretary. The cost of the survey shall be borne*
23 *by the Borough.*

24 (c) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
25 *retary may require such additional terms and conditions*

1 *in connection with the conveyance under subsection (a) as*
 2 *the Secretary considers appropriate to protect the interests*
 3 *of the United States.*

4 ***Part II—Navy Conveyances***

5 ***SEC. 2851. CORRECTION OF LEASE AUTHORITY, NAVAL AIR***
 6 ***STATION, MERIDIAN, MISSISSIPPI.***

7 *(a) CORRECTION OF LESSEE.—Subsection (a) of sec-*
 8 *tion 2837 of the Military Construction Authorization Act*
 9 *for Fiscal Year 1997 (division B of Public Law 104–201;*
 10 *110 Stat. 2798) is amended—*

11 *(1) by striking out “State of Mississippi (in this*
 12 *section referred to as the ‘State’)” and inserting in*
 13 *lieu thereof “County of Lauderdale, Mississippi (in*
 14 *this section referred to as the ‘County’); and*

15 *(2) by striking out “The State” and inserting in*
 16 *lieu thereof “The County”.*

17 *(b) CONFORMING AMENDMENTS.—Subsections (b) and*
 18 *(c) of such section are amended by striking out “State” each*
 19 *place it appears and inserting in lieu thereof “County”.*

20 ***Part III—Air Force Conveyances***

21 ***SEC. 2861. LAND TRANSFER, EGLIN AIR FORCE BASE, FLOR-***
 22 ***IDA.***

23 *(a) TRANSFER.—Jurisdiction over the real property*
 24 *withdrawn by Executive Order 4525, dated October 1, 1826,*
 25 *which consists of approximately 440 acres of land at Cape*

1 *San Blas, Gulf County, Florida, and any improvements*
2 *thereon, is transferred from the administrative jurisdiction*
3 *of the Secretary of Transportation to the administrative ju-*
4 *isdiction of the Secretary of the Air Force, without reim-*
5 *bursement. Executive Order 4525 is revoked, and the trans-*
6 *ferred real property shall be administered by the Secretary*
7 *of the Air Force pursuant to the Federal Property and Ad-*
8 *ministrative Services Act of 1949 (40 U.S.C. 471 et seq.)*
9 *and such other laws as may be applicable to Federal real*
10 *property.*

11 (b) *USE OF PROPERTY.*—*The real property transferred*
12 *under subsection (a) may be used in conjunction with oper-*
13 *ations at Eglin Air Force Base, Florida.*

14 (c) *LEGAL DESCRIPTION.*—*The exact acreage and legal*
15 *description of the real property to be transferred under this*
16 *section shall be determined by a survey satisfactory to the*
17 *Secretary of the Air Force. The cost of the survey shall be*
18 *borne by the Secretary of the Air Force.*

19 **SEC. 2862. STUDY OF LAND EXCHANGE OPTIONS, SHAW AIR**
20 **FORCE BASE, SOUTH CAROLINA.**

21 *Section 2874 of the National Defense Authorization*
22 *Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat.*
23 *583) is amended by adding at the end the following new*
24 *subsection:*

1 “(g) *STUDY OF EXCHANGE OPTIONS.*—To facilitate the
2 use of a land exchange to acquire the real property described
3 in subsection (a), the Secretary of the Air Force shall con-
4 duct a study to identify real property in the possession of
5 the Air Force (located in the State of South Carolina or
6 elsewhere) that satisfies the requirements of subsection
7 (b)(2), is acceptable to the party holding the property to
8 be acquired, and is otherwise suitable for exchange under
9 this section. Not later than three months after the date of
10 the enactment of the National Defense Authorization Act for
11 Fiscal Year 1998, the Secretary shall submit to Congress
12 a report containing the results of the study.”.

13 **SEC. 2863. LAND CONVEYANCE, MARCH AIR FORCE BASE,**
14 **CALIFORNIA.**

15 (a) *CONVEYANCE AUTHORIZED.*—The Secretary of the
16 Air Force may convey to Air Force Village West, Incor-
17 porated (in this section referred to as the “Corporation”),
18 of Riverside, California, all right, title, and interest of the
19 United States in and to a parcel of real property located
20 at March Air Force Base, California, and consisting of ap-
21 proximately 75 acres, as more fully described in subsection
22 (c).

23 (2) *If the Secretary does not make the conveyance au-*
24 *thorized by paragraph (1) to the Corporation on or before*
25 *January 1, 2006, the Secretary shall convey the real prop-*

1 *erty instead to the March Joint Powers Authority, the rede-*
2 *velopment authority established for March Air Force Base.*

3 **(b) CONSIDERATION.**—*As consideration for the convey-*
4 *ance under subsection (a), the Corporation shall pay to the*
5 *United States an amount equal to the fair market value*
6 *of the real property, as determined by the Secretary.*

7 **(c) LAND DESCRIPTION.**—*The real property to be con-*
8 *veyed under this section is contiguous to land conveyed to*
9 *the Corporation pursuant to section 835 of the Military*
10 *Construction Authorization Act, 1985 (Public Law 98–407;*
11 *98 Stat. 1527), and lies within sections 27, 28, 33, and*
12 *34 of Township 3 South, Range 4 West, San Bernardino*
13 *Base and Meridian, County of Riverside, California. The*
14 *exact acreage and legal description of the real property shall*
15 *be determined by a survey satisfactory to the Secretary. The*
16 *cost of the survey shall be borne by the party receiving the*
17 *property.*

18 **(d) TECHNICAL CORRECTIONS REGARDING PREVIOUS**
19 **CONVEYANCE.**—*Section 835 of the Military Construction*
20 *Authorization Act, 1985 (Public Law 98–407; 98 Stat.*
21 *1527), is amended—*

22 **(1)** *in subsection (b), by striking out “subsection*
23 *(b)” and inserting in lieu thereof “subsection (a)”;*
24 *and*

1 (2) *in subsection (c), by striking out “Clark*
 2 *Street,” and all that follows through the period and*
 3 *inserting in lieu thereof “Village West Drive, on the*
 4 *west by Allen Avenue, on the south by 8th Street, and*
 5 *the north is an extension of 11th Street between Allen*
 6 *Avenue and Clark Street.”.*

7 ***Subtitle E—Other Matters***

8 ***SEC. 2881. REPEAL OF REQUIREMENT TO OPERATE NAVAL***
 9 ***ACADEMY DAIRY FARM.***

10 (a) *OPERATION.*—(1) *Chapter 603 of title 10, United*
 11 *States Code, is amended by adding at the end the following*
 12 *new section:*

13 ***“§ 6976. Operation of Naval Academy dairy farm***

14 ***“(a) DISCRETION REGARDING CONTINUED OPER-***
 15 ***ATION.***—(1) *Subject to paragraph (2), the Secretary of the*
 16 *Navy may terminate or reduce the dairy or other operations*
 17 *conducted at the Naval Academy dairy farm located in*
 18 *Gambrills, Maryland.*

19 ***“(2) Notwithstanding the termination or reduction of***
 20 ***operations at the Naval Academy dairy farm under para-***
 21 ***graph (1), the real property containing the dairy farm***
 22 ***(consisting of approximately 875 acres)—***

23 ***“(A) may not be declared to be excess real prop-***
 24 ***erty to the needs of the Navy or transferred or other-***

1 *wise disposed of by the Navy or any Federal agency;*
2 *and*

3 *“(B) shall be maintained in its rural and agri-*
4 *cultural nature.*

5 *“(b) LEASE AUTHORITY.—(1) Subject to paragraph*
6 *(2), to the extent that the termination or reduction of oper-*
7 *ations at the Naval Academy dairy farm permit, the Sec-*
8 *retary of the Navy may lease the real property containing*
9 *the dairy farm, and any improvements and personal prop-*
10 *erty thereon, to such persons and under such terms as the*
11 *Secretary considers appropriate. In leasing any of the prop-*
12 *erty, the Secretary may give a preference to persons who*
13 *will continue dairy operations on the property.*

14 *“(2) Any lease of property at the Naval Academy dairy*
15 *farm shall be subject to a condition that the lessee maintain*
16 *the rural and agricultural nature of the leased property.*

17 *“(c) EFFECT OF OTHER LAWS.—Nothing in section*
18 *6971 of this title shall be construed to require the Secretary*
19 *of the Navy or the Superintendent of the Naval Academy*
20 *to operate a dairy farm for the Naval Academy in*
21 *Gambrills, Maryland, or any other location.”.*

22 *(2) The table of sections at the beginning of such chap-*
23 *ter is amended by adding at the end the following new item:*

“6976. Operation of Naval Academy dairy farm.”.

24 *(b) CONFORMING REPEAL OF EXISTING REQUIRE-*
25 *MENTS.—Section 810 of the Military Construction Author-*

1 *ization Act, 1968 (Public Law 90–110; 81 Stat. 309), is*
2 *repealed.*

3 **SEC. 2882. LONG-TERM LEASE OF PROPERTY, NAPLES**
4 **ITALY.**

5 (a) *AUTHORITY.*—*Subject to subsection (d), the Sec-*
6 *retary of the Navy may acquire by long-term lease struc-*
7 *tures and real property relating to a regional hospital com-*
8 *plex in Naples, Italy, that the Secretary determines to be*
9 *necessary for purposes of the Naples Improvement Initia-*
10 *tive.*

11 (b) *LEASE TERM.*—*Notwithstanding section 2675 of*
12 *title 10, United States Code, the lease authorized by sub-*
13 *section (a) shall be for a term of not more than 20 years.*

14 (c) *EXPIRATION OF AUTHORITY.*—*The authority of the*
15 *Secretary to enter into a lease under subsection (a) shall*
16 *expire on September 30, 2002.*

17 (d) *AUTHORITY CONTINGENT ON APPROPRIATIONS*
18 *ACTS.*—*The authority of the Secretary to enter into a lease*
19 *under subsection (a) is available only to the extent or in*
20 *the amount provided in advance in appropriations Acts.*

1 **SEC. 2883. DESIGNATION OF MILITARY FAMILY HOUSING AT**
2 **LACKLAND AIR FORCE BASE, TEXAS, IN**
3 **HONOR OF FRANK TEJEDA, A FORMER MEM-**
4 **BER OF THE HOUSE OF REPRESENTATIVES.**

5 *The military family housing developments to be con-*
6 *structed at two locations on Government property at*
7 *Lackland Air Force Base, Texas, under the authority of sub-*
8 *chapter IV of chapter 169 of title 10, United States Code,*
9 *shall be designated by the Secretary of the Air Force, at*
10 *an appropriate time, as follows:*

11 (1) *The northern development shall be designated*
12 *as “Frank Tejeda Estates North”.*

13 (2) *The southern development shall be designated*
14 *as “Frank Tejeda Estates South”.*

15 **TITLE XXIX—SIKES ACT**
16 **IMPROVEMENT**

17 **SEC. 2901. SHORT TITLE.**

18 *This title may be cited as the “Sikes Act Improvement*
19 *Amendments of 1997”.*

20 **SEC. 2902. DEFINITION OF SIKES ACT FOR PURPOSES OF**
21 **AMENDMENTS.**

22 *In this title, the term “Sikes Act” means the Act enti-*
23 *tled “An Act to promote effectual planning, development,*
24 *maintenance, and coordination of wildlife, fish, and game*
25 *conservation and rehabilitation in military reservations”,*

1 *approved September 15, 1960 (16 U.S.C. 670a et seq.), com-*
2 *monly referred to as the “Sikes Act”.*

3 **SEC. 2903. CODIFICATION OF SHORT TITLE OF ACT.**

4 *The Sikes Act (16 U.S.C. 670a et seq.) is amended by*
5 *inserting before title I the following new section:*

6 **“SECTION 1. SHORT TITLE.**

7 *“This Act may be cited as the ‘Sikes Act’.”.*

8 **SEC. 2904. INTEGRATED NATURAL RESOURCE MANAGE-**
9 **MENT PLANS.**

10 *(a) PLANS REQUIRED.—Section 101(a) of the Sikes*
11 *Act (16 U.S.C. 670a(a)) is amended—*

12 *(1) by striking out “is authorized to” and insert-*
13 *ing in lieu thereof “shall”;*

14 *(2) by striking out “in each military reservation*
15 *in accordance with a cooperative plan” and inserting*
16 *in lieu thereof the following: “on military installa-*
17 *tions. Under the program, the Secretary shall prepare*
18 *and implement for each military installation in the*
19 *United States an integrated natural resource manage-*
20 *ment plan”;*

21 *(3) by inserting after “reservation is located” the*
22 *following: “, except that the Secretary is not required*
23 *to prepare such a plan for a military installation if*
24 *the Secretary determines that preparation of such a*
25 *plan for the installation is not appropriate”; and*

1 (4) by inserting “(1)” after “(a)” and adding at
2 the end the following new paragraph:

3 “(2) Consistent with essential military requirements
4 to enhance the national security of the United States, the
5 Secretary of Defense shall manage each military installa-
6 tion to provide—

7 “(A) for the conservation of fish and wildlife on
8 the military installation and sustained multipurpose
9 uses of those resources, including hunting, fishing,
10 and trapping; and

11 “(B) public access that is necessary or appro-
12 priate for those uses.”.

13 (b) *CONFORMING AMENDMENTS.*—Title I of the Sikes
14 Act is amended—

15 (1) in section 101(b) (16 U.S.C. 670a(b)), in the
16 matter preceding paragraph (1), by striking out “co-
17 operative plan” and inserting in lieu thereof “inte-
18 grated natural resource management plan”;

19 (2) in section 101(b)(4) (16 U.S.C. 670a(b)(4)),
20 by striking out “cooperative plan” each place it ap-
21 pears and inserting in lieu thereof “integrated natu-
22 ral resource management plan”;

23 (3) in section 101(c) (16 U.S.C. 670a(c)), in the
24 matter preceding paragraph (1) by striking out “a co-

1 *operative plan” and inserting in lieu thereof “an in-*
2 *tegrated natural resource management plan”;*

3 *(4) in section 101(d) (16 U.S.C. 670a(d)), in the*
4 *matter preceding paragraph (1) by striking out “co-*
5 *operative plans” and inserting in lieu thereof “inte-*
6 *grated natural resource management plans”;*

7 *(5) in section 101(e) (16 U.S.C. 670a(e)), by*
8 *striking out “Cooperative plans” and inserting in*
9 *lieu thereof “Integrated natural resource management*
10 *plans”;*

11 *(6) in section 102 (16 U.S.C. 670b), by striking*
12 *out “a cooperative plan” and inserting in lieu thereof*
13 *“an integrated natural resource management plan”;*

14 *(7) in section 103 (16 U.S.C. 670c), by striking*
15 *out “a cooperative plan” and inserting in lieu thereof*
16 *“an integrated natural resource management plan”;*

17 *(8) in section 106(a) (16 U.S.C. 670f(a)), by*
18 *striking out “cooperative plans” and inserting in lieu*
19 *thereof “integrated natural resource management*
20 *plans”;* *and*

21 *(9) in section 106(c) (16 U.S.C. 670f(c)), by*
22 *striking out “cooperative plans” and inserting in lieu*
23 *thereof “integrated natural resource management*
24 *plans”.*

1 (c) *CONTENTS OF PLANS.—Section 101(b) of the Sikes*
2 *Act (16 U.S.C. 670a(b)) is amended—*

3 (1) *in paragraph (1)—*

4 (A) *in subparagraph (C), by striking out*
5 *“and” after the semicolon;*

6 (B) *in subparagraph (D), by striking out*
7 *the semicolon at the end and inserting in lieu*
8 *thereof a comma; and*

9 (C) *by adding at the end the following new*
10 *subparagraphs:*

11 “(E) *wetland protection and restoration,*
12 *and wetland creation where necessary, for sup-*
13 *port of fish or wildlife,*

14 “(F) *consideration of conservation needs for*
15 *all biological communities, and*

16 “(G) *the establishment of specific natural*
17 *resource management goals, objectives, and time-*
18 *frames for proposed actions;”;*

19 (2) *by striking out paragraph (3);*

20 (3) *by redesignating paragraph (2) as para-*
21 *graph (3);*

22 (4) *by inserting after paragraph (1) the follow-*
23 *ing new paragraph:*

24 “(2) *shall for the military installation for which*
25 *it is prepared—*

1 “(A) address the needs for fish and wildlife
2 management, land management, forest manage-
3 ment, and wildlife-oriented recreation,

4 “(B) ensure the integration of, and consist-
5 ency among, the various activities conducted
6 under the plan,

7 “(C) ensure that there is no net loss in the
8 capability of installation lands to support the
9 military mission of the installation,

10 “(D) provide for sustained use by the public
11 of natural resources, to the extent that such use
12 is not inconsistent with the military mission of
13 the installation or the needs of fish and wildlife
14 management,

15 “(E) provide the public access to the instal-
16 lation that is necessary or appropriate for that
17 use, to the extent that access is not inconsistent
18 with the military mission of the installation,
19 and

20 “(F) provide for professional enforcement of
21 natural resource laws and regulations;” and

22 (5) in paragraph (4)(A), by striking out “collect
23 the fees therefor,” and inserting in lieu thereof “col-
24 lect, spend, administer, and account for fees there-
25 for.”.

1 (d) *PUBLIC COMMENT.*—Section 101 of the Sikes Act
2 (16 U.S.C. 670a) is amended by adding at the end the fol-
3 lowing new subsection:

4 “(f) *PUBLIC COMMENT.*—The Secretary of Defense
5 shall provide an opportunity for public comment on each
6 integrated natural resource management plan prepared
7 under subsection (a).”.

8 **SEC. 2905. REVIEW FOR PREPARATION OF INTEGRATED**
9 **NATURAL RESOURCE MANAGEMENT PLANS.**

10 (a) *REVIEW OF MILITARY INSTALLATIONS.*—

11 (1) *REVIEW.*—The Secretary of each military de-
12 partment shall, by not later than nine months after
13 the date of the enactment of this Act—

14 (A) review each military installation in the
15 United States that is under the jurisdiction of
16 that Secretary to determine the military instal-
17 lations for which the preparation of an inte-
18 grated natural resource management plan under
19 section 101 of the Sikes Act, as amended by this
20 title, is appropriate; and

21 (B) submit to the Secretary of Defense a re-
22 port on those determinations.

23 (2) *REPORT TO CONGRESS.*—The Secretary of
24 Defense shall, by not later than 12 months after the
25 date of the enactment of this Act, submit to the Con-

1 *gress a report on the reviews conducted under para-*
2 *graph (1). The report shall include—*

3 *(A) a list of those military installations re-*
4 *viewed under paragraph (1) for which the Sec-*
5 *retary of Defense determines the preparation of*
6 *an integrated natural resource management plan*
7 *is not appropriate; and*

8 *(B) for each of the military installations*
9 *listed under subparagraph (A), an explanation*
10 *of the reasons such a plan is not appropriate.*

11 *(b) DEADLINE FOR INTEGRATED NATURAL RESOURCE*
12 *MANAGEMENT PLANS.—Not later than two years after the*
13 *date of the submission of the report required under sub-*
14 *section (a)(2), the Secretary of Defense shall, for each mili-*
15 *tary installation for which the Secretary has not deter-*
16 *mined under subsection (a)(2)(A) that preparation of an*
17 *integrated natural resource management plan is not appro-*
18 *priate—*

19 *(1) prepare and begin implementing such a plan*
20 *mutually agreed to by the Secretary of the Interior*
21 *and the head of the appropriate State agencies under*
22 *section 101(a) of the Sikes Act, as amended by this*
23 *title; or*

24 *(2) in the case of a military installation for*
25 *which there is in effect a cooperative plan under sec-*

1 *tion 101(a) of the Sikes Act on the day before the date*
2 *of the enactment of this Act, complete negotiations*
3 *with the Secretary of the Interior and the heads of the*
4 *appropriate State agencies regarding changes to that*
5 *plan that are necessary for the plan to constitute an*
6 *integrated natural resource plan that complies with*
7 *that section, as amended by this title.*

8 *(c) PUBLIC COMMENT.—The Secretary of Defense shall*
9 *provide an opportunity for the submission of public com-*
10 *ments on—*

11 *(1) integrated natural resource management*
12 *plans proposed pursuant to subsection (b)(1); and*

13 *(2) changes to cooperative plans proposed pursu-*
14 *ant to subsection (b)(2).*

15 **SEC. 2906. ANNUAL REVIEWS AND REPORTS.**

16 *Section 101 of the Sikes Act (16 U.S.C. 670a) is*
17 *amended by adding after subsection (f) (as added by section*
18 *2904(d)) the following new subsection:*

19 *“(g) REVIEWS AND REPORTS.—*

20 *“(1) SECRETARY OF DEFENSE.—The Secretary of*
21 *Defense shall, by not later than March 1 of each year,*
22 *review the extent to which integrated natural resource*
23 *management plans were prepared or in effect and im-*
24 *plemented in accordance with this Act in the preced-*

1 *ing year, and submit a report on the findings of that*
2 *review to the committees. Each report shall include—*

3 *“(A) the number of integrated natural re-*
4 *source management plans in effect in the year*
5 *covered by the report, including the date on*
6 *which each plan was issued in final form or*
7 *most recently revised;*

8 *“(B) the amount of moneys expended on*
9 *conservation activities conducted pursuant to*
10 *those plans in the year covered by the report, in-*
11 *cluding amounts expended under the Legacy Re-*
12 *source Management Program established under*
13 *section 8120 of the Act of November 5, 1990*
14 *(Public Law 101–511; 104 Stat. 1905); and*

15 *“(C) an assessment of the extent to which*
16 *the plans comply with the requirements of sub-*
17 *section (b)(1) and (2), including specifically the*
18 *extent to which the plans ensure in accordance*
19 *with subsection (b)(2)(C) that there is no net loss*
20 *of lands to support the military missions of mili-*
21 *tary installations.*

22 *“(2) SECRETARY OF THE INTERIOR.—The Sec-*
23 *retary of the Interior, by not later than March 1 of*
24 *each year and in consultation with State agencies re-*
25 *sponsible for conservation or management of fish or*

1 *wildlife, shall submit a report to the committees on*
2 *the amount of moneys expended by the Department*
3 *of the Interior and those State agencies in the year*
4 *covered by the report on conservation activities con-*
5 *ducted pursuant to integrated natural resource man-*
6 *agement plans.*

7 “(3) *COMMITTEES DEFINED.*—*For purposes of*
8 *this subsection, the term ‘committees’ means the Com-*
9 *mittee on Resources and the Committee on National*
10 *Security of the House of Representatives and the*
11 *Committee on Armed Services and the Committee on*
12 *Environment and Public Works of the Senate.”.*

13 **SEC. 2907. TRANSFER OF WILDLIFE CONSERVATION FEES**
14 **FROM CLOSED MILITARY INSTALLATIONS.**

15 *Section 101(b)(4)(B) of the Sikes Act (16 U.S.C.*
16 *670a(b)(4)(B)) is amended by inserting before the period*
17 *at the end the following: “, unless that military installation*
18 *is subsequently closed, in which case the fees may be trans-*
19 *ferred to another military installation to be used for the*
20 *same purposes”.*

21 **SEC. 2908. FEDERAL ENFORCEMENT OF INTEGRATED NATU-**
22 **RAL RESOURCE MANAGEMENT PLANS AND**
23 **ENFORCEMENT OF OTHER LAWS.**

24 *Title I of the Sikes Act (16 U.S.C. 670a et seq.) is*
25 *amended—*

1 (1) by redesignating section 106, as amended by
2 section 2904(b), as section 109; and

3 (2) by inserting after section 105 the following
4 new section:

5 **“SEC. 106. FEDERAL ENFORCEMENT OF OTHER LAWS.**

6 *“All Federal laws relating to the conservation of natu-
7 ral resources on Federal lands may be enforced by the Sec-
8 retary of Defense with respect to violations of those laws
9 which occur on military installations within the United
10 States.”.*

11 **SEC. 2909. NATURAL RESOURCE MANAGEMENT SERVICES.**

12 *Title I of the Sikes Act (16 U.S.C. 670a et seq.) is
13 amended by inserting after section 106 (as added by section
14 2908) the following new section:*

15 **“SEC. 107. NATURAL RESOURCE MANAGEMENT SERVICES.**

16 *“The Secretary of each military department shall en-
17 sure that sufficient numbers of professionally trained natu-
18 ral resource management personnel and natural resource
19 law enforcement personnel are available and assigned re-
20 sponsibility to perform tasks necessary to comply with this
21 Act, including the preparation and implementation of inte-
22 grated natural resource management plans.”.*

1 **SEC. 2910. DEFINITIONS.**

2 *Title I of the Sikes Act (16 U.S.C. 670a et seq.) is*
3 *amended by inserting after section 107 (as added by section*
4 *2909) the following new section:*

5 **“SEC. 108. DEFINITIONS.**

6 *“In this title:*

7 *“(1) MILITARY INSTALLATION.—The term ‘mili-*
8 *tary installation’—*

9 *“(A) means any land or interest in land*
10 *owned by the United States and administered by*
11 *the Secretary of Defense or the Secretary of a*
12 *military department; and*

13 *“(B) includes all public lands withdrawn*
14 *from all forms of appropriation under public*
15 *land laws and reserved for use by the Secretary*
16 *of Defense or the Secretary of a military depart-*
17 *ment.*

18 *“(2) STATE FISH AND WILDLIFE AGENCY.—The*
19 *term ‘State fish and wildlife agency’ means an agen-*
20 *cy of State government that is responsible under State*
21 *law for managing fish or wildlife resources.*

22 *“(3) UNITED STATES.—The term ‘United States’*
23 *means the States, the District of Columbia, and the*
24 *territories and possessions of the United States.”.*

1 **SEC. 2911. COOPERATIVE AGREEMENTS.**

2 (a) *COST SHARING.*—Section 103a(b) of the Sikes Act
3 (16 U.S.C. 670c–1(b)) is amended by striking out “match-
4 ing basis” each place it appears and inserting in lieu there-
5 of “cost-sharing basis”.

6 (b) *ACCOUNTING.*—Section 103a(c) of the Sikes Act (16
7 U.S.C. 670c–1(c)) is amended by inserting before the period
8 at the end the following: “, and shall not be subject to sec-
9 tion 1535 of that title”.

10 **SEC. 2912. REPEAL OF SUPERSEDED PROVISION.**

11 Section 2 of the Act of October 27, 1986 (Public Law
12 99–561; 16 U.S.C. 670a–1), is repealed.

13 **SEC. 2913. CLERICAL AMENDMENTS.**

14 Title I of the Sikes Act, as amended by this title, is
15 amended—

16 (1) in the heading for the title by striking out
17 “MILITARY RESERVATIONS” and inserting in
18 lieu thereof “MILITARY INSTALLATIONS”;

19 (2) in section 101(a) (16 U.S.C. 670a(a)), by
20 striking out “the reservation” and inserting in lieu
21 thereof “the installation”;

22 (3) in section 101(b)(4) (16 U.S.C.
23 670a(b)(4))—

24 (A) in subparagraph (A), by striking out
25 “the reservation” and inserting in lieu thereof
26 “the installation”; and

1 (B) in subparagraph (B), by striking out
2 “the military reservation” and inserting in lieu
3 thereof “the military installation”;

4 (4) in section 101(c) (16 U.S.C. 670a(c))—

5 (A) in paragraph (1), by striking out “a
6 military reservation” and inserting in lieu there-
7 of “a military installation”; and

8 (B) in paragraph (2), by striking out “the
9 reservation” and inserting in lieu thereof “the
10 installation”;

11 (5) in section 102 (16 U.S.C. 670b), by striking
12 out “military reservations” and inserting in lieu
13 thereof “military installations”; and

14 (6) in section 103 (16 U.S.C. 670c)—

15 (A) by striking out “military reservations”
16 and inserting in lieu thereof “military installa-
17 tions”; and

18 (B) by striking out “such reservations” and
19 inserting in lieu thereof “such installations”.

20 **SEC. 2914. AUTHORIZATIONS OF APPROPRIATIONS.**

21 (a) *PROGRAMS ON MILITARY INSTALLATIONS.*—Sub-
22 sections (b) and (c) of section 109 of the Sikes Act (as reded-
23 ignated by section 1408) are each amended by striking out
24 “1983” and all that follows through “1993,” and inserting
25 in lieu thereof “1983 through 2000.”

1 (b) *PROGRAMS ON PUBLIC LANDS*.—Section 209 of the
2 *Sikes Act (16 U.S.C. 670o)* is amended—

3 (1) in subsection (a), by striking out “the sum
4 of \$10,000,000” and all that follows through “to en-
5 able the Secretary of the Interior” and inserting in
6 lieu thereof “\$4,000,000 for each of fiscal years 1998
7 through 2000, to enable the Secretary of the Interior”;
8 and

9 (2) in subsection (b), by striking out “the sum
10 of \$12,000,000” and all that follows through “to en-
11 able the Secretary of Agriculture” and inserting in
12 lieu thereof “\$5,000,000 for each of fiscal years 1998
13 through 2000, to enable the Secretary of Agriculture”.

14 ***DIVISION C—DEPARTMENT OF***
15 ***ENERGY NATIONAL***
16 ***SECURITY AUTHORIZATIONS***
17 ***AND OTHER AUTHORIZATIONS***
18 ***TITLE XXXI—DEPARTMENT OF***
19 ***ENERGY NATIONAL SECURITY***
20 ***PROGRAMS***

21 ***Subtitle A—National Security***
22 ***Programs Authorizations***

23 ***SEC. 3101. WEAPONS ACTIVITIES.***

24 (a) *STOCKPILE STEWARDSHIP*.—Funds are hereby au-
25 thorized to be appropriated to the Department of Energy

1 *for fiscal year 1998 for stockpile stewardship in carrying*
2 *out weapons activities necessary for national security pro-*
3 *grams in the amount of \$1,733,400,000, to be allocated as*
4 *follows:*

5 (1) *For core stockpile stewardship,*
6 *\$1,257,100,000, to be allocated as follows:*

7 (A) *For operation and maintenance,*
8 *\$1,158,290,000.*

9 (B) *For plant projects (including mainte-*
10 *nance, restoration, planning, construction, ac-*
11 *quisition, modification of facilities, and the con-*
12 *tinuation of projects authorized in prior years,*
13 *and land acquisition related thereto),*
14 *\$98,810,000, to be allocated as follows:*

15 *Project 97-D-102, dual-axis radio-*
16 *graphic hydrotest facility, Los Alamos Na-*
17 *tional Laboratory, Los Alamos, New Mex-*
18 *ico, \$46,300,000.*

19 *Project 96-D-102, stockpile steward-*
20 *ship facilities revitalization, Phase VI, var-*
21 *ious locations, \$19,810,000.*

22 *Project 96-D-103, ATLAS, Los Ala-*
23 *mos National Laboratory, Los Alamos, New*
24 *Mexico, \$13,400,000.*

1 *Project 96–D–105, contained firing fa-*
2 *cility addition, Lawrence Livermore Na-*
3 *tional Laboratory, Livermore, California,*
4 *\$19,300,000.*

5 *(2) For inertial fusion, \$414,800,000, to be allo-*
6 *cated as follows:*

7 *(A) For operation and maintenance,*
8 *\$217,000,000.*

9 *(B) For the following plant project (includ-*
10 *ing maintenance, restoration, planning, con-*
11 *struction, acquisition, and modification of facili-*
12 *ties, and land acquisition related thereto),*
13 *\$197,800,000, to be allocated as follows:*

14 *Project 96–D–111, national ignition*
15 *facility, location to be determined,*
16 *\$197,800,000.*

17 *(3) For technology transfer and education,*
18 *\$61,500,000, to be allocated as follows:*

19 *(A) For technology transfer, \$52,500,000.*

20 *(B) For education, \$9,000,000.*

21 *(b) STOCKPILE MANAGEMENT.—Funds are hereby au-*
22 *thorized to be appropriated to the Department of Energy*
23 *for fiscal year 1998 for stockpile management in carrying*
24 *out weapons activities necessary for national security pro-*

1 *grams in the amount of \$2,024,150,000, to be allocated as*
2 *follows:*

3 (1) *For operation and maintenance,*
4 *\$1,868,265,000.*

5 (2) *For plant projects (including maintenance,*
6 *restoration, planning, construction, acquisition, modi-*
7 *fication of facilities, and the continuation of projects*
8 *authorized in prior years, and land acquisition relat-*
9 *ed thereto), \$155,885,000, to be allocated as follows:*

10 *Project 98–D–123, stockpile management*
11 *restructuring initiative, tritium factory mod-*
12 *ernization and consolidation, Savannah River*
13 *Site, Aiken, South Carolina, \$11,000,000.*

14 *Project 98–D–124, stockpile management*
15 *restructuring initiative, Y–12 Plant consolida-*
16 *tion, Oak Ridge, Tennessee, \$6,450,000.*

17 *Project 98–D–125, tritium extraction facil-*
18 *ity, Savannah River Site, Aiken, South Caro-*
19 *lina, \$9,650,000.*

20 *Project 98–D–126, accelerator production of*
21 *tritium, various locations, \$67,865,000.*

22 *Project 97–D–122, nuclear materials stor-*
23 *age facility renovation, Los Alamos National*
24 *Laboratory, Los Alamos, New Mexico,*
25 *\$9,200,000.*

1 *Project 97-D-124, steam plant wastewater*
2 *treatment facility upgrade, Y-12 Plant, Oak*
3 *Ridge, Tennessee, \$1,900,000.*

4 *Project 96-D-122, sewage treatment quality*
5 *upgrade (STQU), Pantex Plant, Amarillo,*
6 *Texas, \$6,900,000.*

7 *Project 96-D-123, retrofit heating, ventila-*
8 *tion, and air conditioning and chillers for ozone*
9 *protection, Y-12 Plant, Oak Ridge, Tennessee,*
10 *\$2,700,000.*

11 *Project 95-D-122, sanitary sewer upgrade,*
12 *Y-12 Plant, Oak Ridge, Tennessee, \$12,600,000.*

13 *Project 94-D-124, hydrogen fluoride supply*
14 *system, Y-12 Plant, Oak Ridge, Tennessee,*
15 *\$1,400,000.*

16 *Project 94-D-125, upgrade life safety, Kan-*
17 *sas City Plant, Kansas City, Missouri,*
18 *\$2,000,000.*

19 *Project 93-D-122, life safety upgrades, Y-*
20 *12 Plant, Oak Ridge, Tennessee, \$2,100,000.*

21 *Project 92-D-126, replace emergency notifi-*
22 *cation system, various locations, \$3,200,000.*

23 *Project 88-D-122, facilities capability as-*
24 *surance program, various locations, \$18,920,000.*

1 (c) *PROGRAM DIRECTION.*—Funds are hereby author-
2 ized to be appropriated to the Department of Energy for
3 fiscal year 1998 for program direction in carrying out
4 weapons activities necessary for national security programs
5 in the amount of \$208,500,000.

6 **SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE**
7 **MANAGEMENT.**

8 (a) *ENVIRONMENTAL RESTORATION.*—Funds are here-
9 by authorized to be appropriated to the Department of En-
10 ergy for fiscal year 1998 for environmental restoration in
11 carrying out environmental restoration and waste manage-
12 ment activities necessary for national security programs in
13 the amount of \$1,000,973,000, of which \$388,000,000 shall
14 be allocated to the uranium enrichment decontamination
15 and decommissioning fund.

16 (b) *CLOSURE PROJECTS.*—Funds are hereby author-
17 ized to be appropriated to the Department of Energy for
18 fiscal year 1998 for closure projects carried out in accord-
19 ance with section 3143 of the National Defense Authoriza-
20 tion Act for Fiscal Year 1997 (Public Law 104–201; 110
21 Stat. 2836; 42 U.S.C. 7274n) in the amount of
22 \$905,800,000.

23 (c) *WASTE MANAGEMENT.*—Funds are hereby author-
24 ized to be appropriated to the Department of Energy for
25 fiscal year 1998 for waste management in carrying out en-

1 *vironmental restoration and waste management activities*
2 *necessary for national security programs in the amount of*
3 *\$1,536,344,000, to be allocated as follows:*

4 (1) *For operation and maintenance,*
5 *\$1,455,576,000.*

6 (2) *For plant projects (including maintenance,*
7 *restoration, planning, construction, acquisition, modi-*
8 *fication of facilities, and the continuation of projects*
9 *authorized in prior years, and land acquisition relat-*
10 *ed thereto), \$80,768,000, to be allocated as follows:*

11 *Project 98-D-401, H-tank farm storm*
12 *water systems upgrade, Savannah River Site,*
13 *Aiken, South Carolina, \$1,000,000.*

14 *Project 97-D-402, tank farm restoration*
15 *and safe operations, Richland, Washington,*
16 *\$13,961,000.*

17 *Project 96-D-408, waste management up-*
18 *grades, various locations, \$8,200,000.*

19 *Project 95-D-402, install permanent elec-*
20 *trical service, Waste Isolation Pilot Plant, Carls-*
21 *bad, New Mexico, \$176,000.*

22 *Project 95-D-405, industrial landfill V and*
23 *construction/demolition landfill VII, Y-12 Plant,*
24 *Oak Ridge, Tennessee, \$3,800,000.*

1 *Project 95–D–407, 219–S secondary con-*
2 *tainment upgrade, Richland, Washington,*
3 *\$2,500,000.*

4 *Project 94–D–404, Melton Valley storage*
5 *tank capacity increase, Oak Ridge National Lab-*
6 *oratory, Oak Ridge, Tennessee, \$1,219,000.*

7 *Project 94–D–407, initial tank retrieval*
8 *systems, Richland, Washington, \$15,100,000.*

9 *Project 93–D–187, high-level waste removal*
10 *from filled waste tanks, Savannah River Site,*
11 *Aiken, South Carolina, \$17,520,000.*

12 *Project 92–D–172, hazardous waste treat-*
13 *ment and processing facility, Pantex Plant,*
14 *Amarillo, Texas, \$5,000,000.*

15 *Project 89–D–174, replacement high-level*
16 *waste evaporator, Savannah River Site, Aiken,*
17 *South Carolina, \$1,042,000.*

18 *Project 86–D–103, decontamination and*
19 *waste treatment facility, Lawrence Livermore*
20 *National Laboratory, Livermore, California,*
21 *\$11,250,000.*

22 *(d) TECHNOLOGY DEVELOPMENT.—Funds are hereby*
23 *authorized to be appropriated to the Department of Energy*
24 *for fiscal year 1998 for technology development in carrying*
25 *out environmental restoration and waste management ac-*

1 *tivities necessary for national security programs in the*
2 *amount of \$182,881,000.*

3 *(e) NUCLEAR MATERIALS AND FACILITIES STABILIZA-*
4 *TION.—Funds are hereby authorized to be appropriated to*
5 *the Department of Energy for fiscal year 1998 for nuclear*
6 *materials and facilities stabilization in carrying out envi-*
7 *ronmental restoration and waste management activities*
8 *necessary for national security programs in the amount of*
9 *\$1,244,021,000, to be allocated as follows:*

10 *(1) For operation and maintenance,*
11 *\$1,159,114,000.*

12 *(2) For plant projects (including maintenance,*
13 *restoration, planning, construction, acquisition, modi-*
14 *fication of facilities, and the continuation of projects*
15 *authorized in prior years, and land acquisition relat-*
16 *ed thereto), \$84,907,000, to be allocated as follows:*

17 *Project 98–D–453, plutonium stabilization*
18 *and handling system for plutonium finishing*
19 *plant, Richland, Washington, \$8,136,000.*

20 *Project 98–D–700, road rehabilitation,*
21 *Idaho National Engineering Laboratory, Idaho,*
22 *\$500,000.*

23 *Project 97–D–450, Actinide packaging and*
24 *storage facility, Savannah River Site, Aiken,*
25 *South Carolina, \$18,000,000.*

1 *Project 97-D-451, B-Plant safety class ven-*
2 *tilation upgrades, Richland, Washington,*
3 *\$2,000,000.*

4 *Project 97-D-470, environmental monitor-*
5 *ing laboratory, Savannah River Site, Aiken,*
6 *South Carolina, \$5,600,000.*

7 *Project 97-D-473, health physics site sup-*
8 *port facility, Savannah River Site, Aiken, South*
9 *Carolina, \$4,200,000.*

10 *Project 96-D-406, spent nuclear fuels can-*
11 *ister storage and stabilization facility, Richland,*
12 *Washington, \$16,744,000.*

13 *Project 96-D-461, electrical distribution*
14 *upgrade, Idaho National Engineering Labora-*
15 *tory, Idaho, \$2,927,000.*

16 *Project 96-D-464, electrical and utility sys-*
17 *tems upgrade, Idaho Chemical Processing Plant,*
18 *Idaho National Engineering Laboratory, Idaho,*
19 *\$14,985,000.*

20 *Project 96-D-471, chlorofluorocarbon heat-*
21 *ing, ventilation, and air conditioning and chiller*
22 *retrofit, Savannah River Site, Aiken, South*
23 *Carolina, \$8,500,000.*

1 *Project 95–D–155, upgrade site road infra-*
2 *structure, Savannah River Site, South Carolina,*
3 *\$2,713,000.*

4 *Project 95–D–456, security facilities con-*
5 *solidation, Idaho Chemical Processing Plant,*
6 *Idaho National Engineering Laboratory, Idaho,*
7 *\$602,000.*

8 *(f) PROGRAM DIRECTION.—Funds are hereby author-*
9 *ized to be appropriated to the Department of Energy for*
10 *fiscal year 1998 for program direction in carrying out envi-*
11 *ronmental restoration and waste management activities*
12 *necessary for national security programs in the amount of*
13 *\$288,251,000.*

14 *(g) POLICY AND MANAGEMENT.—Funds are hereby au-*
15 *thorized to be appropriated to the Department of Energy*
16 *for fiscal year 1998 for policy and management in carrying*
17 *out environmental restoration and waste management ac-*
18 *tivities necessary for national security programs in the*
19 *amount of \$20,000,000.*

20 *(h) ENVIRONMENTAL SCIENCE PROGRAM.—Funds are*
21 *hereby authorized to be appropriated to the Department of*
22 *Energy for fiscal year 1998 for the environmental science*
23 *program in carrying out environmental restoration and*
24 *waste management activities necessary for national security*
25 *programs in the amount of \$55,000,000.*

1 (i) *HANFORD TANK WASTE VITRIFICATION.*—*Funds*
2 *are hereby authorized to be appropriated to the Department*
3 *of Energy for fiscal year 1998 for the Hanford Tank Waste*
4 *Vitrification project, subject to the provisions of section*
5 *3145, in the amount of \$70,000,000.*

6 (j) *ADJUSTMENT.*—*The total amount authorized to be*
7 *appropriated pursuant to this section is the sum of the*
8 *amounts authorized to be appropriated in subsections (a)*
9 *through (h) reduced by the sum of \$20,000,000, to be derived*
10 *from non-safety-related contractor training expenses.*

11 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

12 *Funds are hereby authorized to be appropriated to the*
13 *Department of Energy for fiscal year 1998 for other defense*
14 *activities in carrying out programs necessary for national*
15 *security in the amount of \$1,512,551,000, to be allocated*
16 *as follows:*

17 (1) *For verification and control technology,*
18 *\$428,600,000, to be allocated as follows:*

19 (A) *For nonproliferation and verification*
20 *research and development, \$190,000,000.*

21 (B) *For arms control, \$205,000,000.*

22 (C) *For intelligence, \$33,600,000.*

23 (2) *For nuclear safeguards and security,*
24 *\$47,200,000.*

25 (3) *For security investigations, \$25,000,000.*

1 (4) *For emergency management, \$17,000,000.*

2 (5) *For program direction, \$68,900,000.*

3 (6) *For worker and community transition assist-*
4 *ance, \$22,000,000, to be allocated as follows:*

5 (A) *For worker and community transition,*
6 *\$20,000,000.*

7 (B) *For program direction, \$2,000,000.*

8 (7) *For fissile materials control and disposition,*
9 *\$103,451,000, to be allocated as follows:*

10 (A) *For operation and maintenance,*
11 *\$99,451,000.*

12 (B) *For program direction, \$4,000,000.*

13 (8) *For environment, safety, and health, defense,*
14 *\$73,000,000, to be allocated as follows:*

15 (A) *For the Office of Environment, Safety,*
16 *and Health (Defense), \$63,000,000.*

17 (B) *For program direction, \$10,000,000.*

18 (9) *For the Office of Hearings and Appeals,*
19 *\$1,900,000.*

20 (10) *For nuclear energy, \$47,000,000, to be allo-*
21 *cated as follows:*

22 (A) *For nuclear technology research and de-*
23 *velopment (electrometallurgical), \$12,000,000.*

24 (B) *For international nuclear safety (So-*
25 *viet-designed reactors), \$25,000,000.*

1 (C) *For Russian plutonium reactor core*
2 *conversion, \$10,000,000.*

3 (11) *For naval reactors development,*
4 *\$678,500,000, to be allocated as follows:*

5 (A) *For operation and maintenance,*
6 *\$648,920,000.*

7 (B) *For program direction, \$20,080,000.*

8 (C) *For plant projects (including mainte-*
9 *nance, restoration, planning, construction, ac-*
10 *quisition, modification of facilities, and the con-*
11 *tinuation of projects authorized in prior years,*
12 *and land acquisition related thereto), \$9,500,000,*
13 *to be allocated as follows:*

14 *Project 98–D–200, site laboratory/facil-*
15 *ity upgrade, various locations, \$1,200,000.*

16 *Project 97–D–201, advanced test reac-*
17 *tor secondary coolant refurbishment, Idaho*
18 *National Engineering Laboratory, Idaho,*
19 *\$4,100,000.*

20 *Project 95–D–200, laboratory systems*
21 *and hot cell upgrades, various locations,*
22 *\$1,100,000.*

23 *Project 90–N–102, expended core facil-*
24 *ity dry cell project, Naval Reactors Facility,*
25 *Idaho, \$3,100,000.*

1 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

2 *Funds are hereby authorized to be appropriated to the*
3 *Department of Energy for fiscal year 1998 for payment to*
4 *the Nuclear Waste Fund established in section 302(c) of the*
5 *Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in*
6 *the amount of \$190,000,000.*

7 ***Subtitle B—Recurring General***
8 ***Provisions***

9 **SEC. 3121. REPROGRAMMING.**

10 *(a) IN GENERAL.—Until the Secretary of Energy sub-*
11 *mits to the congressional defense committees the report re-*
12 *ferred to in subsection (b) and a period of 30 days has*
13 *elapsed after the date on which such committees receive the*
14 *report, the Secretary may not use amounts appropriated*
15 *pursuant to this title for any program—*

16 *(1) in amounts that exceed, in a fiscal year—*

17 *(A) 110 percent of the amount authorized*
18 *for that program by this title; or*

19 *(B) \$1,000,000 more than the amount au-*
20 *thorized for that program by this title; or*

21 *(2) which has not been presented to, or requested*
22 *of, Congress.*

23 *(b) REPORT.—(1) The report referred to in subsection*
24 *(a) is a report containing a full and complete statement*
25 *of the action proposed to be taken and the facts and cir-*
26 *cumstances relied upon in support of such proposed action.*

1 (2) *In the computation of the 30-day period under sub-*
2 *section (a), there shall be excluded any day on which either*
3 *House of Congress is not in session because of an adjourn-*
4 *ment of more than 3 days to a day certain.*

5 (c) *LIMITATIONS.—(1) In no event may the total*
6 *amount of funds obligated pursuant to this title exceed the*
7 *total amount authorized to be appropriated by this title.*

8 (2) *Funds appropriated pursuant to this title may not*
9 *be used for an item for which Congress has specifically de-*
10 *nied funds.*

11 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

12 (a) *IN GENERAL.—The Secretary of Energy may carry*
13 *out any construction project under the general plant*
14 *projects authorized by this title if the total estimated cost*
15 *of the construction project does not exceed \$2,000,000.*

16 (b) *REPORT TO CONGRESS.—If, at any time during*
17 *the construction of any general plant project authorized by*
18 *this title, the estimated cost of the project is revised because*
19 *of unforeseen cost variations and the revised cost of the*
20 *project exceeds \$2,000,000, the Secretary shall immediately*
21 *furnish a complete report to the congressional defense com-*
22 *mittees explaining the reasons for the cost variation.*

23 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

24 (a) *IN GENERAL.—(1) Except as provided in para-*
25 *graph (2), construction on a construction project may not*

1 *be started or additional obligations incurred in connection*
2 *with the project above the total estimated cost, whenever the*
3 *current estimated cost of the construction project, which is*
4 *authorized by section 3101, 3102, or 3103, or which is in*
5 *support of national security programs of the Department*
6 *of Energy and was authorized by any previous Act, exceeds*
7 *by more than 25 percent the higher of—*

8 *(A) the amount authorized for the project; or*

9 *(B) the amount of the total estimated cost for the*
10 *project as shown in the most recent budget justifica-*
11 *tion data submitted to Congress.*

12 *(2) An action described in paragraph (1) may be taken*
13 *if—*

14 *(A) the Secretary of Energy has submitted to the*
15 *congressional defense committees a report on the ac-*
16 *tions and the circumstances making such action nec-*
17 *essary; and*

18 *(B) a period of 30 days has elapsed after the*
19 *date on which the report is received by the commit-*
20 *tees.*

21 *(3) In the computation of the 30-day period under*
22 *paragraph (2), there shall be excluded any day on which*
23 *either House of Congress is not in session because of an*
24 *adjournment of more than 3 days to a day certain.*

1 (b) *EXCEPTION.*—Subsection (a) shall not apply to
2 any construction project which has a current estimated cost
3 of less than \$5,000,000.

4 **SEC. 3124. FUND TRANSFER AUTHORITY.**

5 (a) *TRANSFER TO OTHER FEDERAL AGENCIES.*—The
6 Secretary of Energy may transfer funds authorized to be
7 appropriated to the Department of Energy pursuant to this
8 title to other Federal agencies for the performance of work
9 for which the funds were authorized. Funds so transferred
10 may be merged with and be available for the same purposes
11 and for the same period as the authorizations of the Federal
12 agency to which the amounts are transferred.

13 (b) *TRANSFER WITHIN DEPARTMENT OF ENERGY;*
14 *LIMITATIONS.*—(1) Subject to paragraph (2), the Secretary
15 of Energy may transfer funds authorized to be appropriated
16 to the Department of Energy pursuant to this title between
17 any such authorizations. Amounts of authorizations so
18 transferred may be merged with and be available for the
19 same purposes and for the same period as the authorization
20 to which the amounts are transferred.

21 (2) Not more than five percent of any such authoriza-
22 tion may be transferred between authorizations under para-
23 graph (1). No such authorization may be increased or de-
24 creased by more than five percent by a transfer under such
25 paragraph.

1 (3) *The authority provided by this section to transfer*
2 *authorizations—*

3 (A) *may only be used to provide funds for items*
4 *relating to weapons activities necessary for national*
5 *security programs that have a higher priority than*
6 *the items from which the funds are transferred; and*

7 (B) *may not be used to provide authority for an*
8 *item that has been denied funds by Congress.*

9 (c) *NOTICE TO CONGRESS.—The Secretary of Energy*
10 *shall promptly notify the Committee on Armed Services of*
11 *the Senate and the Committee on National Security of the*
12 *House of Representatives of any transfer of funds to or from*
13 *authorizations under this title.*

14 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUC-**
15 **TION DESIGN.**

16 (a) *REQUIREMENT FOR CONCEPTUAL DESIGN.—(1)*
17 *Subject to paragraph (2) and except as provided in para-*
18 *graph (3), before submitting to Congress a request for funds*
19 *for a construction project that is in support of a national*
20 *security program of the Department of Energy, the Sec-*
21 *retary of Energy shall complete a conceptual design for that*
22 *project. The Secretary shall submit to Congress a report on*
23 *each conceptual design completed under this paragraph.*

24 (2) *If the estimated cost of completing a conceptual*
25 *design for a construction project exceeds \$3,000,000, the*

1 *Secretary shall submit to Congress a request for funds for*
2 *the conceptual design before submitting a request for funds*
3 *for the construction project.*

4 (3) *The requirement in paragraph (1) does not apply*
5 *to a request for funds—*

6 (A) *for a construction project the total estimated*
7 *cost of which is less than \$2,000,000; or*

8 (B) *for emergency planning, design, and con-*
9 *struction activities under section 3126.*

10 (b) **AUTHORITY FOR CONSTRUCTION DESIGN.**—(1)
11 *Within the amounts authorized by this title, the Secretary*
12 *of Energy may carry out construction design (including ar-*
13 *chitectural and engineering services) in connection with*
14 *any proposed construction project if the total estimated cost*
15 *for such design does not exceed \$600,000.*

16 (2) *If the total estimated cost for construction design*
17 *in connection with any construction project exceeds*
18 *\$600,000, funds for such design must be specifically author-*
19 *ized by law.*

20 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
21 **SIGN, AND CONSTRUCTION ACTIVITIES.**

22 (a) **AUTHORITY.**—*The Secretary of Energy may use*
23 *any funds available to the Department of Energy pursuant*
24 *to an authorization in this title, including those funds au-*
25 *thorized to be appropriated for advance planning and con-*

1 *struction design under sections 3101, 3102, and 3103, to*
2 *perform planning, design, and construction activities for*
3 *any Department of Energy national security program con-*
4 *struction project that, as determined by the Secretary, must*
5 *proceed expeditiously in order to protect public health and*
6 *safety, to meet the needs of national defense, or to protect*
7 *property.*

8 **(b) LIMITATION.**—*The Secretary may not exercise the*
9 *authority under subsection (a) in the case of any construc-*
10 *tion project until the Secretary has submitted to the con-*
11 *gressional defense committees a report on the activities that*
12 *the Secretary intends to carry out under this section and*
13 *the circumstances making such activities necessary.*

14 **(c) SPECIFIC AUTHORITY.**—*The requirement of section*
15 *3125(b)(2) does not apply to emergency planning, design,*
16 *and construction activities conducted under this section.*

17 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**
18 **RITY PROGRAMS OF THE DEPARTMENT OF**
19 **ENERGY.**

20 *Subject to the provisions of appropriations Acts and*
21 *section 3121, amounts appropriated pursuant to this title*
22 *for management and support activities and for general*
23 *plant projects are available for use, when necessary, in con-*
24 *nection with all national security programs of the Depart-*
25 *ment of Energy.*

1 **SEC. 3128. AUTHORITY RELATING TO TRANSFERS OF DE-**
2 **FENSE ENVIRONMENTAL MANAGEMENT**
3 **FUNDS.**

4 (a) *TRANSFER AUTHORITY FOR DEFENSE ENVIRON-*
5 *MENTAL MANAGEMENT FUNDS.*—*The Secretary of Energy*
6 *shall provide the manager of each field office of the Depart-*
7 *ment of Energy with the authority to transfer defense envi-*
8 *ronmental management funds from a program or project*
9 *under the jurisdiction of the office to another such program*
10 *or project. Any such transfer may be made only once in*
11 *a fiscal year to or from a program or project, and the*
12 *amount transferred to or from a program or project may*
13 *not exceed \$5,000,000 in a fiscal year.*

14 (b) *DETERMINATION.*—*A transfer may not be carried*
15 *out by a manager of a field office pursuant to the authority*
16 *provided under subsection (a) unless the manager deter-*
17 *mines that such transfer is necessary to address a risk to*
18 *health, safety, or the environment or to assure the most effi-*
19 *cient use of defense environmental management funds at*
20 *that field office.*

21 (c) *EXEMPTION FROM REPROGRAMMING REQUIRE-*
22 *MENTS.*—*The requirements of section 3121 shall not apply*
23 *to transfers of funds pursuant to subsection (a).*

24 (d) *NOTIFICATION.*—*The Secretary of Energy, acting*
25 *through the Assistant Secretary of Energy for Environ-*
26 *mental Management, shall notify Congress of any transfer*

1 of funds pursuant to subsection (a) not later than 30 days
2 after such a transfer occurs.

3 (e) *LIMITATION.*—Funds transferred pursuant to sub-
4 section (a) may not be used for an item for which Congress
5 has specifically denied funds or for a new program or
6 project that has not been authorized by Congress.

7 (f) *DEFINITIONS.*—In this section:

8 (1) The term “program or project” means, with
9 respect to a field office of the Department of Energy,
10 any of the following:

11 (A) A project listed in subsection (b) or (e)
12 of section 3102 being carried out by the office.

13 (B) A program referred to in subsection (a),
14 (b), (c), (e), or (g) of section 3102 being carried
15 out by the office.

16 (C) A project or program not described in
17 subparagraph (A) or (B) that is for environ-
18 mental restoration or waste management activi-
19 ties necessary for national security programs of
20 the Department of Energy, that is being carried
21 out by the office, and for which defense environ-
22 mental management funds have been authorized
23 and appropriated before the date of the enact-
24 ment of this Act.

1 (2) *The term “defense environmental manage-*
2 *ment funds” means funds appropriated to the Depart-*
3 *ment of Energy pursuant to an authorization for car-*
4 *rying out environmental restoration and waste man-*
5 *agement activities necessary for national security pro-*
6 *grams.*

7 (g) *DURATION OF AUTHORITY.—The authority pro-*
8 *vided under subsection (a) to a manager of a field office*
9 *shall be in effect for the period beginning on October 1,*
10 *1997, and ending on September 30, 1998.*

11 ***Subtitle C—Program Authoriza-***
12 ***tions, Restrictions, and Limita-***
13 ***tions***

14 ***SEC. 3131. BALLISTIC MISSILE DEFENSE NATIONAL LAB-***
15 ***ORATORY PROGRAM.***

16 (a) *PROGRAM.—The Secretary of Energy shall estab-*
17 *lish a program for purposes of making available to the Sec-*
18 *retary of Defense the expertise of the national laboratories*
19 *for the ballistic missile defense programs of the Department*
20 *of Defense.*

21 (b) *TASK FORCE.—The Secretary of Energy shall con-*
22 *duct the program through a task force consisting of the di-*
23 *rectors of the Los Alamos National Laboratory, the Sandia*
24 *National Laboratories, and the Lawrence Livermore Na-*
25 *tional Laboratory. The chairmanship of the task force shall*

1 rotate each year among the directors of the laboratories. The
2 director of the Lawrence Livermore National Laboratory
3 shall serve as the first chairman.

4 (c) *ACTIVITIES.*—Under the program, the national lab-
5 oratories shall carry out those activities necessary to re-
6 spond to requests for assistance from the Secretary of De-
7 fense with respect to the ballistic missile defense programs
8 of the Department of Defense. Such activities may include
9 the identification of technical modifications and test tech-
10 niques, the analysis of physics problems, the consolidation
11 of range and test activities, and the analysis and simula-
12 tion of theater missile defense deployment problems.

13 (d) *FUNDING.*—Of the amounts authorized to be ap-
14 propriated by section 3101(a)(1), \$50,000,000 shall be
15 available only for the program authorized by this section.

16 **Subtitle D—Other Matters**

17 **SEC. 3141. PLAN FOR STEWARDSHIP, MANAGEMENT, AND**
18 **CERTIFICATION OF WARHEADS IN THE NU-**
19 **CLEAR WEAPONS STOCKPILE.**

20 (a) *PLAN REQUIREMENT.*—The Secretary of Energy
21 shall develop and annually update a plan for maintaining
22 the nuclear weapons stockpile. The plan shall cover, at a
23 minimum, stockpile stewardship, stockpile management,
24 and program direction and shall be consistent with the pro-

1 *grammatic and technical requirements of the most recent*
2 *annual Nuclear Weapons Stockpile Memorandum.*

3 *(b) PLAN ELEMENTS.—The plan and each update of*
4 *the plan shall set forth the following:*

5 *(1) The number of warheads (including active*
6 *and inactive warheads) for each type of warhead in*
7 *the nuclear weapons stockpile.*

8 *(2) The current age of each warhead type, and*
9 *any plans for stockpile lifetime extensions and modi-*
10 *fications or replacement of each warhead type.*

11 *(3) The process by which the Secretary of Energy*
12 *is assessing the lifetime, and requirements for lifetime*
13 *extension or replacement, of the nuclear and non-*
14 *nuclear components of the warheads (including active*
15 *and inactive warheads) in the nuclear weapons stock-*
16 *pile.*

17 *(4) The process used in recertifying the safety,*
18 *security, and reliability of each warhead type in the*
19 *nuclear weapons stockpile.*

20 *(5) Any concerns which would affect the ability*
21 *of the Secretary of Energy to recertify the safety, secu-*
22 *rity, or reliability of warheads in the nuclear weap-*
23 *ons stockpile (including active and inactive war-*
24 *heads).*

1 (c) *ANNUAL SUBMISSION OF PLAN TO CONGRESS.*—
2 *The Secretary of Energy shall submit to Congress the plan*
3 *developed under subsection (a) not later than March 15,*
4 *1998, and shall submit an updated version of the plan not*
5 *later than March 15 of each year thereafter. The plan shall*
6 *be submitted in both classified and unclassified form.*

7 (d) *REPEAL OF SUPERSEDED REQUIREMENTS.*—*The*
8 *following provisions of law are repealed:*

9 (1) *Subsection (d) of section 3138 of the National*
10 *Defense Authorization Act for Fiscal Year 1994 (Pub-*
11 *lic Law 103–160; 107 Stat. 1947; 42 U.S.C. 2121*
12 *note).*

13 (2) *Section 3153 of the National Defense Author-*
14 *ization Act for Fiscal Year 1996 (Public Law 104–*
15 *106; 110 Stat. 624; 42 U.S.C. 2121 note).*

16 (3) *Section 3159 of the National Defense Author-*
17 *ization Act for Fiscal Year 1996 (Public Law 104–*
18 *106; 110 Stat. 626; 42 U.S.C. 7271b note).*

19 (4) *Section 3156 of the National Defense Author-*
20 *ization Act for Fiscal Year 1997 (Public Law 104–*
21 *201; 110 Stat. 2841; 42 U.S.C. 7271c).*

22 **SEC. 3142. REPEAL OF OBSOLETE REPORTING REQUIRE-**
23 **MENTS.**

24 *The following provisions of law are repealed:*

1 (1) *Subsection (e) of section 1436 of the National*
2 *Defense Authorization Act, Fiscal Year 1989 (Public*
3 *Law 100–456; 102 Stat. 2075; 42 U.S.C. 2121 note).*

4 (2) *Section 3143 of the National Defense Author-*
5 *ization Act for Fiscal Years 1990 and 1991 (Public*
6 *Law 101–189; 103 Stat. 1681; 42 U.S.C. 7271a).*

7 (3) *Section 3134 of the National Defense Author-*
8 *ization Act for Fiscal Year 1993 (Public Law 102–*
9 *484; 106 Stat. 2639).*

10 **SEC. 3143. REVISIONS TO DEFENSE NUCLEAR FACILITIES**

11 **WORKFORCE RESTRUCTURING PLAN RE-**
12 **QUIREMENTS.**

13 (a) *REPEAL OF PERIOD FOR NOTIFICATION OF*
14 *CHANGES IN WORKFORCE.—Section 3161(c)(1) of the Na-*
15 *tional Defense Authorization Act for Fiscal Year 1993 (42*
16 *U.S.C. 7274h(c)(1)) is amended—*

17 (1) *by inserting “and” at the end of subpara-*
18 *graph (A); and*

19 (2) *by striking out subparagraph (B).*

20 (b) *REPEAL OF REQUIREMENTS FOR PLAN UPDATES*
21 *AND SUBMISSION TO CONGRESS.—Subsections (e) and (f)*
22 *of section 3161 of such Act are repealed.*

23 (c) *PROHIBITION ON USE OF FUNDS FOR LOCAL IM-*
24 *PACT ASSISTANCE.—None of the funds authorized to be ap-*
25 *propriated to the Department of Energy pursuant to section*

1 3103(6) may be used for local impact assistance from the
2 Department of Energy under section 3161(c)(6) of such Act
3 (42 U.S.C. 7274h(c)(6)).

4 (d) *TREATMENT OF FEDERAL EMPLOYEES.*—Section
5 3161 of such Act, as amended by subsection (b), is further
6 amended by adding at the end the following new subsection:

7 “(e) *TREATMENT OF FEDERAL EMPLOYEES.*—This sec-
8 tion does not apply to employees of the Department of En-
9 ergy.”.

10 (e) *EFFECT ON USEC PRIVATIZATION ACT.*—Nothing
11 in this section shall be construed as diminishing the obliga-
12 tions of the Secretary of Energy under section 3110(a)(5)
13 of the USEC Privatization Act (Public Law 104–134; 110
14 Stat. 1321–341; 42 U.S.C. 2297h–8(a)(5)).

15 (f) *TERMINATION.*—Section 3161 of such Act (42
16 U.S.C. 7274h) is repealed, effective on September 30, 1999.

17 **SEC. 3144. EXTENSION OF AUTHORITY FOR APPOINTMENT**
18 **OF CERTAIN SCIENTIFIC, ENGINEERING, AND**
19 **TECHNICAL PERSONNEL.**

20 Section 3161 of the National Defense Authorization
21 Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat.
22 3095; 42 U.S.C. 7231 note) is amended—

23 (1) by striking out subsection (c); and

24 (2) in subsection (d)(1), by striking out “1997”
25 and inserting in lieu thereof “1999”.

1 **SEC. 3145. REPORT ON PROPOSED CONTRACT FOR HAN-**
2 **FORD TANK WASTE VITRIFICATION PROJECT.**

3 (a) *PRIOR NOTICE TO CONGRESSIONAL DEFENSE*
4 *COMMITTEES BEFORE ENTERING INTO CONTRACT.—(1)*

5 *The Secretary of Energy may not enter into a contract for*
6 *the Hanford Tank Waste Vitrification project until—*

7 (A) *the Secretary submits a report on the pro-*
8 *posed contract to the congressional defense committees;*
9 *and*

10 (B) *a period of 30 days of continuous session of*
11 *Congress has expired following the date on which the*
12 *report is submitted.*

13 (2) *For purposes of paragraph (1)(B), the continuity*
14 *of a session of Congress is broken only by an adjournment*
15 *of the Congress sine die, and the days on which either House*
16 *is not in session because of an adjournment of more than*
17 *three days to a day certain are excluded in the computation*
18 *of such 30-day period.*

19 (b) *REPORT.—A report under subsection (a)(1) shall*
20 *include the following:*

21 (A) *A description of the activities to be carried*
22 *out under the contract.*

23 (B) *A description of the funds expended, and the*
24 *funds obligated but not expended, as of the date of the*
25 *report on remediation of Hanford tank waste since*
26 *1989.*

1 (C) *A description of the contractual and finan-*
2 *cial aspects of the contract, including any provisions*
3 *relating to the risk of nonperformance and risk as-*
4 *sumption by the United States and the contractor or*
5 *contractors.*

6 (D) *An analysis of the cost to the United States*
7 *of the proposed contract, including a detailed analysis*
8 *of the annual budget authority and outlay require-*
9 *ments for the life of the project.*

10 (E) *If the proposed contract contemplates con-*
11 *struction of two projects, an analysis of the basis for*
12 *the selection of the two projects, and a detailed analy-*
13 *sis of the costs to the United States of two projects*
14 *compared to the costs to the United States of one*
15 *project.*

16 (F) *If the proposed contract provides for financ-*
17 *ing of the project (or projects) by an entity or entities*
18 *other than the United States, a detailed analysis of*
19 *the costs of such financing compared to the costs of*
20 *financing the project (or projects) by the United*
21 *States.*

22 **SEC. 3146. LIMITATION ON CONDUCT OF SUBCRITICAL NU-**
23 **CLEAR WEAPONS TESTS.**

24 *The Secretary of Energy may not conduct any sub-*
25 *critical nuclear weapons tests using funds available to the*

1 *Secretary for fiscal year 1998 until 30 days after the Sec-*
2 *retary submits to the Committee on Armed Services of the*
3 *Senate and the Committee on National Security of the*
4 *House of Representatives a detailed report on the manner*
5 *in which funds available to the Secretary for fiscal years*
6 *1996 and 1997 to conduct such tests were used.*

7 **SEC. 3147. LIMITATION ON USE OF CERTAIN FUNDS UNTIL**
8 **FUTURE USE PLANS ARE SUBMITTED.**

9 (a) *LIMITATION.*—*The Secretary of Energy may not*
10 *use more than 80 percent of the funds available to the Sec-*
11 *retary pursuant to the authorization of appropriations in*
12 *section 3102(f) (relating to policy and management) until*
13 *the Secretary submits the plans described in subsection (b).*

14 (b) *PLANS.*—*The plans referred to in subsection (a) are*
15 *the draft future use plan and the final future use plan re-*
16 *quired under section 3153(f) of the National Defense Au-*
17 *thorization Act for Fiscal Year 1997 (Public Law 104–201;*
18 *110 Stat. 2840; 42 U.S.C. 7274k).*

19 **SEC. 3148. PLAN FOR EXTERNAL OVERSIGHT OF NATIONAL**
20 **LABORATORIES.**

21 (a) *PLAN REQUIREMENT.*—*The Secretary of Energy,*
22 *acting through the Assistant Secretary for Defense Pro-*
23 *grams, shall develop a plan for the external oversight of the*
24 *national laboratories.*

25 (b) *PLAN ELEMENTS.*—*The plan shall—*

1 (1) *provide for the establishment of an external*
2 *oversight committee comprised of representatives of*
3 *industry and academia for the purpose of making rec-*
4 *ommendations to the Secretary of Energy and the*
5 *congressional defense committees on the productivity*
6 *of the laboratories and on the excellence, relevance,*
7 *and appropriateness of the research conducted by the*
8 *laboratories; and*

9 (2) *provide for the establishment of a competitive*
10 *peer review process for funding basic research at the*
11 *laboratories.*

12 (c) *SUBMISSION TO CONGRESS.—The Secretary of En-*
13 *ergy shall submit the plan to the congressional defense com-*
14 *mittees not later than 120 days after the date of the enact-*
15 *ment of this Act.*

16 (d) *NATIONAL LABORATORIES COVERED.—For pur-*
17 *poses of this section, the national laboratories are—*

18 (1) *the Lawrence Livermore National Labora-*
19 *tory, Livermore, California;*

20 (2) *the Los Alamos National Laboratory, Los Al-*
21 *amos, New Mexico;*

22 (3) *the Sandia National Laboratories, Albuquer-*
23 *que, New Mexico; and*

24 (4) *the Nevada Test Site.*

1 **SEC. 3149. UNIVERSITY-BASED RESEARCH CENTER.**

2 (a) *FINDINGS.*—*The Congress finds the following:*

3 (1) *The maintenance of scientific and engineer-*
4 *ing competence in the United States is vital to long-*
5 *term national security and the defense and national*
6 *security missions of the Department of Energy.*

7 (2) *Engaging the universities and colleges of the*
8 *Nation in research on long-range problems of vital*
9 *national security interest will be critical to solving*
10 *the technology challenges faced within the defense and*
11 *national programs of the Department of Energy in*
12 *the next century.*

13 (3) *Enhancing collaboration among the national*
14 *laboratories, universities and colleges, and industry*
15 *will contribute significantly to the performance of*
16 *these Department of Energy missions.*

17 (b) *CENTER.*—*The Secretary of Energy shall establish*
18 *a university-based research center at a location that can*
19 *develop the most effective collaboration among national lab-*
20 *oratories, universities and colleges, and industry in support*
21 *of scientific and engineering advancement in key Depart-*
22 *ment of Energy defense program areas.*

23 (c) *FUNDING.*—*Of the funds authorized to be appro-*
24 *priated to the Department of Energy in fiscal year 1998,*
25 *the Secretary shall make \$5,000,000 available for the estab-*
26 *lishment and operation of the Center.*

1 **SEC. 3150. STOCKPILE STEWARDSHIP PROGRAM.**

2 (a) *FINDINGS.*—Congress finds the following:

3 (1) *Eliminating the threat posed by nuclear*
4 *weapons to the United States is an important na-*
5 *tional security goal.*

6 (2) *As long as nuclear threats remain, the nu-*
7 *clear deterrent of the United States must be effective*
8 *and reliable.*

9 (3) *A safe, secure, effective, and reliable United*
10 *States nuclear stockpile is central to the current nu-*
11 *clear deterrence strategy of the United States.*

12 (4) *The Secretary of Energy has undertaken a*
13 *stockpile stewardship and management program to*
14 *ensure the safety, security, effectiveness, and reliabil-*
15 *ity of the nuclear weapons stockpile of the United*
16 *States, consistent with all United States treaty re-*
17 *quirements and the requirements of the nuclear deter-*
18 *rence strategy of the United States.*

19 (5) *It is the policy of the current administration*
20 *that new nuclear weapon designs are not required to*
21 *effectively implement the nuclear deterrence strategy*
22 *of the United States.*

23 (b) *POLICY.*—*It is the policy of the United States*
24 *that—*

25 (1) *activities of the stockpile stewardship pro-*
26 *gram shall be directed toward ensuring that the Unit-*

1 *ed States possesses a safe, secure, effective, and reli-*
2 *able nuclear stockpile, consistent with the national se-*
3 *curity requirements of the United States; and*

4 *(2) stockpile stewardship activities of the United*
5 *States shall be conducted in conformity with the*
6 *terms of the Treaty on the Non-Proliferation of Nu-*
7 *clear Weapons (TIAS 6839) and the Comprehensive*
8 *Test Ban Treaty signed by the President on Septem-*
9 *ber 24, 1996, when and if that treaty enters into*
10 *force.*

11 **SEC. 3151. REPORTS ON ADVANCED SUPERCOMPUTER**
12 **SALES TO CERTAIN FOREIGN NATIONS.**

13 *(a) REPORTS.—The Secretary of Energy shall require*
14 *that any company that is a participant in the Accelerated*
15 *Strategic Computing Initiative (ASCI) program of the De-*
16 *partment of Energy report to the Secretary and to the Sec-*
17 *retary of Defense each sale by that company to a country*
18 *designated as a Tier III country of a computer capable of*
19 *operating at a speed in excess of 2,000,000 theoretical oper-*
20 *ations per second (MTOPS). The report shall include a de-*
21 *scription of the following with respect to each such sale:*

22 *(1) The anticipated end-use of the computer sold.*

23 *(2) The software included with the computer.*

24 *(3) Any arrangement under the terms of the sale*
25 *regarding—*

- 1 (A) upgrading the computer;
2 (B) servicing of the computer; or
3 (C) the furnishing of spare parts for the
4 computer.

5 (b) *COVERED COUNTRIES.*—For purposes of this sec-
6 tion, the countries designated as Tier III countries are the
7 countries listed as “computer tier 3” eligible countries in
8 part 740.7 of title 15 of the Code of Federal Regulations,
9 as in effect on June 10, 1997 (or any successor list).

10 (c) *QUARTERLY SUBMISSION OF REPORTS.*—The Sec-
11 retary of Energy shall require that reports under subsection
12 (a) be submitted quarterly.

13 (d) *ANNUAL REPORT.*—The Secretary of Energy shall
14 submit to Congress an annual report containing all infor-
15 mation received under subsection (a) during the preceding
16 year. The first annual report shall be submitted not later
17 than July 1, 1998.

18 **TITLE XXXII—DEFENSE NU-**
19 **CLEAR FACILITIES SAFETY**
20 **BOARD**

21 **SEC. 3201. AUTHORIZATION.**

22 There are authorized to be appropriated for fiscal year
23 1998, \$17,500,000 for the operation of the Defense Nuclear
24 Facilities Safety Board under chapter 21 of the Atomic En-
25 ergy Act of 1954 (42 U.S.C. 2286 et seq.).

1 **SEC. 3202. PLAN FOR TRANSFER OF FACILITIES FROM JU-**
2 **RISDICTION OF DEFENSE NUCLEAR FACILI-**
3 **TIES SAFETY BOARD TO JURISDICTION OF**
4 **NUCLEAR REGULATORY COMMISSION.**

5 (a) *PLAN REQUIREMENT.*—(1) *The Defense Nuclear*
6 *Facilities Safety Board (in this section referred to as the*
7 *“Board”)* shall develop, in consultation with the Secretary
8 *of Energy and the Nuclear Regulatory Commission, a plan*
9 *for—*

10 (A) *increasing the authority of the Nuclear Reg-*
11 *ulatory Commission to include the regulation of De-*
12 *partment of Energy defense nuclear facilities; and*

13 (B) *decreasing or eliminating the functions of*
14 *the Board with respect to such facilities under chapter*
15 *21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286*
16 *et seq.).*

17 (2) *The plan shall be submitted to Congress not later*
18 *than six months after the date of the enactment of this Act.*

19 (b) *PLAN ELEMENTS.*—*The plan shall include the fol-*
20 *lowing:*

21 (1) *A list of facilities as described in subsection*
22 *(c).*

23 (2) *A schedule for the orderly transfer of such fa-*
24 *cilities from the jurisdiction of the Board to the juris-*
25 *isdiction of the Nuclear Regulatory Commission.*

1 (3) *Recommendations on the order in which the*
2 *facilities should be transferred, including such rec-*
3 *ommendations as the Board considers appropriate*
4 *with respect to the suitability of the various facilities*
5 *for transfer and the appropriateness for the various*
6 *facilities of the schedule for conducting the transfer.*

7 (4) *Such other provisions as the Board considers*
8 *necessary to carry out an orderly transfer under*
9 *paragraph (2).*

10 (c) *LIST OF FACILITIES.*—*The plan shall contain a list*
11 *of all Department of Energy defense nuclear facilities,*
12 *grouped according to the following criteria:*

13 (1) *Facilities that are similar to facilities regu-*
14 *lated by the Nuclear Regulatory Commission on the*
15 *date of the enactment of this Act.*

16 (2) *Facilities that are in compliance with De-*
17 *partment of Energy nuclear safety requirements and*
18 *Board recommendations in existence on the date of*
19 *the enactment of this Act.*

20 (3) *Facilities the regulation of which would in-*
21 *volve the Nuclear Regulatory Commission in unique*
22 *national security interests, including the classified de-*
23 *sign and configuration of a nuclear weapon or explo-*
24 *sive device.*

1 (d) *FACILITY DEFINED.*—*In this section, the term*
2 *“Department of Energy defense nuclear facility” has the*
3 *meaning provided by section 318 of the Atomic Energy Act*
4 *of 1954 (42 U.S.C. 2286g), except that the term includes*
5 *such a facility that is under construction or is planned by*
6 *the Secretary of Energy to be constructed.*

7 (e) *REPEAL OF PROHIBITION ON USE OF FUNDS.*—
8 *Section 210 of the Department of Energy National Security*
9 *and Military Applications of Nuclear Energy Authorization*
10 *Act of 1981 (42 U.S.C. 7272) is repealed.*

11 ***TITLE XXXIII—NATIONAL***
12 ***DEFENSE STOCKPILE***

13 ***SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.***

14 (a) *OBLIGATION OF STOCKPILE FUNDS.*—*During fis-*
15 *cal year 1998, the National Defense Stockpile Manager may*
16 *obligate up to \$73,000,000 of the funds in the National De-*
17 *fense Stockpile Transaction Fund for the authorized uses*
18 *of such funds under section 9(b)(2) of the Strategic and*
19 *Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).*

20 (b) *ADDITIONAL OBLIGATIONS.*—*The National Defense*
21 *Stockpile Manager may obligate amounts in excess of the*
22 *amount specified in subsection (a) if the National Defense*
23 *Stockpile Manager notifies Congress that extraordinary or*
24 *emergency conditions necessitate the additional obligations.*
25 *The National Defense Stockpile Manager may make the ad-*

1 ditional obligations described in the notification after the
2 end of the 45-day period beginning on the date Congress
3 receives the notification.

4 (c) *LIMITATIONS.*—The authorities provided by this
5 section shall be subject to such limitations as may be pro-
6 vided in appropriations Acts.

7 **SEC. 3302. DISPOSAL OF BERYLLIUM COPPER MASTER**
8 **ALLOY IN NATIONAL DEFENSE STOCKPILE.**

9 (a) *DISPOSAL AUTHORIZATION.*—Pursuant to section
10 5(b) of the Strategic and Critical Materials Stock Piling
11 Act (50 U.S.C. 98d(b)), the National Defense Stockpile
12 Manager may dispose of all beryllium copper master alloy
13 from the National Defense Stockpile provided for in section
14 4 of such Act (50 U.S.C. 98c) as part of continued efforts
15 to modernize the Stockpile.

16 (b) *PRECONDITION FOR DISPOSAL.*—Before beginning
17 the disposal of beryllium copper master alloy under sub-
18 section (a), the National Defense Stockpile Manager shall
19 certify to Congress that the disposal of beryllium copper
20 master alloy will not adversely affect the capability of the
21 National Defense Stockpile to supply the strategic and criti-
22 cal material needs of the United States.

23 (c) *CONSULTATION WITH MARKET IMPACT COMMIT-*
24 *TEE.*—In disposing of beryllium copper master alloy under
25 subsection (a), the National Defense Stockpile Manager

1 *shall consult with the Market Impact Committee established*
2 *under section 10(c) of the Strategic and Critical Materials*
3 *Stock Piling Act (50 U.S.C. 98h–1(c)) to ensure that the*
4 *disposal of beryllium copper master alloy does not disrupt*
5 *the domestic beryllium industry.*

6 (d) *EXTENDED SALES CONTRACTS.—The National De-*
7 *fense Stockpile Manager shall provide for the use of long-*
8 *term sales contracts for the disposal of beryllium copper*
9 *master alloy under subsection (a) so that the domestic beryl-*
10 *lium industry can re-absorb this material into the market*
11 *in a gradual and nondisruptive manner. However, no such*
12 *contract shall provide for the disposal of beryllium copper*
13 *master alloy over a period longer than eight years, begin-*
14 *ning on the date of the commencement of the first contract*
15 *under this section.*

16 (e) *RELATIONSHIP TO OTHER DISPOSAL AUTHOR-*
17 *ITY.—The disposal authority provided in subsection (a) is*
18 *new disposal authority and is in addition to, and shall not*
19 *affect, any other disposal authority provided by law regard-*
20 *ing beryllium copper master alloy.*

21 (f) *BERYLLIUM COPPER MASTER ALLOY DEFINED.—*
22 *For purposes of this section, the term “beryllium copper*
23 *master alloy” means an alloy of nominally four percent be-*
24 *ryllium in copper.*

1 **SEC. 3303. DISPOSAL OF TITANIUM SPONGE IN NATIONAL**
2 **DEFENSE STOCKPILE.**

3 (a) *DISPOSAL REQUIRED.*—Subject to subsection (b),
4 the National Defense Stockpile Manager shall dispose of
5 34,800 short tons of titanium sponge contained in the Na-
6 tional Defense Stockpile provided for in section 4 of the
7 Strategic and Critical Materials Stock Piling Act (50
8 U.S.C. 98c) and excess to stockpile requirements.

9 (b) *CONSULTATION WITH MARKET IMPACT COMMIT-*
10 *TEE.*—In disposing of titanium sponge under subsection
11 (a), the National Defense Stockpile Manager shall consult
12 with the Market Impact Committee established under sec-
13 tion 10(c) of the Strategic and Critical Materials Stock Pil-
14 ing Act (50 U.S.C. 98h–1(c)) to ensure that the disposal
15 of titanium sponge does not disrupt the domestic titanium
16 industry.

17 (c) *RELATIONSHIP TO OTHER DISPOSAL AUTHOR-*
18 *ITY.*—The disposal authority provided in subsection (a) is
19 new disposal authority and is in addition to, and shall not
20 affect, any other disposal authority provided by law regard-
21 ing titanium sponge.

22 **SEC. 3304. CONDITIONS ON TRANSFER OF STOCKPILED**
23 **PLATINUM RESERVES FOR TREASURY USE.**

24 (a) *IMPOSITION OF CONDITIONS.*—Any transfer of
25 platinum contained in the National Defense Stockpile pro-
26 vided for in section 4 of the Strategic and Critical Materials

1 *Stock Piling Act (50 U.S.C. 98c) to the Secretary of the*
2 *Treasury for use to mint and issue bullion and proof plati-*
3 *num coins or for any other purpose shall be subject to the*
4 *conditions contained in this section.*

5 (b) *YEARLY LIMITATION.*—*The quantity of platinum*
6 *transferred from the stockpile to the Secretary of the Treas-*
7 *ury may not exceed 200,000 troy ounces during any fiscal*
8 *year, of which not more than 81,600 troy ounces per year*
9 *may be platinum of the highest quality specification.*

10 (c) *REPLACEMENT UPON NOTICE.*—*The Secretary of*
11 *the Treasury shall replace platinum received from the stock-*
12 *pile within one year after receiving notice from the Sec-*
13 *retary of Defense specifying the quantity and quality of*
14 *transferred platinum to be replaced and the need for re-*
15 *placement.*

16 (d) *COSTS.*—*Any transfer of platinum from the stock-*
17 *pile to the Secretary of the Treasury shall be made without*
18 *the expenditure of any funds available to the Department*
19 *of Defense. The Secretary of the Treasury shall be respon-*
20 *sible for all costs incurred in connection with the transfer,*
21 *subsequent to the transfer, or in connection with the replace-*
22 *ment of the transferred platinum, such as transportation,*
23 *storage, testing, refining, or casting costs.*

1 **SEC. 3305. RESTRICTIONS ON DISPOSAL OF CERTAIN MAN-**
2 **GANESE FERRO.**

3 (a) *REQUIREMENT FOR REMELTING BY DOMESTIC*
4 *FERROALLOY PRODUCERS.*—*High carbon manganese ferro*
5 *in the National Defense Stockpile that does not meet the*
6 *National Defense Stockpile classification of Grade One,*
7 *Specification 30(a), as revised May 22, 1992, may be sold*
8 *only for remelting by a domestic ferroalloy producer unless*
9 *the President determines that a domestic ferroalloy pro-*
10 *ducer is not available to acquire the material. After the date*
11 *of the enactment of this Act, the President may not reclas-*
12 *sify high carbon manganese ferro stored in the National De-*
13 *fense Stockpile as of that date.*

14 (b) *DOMESTIC FERROALLOY PRODUCER DEFINED.*—
15 *For purposes of this section, the term “domestic ferroalloy*
16 *producer” means a company or other business entity that,*
17 *as determined by the President—*

18 (1) *is engaged in operations to upgrade man-*
19 *ganese ores of metallurgical grade or manganese ferro;*
20 *and*

21 (2) *conducts a significant level of its research,*
22 *development, engineering, and upgrading operations*
23 *in the United States.*

24 (c) *CONSULTATION WITH MARKET IMPACT COMMIT-*
25 *TEE.*—*In disposing of high carbon manganese ferro in the*
26 *National Defense Stockpile, the National Defense Stockpile*

1 *Manager shall consult with the Market Impact Committee*
2 *established under section 10(c) of the Strategic and Critical*
3 *Materials Stock Piling Act (50 U.S.C. 98h–1(c)) to ensure*
4 *that the disposal of high carbon manganese ferro does not*
5 *disrupt the domestic manganese ferro industry.*

6 (d) *CONFORMING REPEAL.—Section 3304 of the Na-*
7 *tional Defense Authorization Act for Fiscal Year 1996 (Pub-*
8 *lic Law 104–106; 110 Stat. 629) is repealed.*

9 **SEC. 3306. REQUIRED PROCEDURES FOR DISPOSAL OF**
10 **STRATEGIC AND CRITICAL MATERIALS.**

11 *Section 6(b) of the Strategic and Critical Materials*
12 *Stock Piling Act (50 U.S.C. 98e(b)) is amended in the first*
13 *sentence by striking out “materials from the stockpile shall*
14 *be made by formal advertising or competitive negotiation*
15 *procedures.” and inserting in lieu thereof “strategic and*
16 *critical materials from the stockpile shall be made in ac-*
17 *cordance with the next sentence.”.*

18 **TITLE XXXIV—NAVAL**
19 **PETROLEUM RESERVES**

20 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

21 *There is hereby authorized to be appropriated to the*
22 *Secretary of Energy \$117,000,000 for fiscal year 1998 for*
23 *the purpose of carrying out activities under chapter 641*
24 *of title 10, United States Code, relating to the naval petro-*
25 *leum reserves (as defined in section 7420(2) of such title).*

1 *Funds appropriated pursuant to such authorization shall*
2 *remain available until expended.*

3 **SEC. 3402. PRICE REQUIREMENT ON SALE OF CERTAIN PE-**
4 **TROLEUM DURING FISCAL YEAR 1998.**

5 *Notwithstanding section 7430(b)(2) of title 10, United*
6 *States Code, during fiscal year 1998, any sale of any part*
7 *of the United States share of petroleum produced from*
8 *Naval Petroleum Reserves Numbered 1, 2, and 3 shall be*
9 *made at a price not less than 90 percent of the current sales*
10 *price, as estimated by the Secretary of Energy, of com-*
11 *parable petroleum in the same area.*

12 **SEC. 3403. TERMINATION OF ASSIGNMENT OF NAVY OFFI-**
13 **CERS TO OFFICE OF NAVAL PETROLEUM AND**
14 **OIL SHALE RESERVES.**

15 *(a) TERMINATION OF ASSIGNMENT REQUIREMENT.—*
16 *Section 2 of Public Law 96–137 (42 U.S.C. 7156a) is re-*
17 *pealed.*

18 *(b) EFFECT ON EXISTING ASSIGNMENTS.—In the case*
19 *of an officer of the Navy assigned, as of the date of the enact-*
20 *ment of this Act, to a management position within the Of-*
21 *fice of Naval Petroleum and Oil Shale Reserves, the Sec-*
22 *retary of the Navy may continue such assignment notwith-*
23 *standing the repeal of section 2 of Public Law 96–137 (42*
24 *U.S.C. 7156a), except that such assignment may not extend*
25 *beyond the date of the sale of Naval Petroleum Reserve*

1 *Numbered 1 (Elk Hills) pursuant to subtitle B of title*
2 *XXXIV of the National Defense Authorization Act for Fiscal*
3 *Year 1996 (Public Law 104–106; 10 U.S.C. 7420 note).*

4 **TITLE XXXV—PANAMA CANAL**
5 **COMMISSION**

6 **Subtitle A—Authorization of**
7 **Expenditures From Revolving Fund**

8 **SEC. 3501. SHORT TITLE.**

9 *This subtitle may be cited as the “Panama Canal*
10 *Commission Authorization Act for Fiscal Year 1998”.*

11 **SEC. 3502. AUTHORIZATION OF EXPENDITURES.**

12 *(a) IN GENERAL.—Subject to subsection (b), the Pan-*
13 *ama Canal Commission is authorized to use amounts in*
14 *the Panama Canal Revolving Fund to make such expendi-*
15 *tures within the limits of funds and borrowing authority*
16 *available to it in accordance with law, and to make such*
17 *contracts and commitments, as may be necessary under the*
18 *Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for*
19 *the operation, maintenance, improvement, and administra-*
20 *tion of the Panama Canal for fiscal year 1998.*

21 *(b) LIMITATIONS.—For fiscal year 1998, the Panama*
22 *Canal Commission may expend from funds in the Panama*
23 *Canal Revolving Fund not more than \$85,000 for official*
24 *reception and representation expenses, of which—*

1 (1) *not more than \$23,000 may be used for offi-*
2 *cial reception and representation expenses of the Su-*
3 *pervisory Board of the Commission;*

4 (2) *not more than \$12,000 may be used for offi-*
5 *cial reception and representation expenses of the Sec-*
6 *retary of the Commission; and*

7 (3) *not more than \$50,000 may be used for offi-*
8 *cial reception and representation expenses of the Ad-*
9 *ministrator of the Commission.*

10 **SEC. 3503. PURCHASE OF VEHICLES.**

11 *Notwithstanding any other provision of law, the funds*
12 *available to the Commission shall be available for the pur-*
13 *chase and transportation to the Republic of Panama of pas-*
14 *senger motor vehicles built in the United States, the pur-*
15 *chase price of which shall not exceed \$22,000 per vehicle.*

16 **SEC. 3504. EXPENDITURES ONLY IN ACCORDANCE WITH**
17 **TREATIES.**

18 *Expenditures authorized under this subtitle may be*
19 *made only in accordance with the Panama Canal Treaties*
20 *of 1977 and any law of the United States implementing*
21 *those treaties.*

1 ***Subtitle B—Facilitation of Panama***
2 ***Canal Transition***

3 **SEC. 3511. SHORT TITLE; REFERENCES.**

4 (a) *SHORT TITLE.*—*This subtitle may be cited as the*
5 *“Panama Canal Transition Facilitation Act of 1997”.*

6 (b) *REFERENCES.*—*Except as otherwise expressly pro-*
7 *vided, whenever in this subtitle an amendment or repeal*
8 *is expressed in terms of an amendment to, or repeal of, a*
9 *section or other provision, the reference shall be considered*
10 *to be made to a section or other provision of the Panama*
11 *Canal Act of 1979 (22 U.S.C. 3601 et seq.).*

12 **SEC. 3512. DEFINITIONS RELATING TO CANAL TRANSITION.**

13 *Section 3 (22 U.S.C. 3602) is amended by adding at*
14 *the end the following new subsection:*

15 *“(d) For purposes of this Act:*

16 *“(1) The term ‘Canal Transfer Date’ means De-*
17 *cember 31, 1999, such date being the date specified in*
18 *the Panama Canal Treaty of 1977 for the transfer of*
19 *the Panama Canal from the United States of America*
20 *to the Republic of Panama.*

21 *“(2) The term ‘Panama Canal Authority’ means*
22 *the entity created by the Republic of Panama to suc-*
23 *ceed the Panama Canal Commission as of the Canal*
24 *Transfer Date.”.*

1 **PART I—TRANSITION MATTERS RELATING TO**
2 **COMMISSION OFFICERS AND EMPLOYEES**

3 **SEC. 3521. AUTHORITY FOR THE ADMINISTRATOR OF THE**
4 **COMMISSION TO ACCEPT APPOINTMENT AS**
5 **THE ADMINISTRATOR OF THE PANAMA CANAL**
6 **AUTHORITY.**

7 *(a) AUTHORITY FOR DUAL ROLE.—Section 1103 (22*
8 *U.S.C. 3613) is amended by adding at the end the following*
9 *new subsection:*

10 *“(c) The Congress consents, for purposes of the 8th*
11 *clause of article I, section 9 of the Constitution of the United*
12 *States, to the acceptance by the individual serving as Ad-*
13 *ministrator of the Commission of appointment by the Re-*
14 *public of Panama to the position of Administrator of the*
15 *Panama Canal Authority. Such consent is effective only if*
16 *that individual, while serving in both such positions, serves*
17 *as Administrator of the Panama Canal Authority without*
18 *compensation, except for payments by the Republic of Pan-*
19 *ama of travel and entertainment expenses, including per*
20 *diem payments.”.*

21 *(b) WAIVER OF CERTAIN CONFLICT-OF-INTEREST*
22 *STATUTES.—Such section is further amended by adding at*
23 *the end the following new subsections:*

24 *“(d) The Administrator, with respect to participation*
25 *in any matter as Administrator of the Panama Canal Com-*
26 *mission (whether such participation is before, on, or after*

1 *the date of the enactment of the Panama Canal Transition*
2 *Facilitation Act of 1997), shall not be subject to section 208*
3 *of title 18, United States Code, insofar as the matter relates*
4 *to prospective employment as Administrator of the Panama*
5 *Canal Authority.*

6 “(e) *If the Republic of Panama appoints as the Ad-*
7 *ministrator of the Panama Canal Authority the individual*
8 *-serving as the Administrator of the Commission and if that*
9 *individual accepts the appointment—*

10 “(1) *the Foreign Agents Registration Act of*
11 *1938, as amended (22 U.S.C. 611 et seq.), shall not*
12 *apply to that individual with respect to service as the*
13 *Administrator of the Panama Canal Authority;*

14 “(2) *that individual, with respect to participa-*
15 *tion in any matter as the Administrator of the Pan-*
16 *ama Canal Commission, is not subject to section 208*
17 *of title 18, United States Code, insofar as the matter*
18 *relates to service as, or performance of the duties of,*
19 *the Administrator of the Panama Canal Authority;*
20 *and*

21 “(3) *that individual, with respect to official acts*
22 *performed as the Administrator of the Panama Canal*
23 *Authority, is not subject to the following:*

24 “(A) *Sections 203 and 205 of title 18, Unit-*
25 *ed States Code.*

1 *the Commission was terminated at noon on the Canal*
2 *Transfer Date.”.*

3 **(b) CONSENT OF CONGRESS FOR ACCEPTANCE BY RE-**
4 *SERVE AND RETIRED MEMBERS OF THE ARMED FORCES*
5 *OF EMPLOYMENT BY PANAMA CANAL AUTHORITY.—Such*
6 *section is further amended by adding after subsection (e),*
7 *as added by subsection (a), the following new subsection:*

8 *“(f)(1) The Congress consents to the following persons*
9 *accepting civil employment (and compensation for that em-*
10 *ployment) with the Panama Canal Authority for which the*
11 *consent of the Congress is required by the last paragraph*
12 *of section 9 of article I of the Constitution of the United*
13 *States, relating to acceptance of emoluments, offices, or ti-*
14 *ties from a foreign government:*

15 *“(A) Retired members of the uniformed services.*

16 *“(B) Members of a reserve component of the*
17 *armed forces.*

18 *“(C) Members of the Commissioned Reserve Corps*
19 *of the Public Health Service.*

20 *“(2) The consent of the Congress under paragraph (1)*
21 *is effective without regard to subsection (b) of section 908*
22 *of title 37, United States Code (relating to approval re-*
23 *quired for employment of Reserve and retired members by*
24 *foreign governments).”.*

1 **SEC. 3523. ENHANCED AUTHORITY OF COMMISSION TO ES-**
2 **TABLISH COMPENSATION OF COMMISSION**
3 **OFFICERS AND EMPLOYEES.**

4 (a) *REPEAL OF LIMITATIONS ON COMMISSION AU-*
5 *THORITY.*—*The following provisions are repealed:*

6 (1) *Section 1215 (22 U.S.C. 3655), relating to*
7 *basic pay.*

8 (2) *Section 1219 (22 U.S.C. 3659), relating to*
9 *salary protection upon conversion of pay rate.*

10 (3) *Section 1225 (22 U.S.C. 3665), relating to*
11 *minimum level of pay and minimum annual in-*
12 *creases.*

13 (b) *SAVINGS PROVISION.*—*Section 1202 (22 U.S.C.*
14 *3642) is amended by adding at the end the following new*
15 *subsection:*

16 “(c) *In the case of an individual who is an officer or*
17 *employee of the Commission on the day before the date of*
18 *the enactment of the Panama Canal Transition Facilita-*
19 *tion Act of 1997 and who has not had a break in service*
20 *with the Commission since that date, the rate of basic pay*
21 *for that officer or employee on or after that date may not*
22 *be less than the rate in effect for that officer or employee*
23 *on the day before that date of enactment except—*

24 “(1) *as provided in a collective bargaining agree-*
25 *ment;*

1 “(2) as a result of an adverse action against the
2 officer or employee; or

3 “(3) pursuant to a voluntary demotion.”.

4 (c) *CROSS-REFERENCE AMENDMENTS.*—(1) Section
5 1216 (22 U.S.C. 3656) is amended by striking out “1215”
6 and inserting in lieu thereof “1202”.

7 (2) Section 1218 (22 U.S.C. 3658) is amended by
8 striking out “1215” and “1217” and inserting in lieu there-
9 of “1202” and “1217(a)”, respectively.

10 **SEC. 3524. TRAVEL, TRANSPORTATION, AND SUBSISTENCE**
11 **EXPENSES FOR COMMISSION PERSONNEL NO**
12 **LONGER SUBJECT TO FEDERAL TRAVEL REG-**
13 **ULATION.**

14 (a) *REPEAL OF APPLICABILITY OF TITLE 5 PROVI-*
15 *SIONS.*—(1) Section 1210 (22 U.S.C. 3650) is amended by
16 striking out subsections (a), (b), and (c).

17 (2) Section 1224 (22 U.S.C. 3664) is amended—

18 (A) by striking out paragraph (10); and

19 (B) by redesignating paragraphs (11) through
20 (20) as paragraphs (10) through (19), respectively.

21 (b) *CONFORMING AMENDMENTS.*—(1) Section 1210 is
22 further amended—

23 (A) by redesignating subsection (d)(1) as sub-
24 section (a) and in that subsection striking out “para-

1 *graph (2)” and inserting in lieu thereof “subsection*
2 *(b)”;* and

3 *(B) by redesignating subsection (d)(2) as sub-*
4 *section (b) and in that subsection—*

5 *(i) striking out “Notwithstanding para-*
6 *graph (1), an” and inserting in lieu thereof*
7 *“An”;* and

8 *(ii) striking out “referred to in paragraph*
9 *(1)” and inserting in lieu thereof “who is a citi-*
10 *zen of the Republic of Panama”.*

11 *(2) The heading of such section is amended to read*
12 *as follows:*

13 *“AIR TRANSPORTATION”.*

14 *(c) EFFECTIVE DATE.—The amendments made by this*
15 *section shall take effect on January 1, 1999.*

16 **SEC. 3525. ENHANCED RECRUITMENT AND RETENTION AU-**
17 **THORITIES.**

18 *(a) RECRUITMENT, RELOCATION, AND RETENTION BO-*
19 *NUSES.—Section 1217 (22 U.S.C. 3657) is amended—*

20 *(1) by redesignating subsection (c) as subsection*
21 *(e);*

22 *(2) in subsection (e) (as so redesignated), by*
23 *striking out “for the same or similar work performed*
24 *in the United States by individuals employed by the*
25 *Government of the United States” and inserting in*

1 *lieu thereof “of the individual to whom the compensa-*
2 *tion is paid”;* and

3 *(3) by inserting after subsection (b) the following*
4 *new subsections:*

5 *“(c)(1) The Commission may pay a recruitment bonus*
6 *to an individual who is newly appointed to a position with*
7 *the Commission, or a relocation bonus to an employee of*
8 *the Commission who must relocate to accept a position, if*
9 *the Commission determines that the Commission would be*
10 *likely, in the absence of such a bonus, to have difficulty in*
11 *filling the position.*

12 *“(2) A recruitment or relocation bonus may be paid*
13 *to an employee under this subsection only if the employee*
14 *enters into an agreement with the Commission to complete*
15 *a period of employment with the Commission established*
16 *by the Commission. If the employee voluntarily fails to com-*
17 *plete such period of employment or is separated from service*
18 *in such employment as a result of an adverse action before*
19 *the completion of such period, the employee shall repay the*
20 *entire amount of the bonus.*

21 *“(3) A relocation bonus under this subsection may be*
22 *paid as a lump sum. A recruitment bonus under this sub-*
23 *section shall be paid on a pro rata basis over the period*
24 *of employment covered by the agreement under paragraph*

1 (2). *A bonus under this subsection may not be considered*
2 *to be part of the basic pay of an employee.*

3 “(d)(1) *The Commission may pay a retention bonus*
4 *to an employee of the Commission if the Commission deter-*
5 *mines that—*

6 “(A) *the employee has unusually high or unique*
7 *qualifications and those qualifications make it essen-*
8 *tial for the Commission to retain the employee for a*
9 *period specified by the Commission ending not later*
10 *than the Canal Transfer Date, or the Commission*
11 *otherwise has a special need for the services of the em-*
12 *ployee making it essential for the Commission to re-*
13 *tain the employee for a period specified by the Com-*
14 *mission ending not later than the Canal Transfer*
15 *Date; and*

16 “(B) *the employee would be likely to leave em-*
17 *ployment with the Commission before the end of that*
18 *period if the retention bonus is not paid.*

19 “(2) *A retention bonus under this subsection—*

20 “(A) *shall be in a fixed amount;*

21 “(B) *shall be paid on a pro rata basis (over the*
22 *period specified by the Commission as essential for*
23 *the retention of the employee), with such payments to*
24 *be made at the same time and in the same manner*
25 *as basic pay; and*

1 “(C) may not be considered to be part of the
2 basic pay of an employee.

3 “(3) A decision by the Commission to exercise or to
4 not exercise the authority to pay a bonus under this sub-
5 section shall not be subject to review under any statutory
6 procedure or any agency or negotiated grievance procedure
7 except under any of the laws referred to in section 2302(d)
8 of title 5, United States Code.”.

9 (b) *EDUCATIONAL SERVICES*.—Section 1321(e)(2) (22
10 U.S.C. 3731(e)(2)) is amended by striking out “and per-
11 sons” and inserting in lieu thereof “, to other Commission
12 employees when determined by the Commission to be nec-
13 essary for their recruitment or retention, and to other per-
14 sons”.

15 **SEC. 3526. TRANSITION SEPARATION INCENTIVE PAY-**
16 **MENTS.**

17 Chapter 2 of title I (22 U.S.C. 3641 et seq.) is amended
18 by adding at the end of subchapter III the following new
19 section:

20 “*TRANSITION SEPARATION INCENTIVE PAYMENTS*

21 “*SEC. 1233. (a) In applying to the Commission and*
22 *employees of the Commission the provisions of section 663*
23 *of the Treasury, Postal Service, and General Government*
24 *Appropriations Act, 1997 (as contained in section 101(f)*
25 *of division A of Public Law 104–208; 110 Stat. 3009–383),*

1 *relating to voluntary separation incentives for employees of*
2 *certain Federal agencies (in this section referred to as ‘sec-*
3 *tion 663’)—*

4 “(1) *the term ‘employee’ shall mean an employee*
5 *of the Commission who has served in the Republic of*
6 *Panama in a position with the Commission for a*
7 *continuous period of at least three years immediately*
8 *before the employee’s separation under an appoint-*
9 *ment without time limitation and who is covered*
10 *under the Civil Service Retirement System or the*
11 *Federal Employees’ Retirement System under sub-*
12 *chapter III of chapter 83 or chapter 84, respectively,*
13 *of title 5, United States Code, other than—*

14 “(A) *an employee described in any of sub-*
15 *paragraphs (A) through (F) of subsection (a)(2)*
16 *of section 663; or*

17 “(B) *an employee of the Commission who,*
18 *during the 24-month period preceding the date of*
19 *separation, has received a recruitment or reloca-*
20 *tion bonus under section 1217(c) of this Act or*
21 *who, within the 12-month period preceding the*
22 *date of separation, received a retention bonus*
23 *under section 1217(d) of this Act;*

1 “(2) the strategic plan under subsection (b) of
2 section 663 shall include (in lieu of the matter speci-
3 fied in subsection (b)(2) of that section)—

4 “(A) the positions to be affected, identified
5 by occupational category and grade level;

6 “(B) the number and amounts of separation
7 incentive payments to be offered; and

8 “(C) a description of how such incentive
9 payments will facilitate the successful transfer of
10 the Panama Canal to the Republic of Panama;

11 “(3) a separation incentive payment under sec-
12 tion 663 may be paid to a Commission employee only
13 to the extent necessary to facilitate the successful
14 transfer of the Panama Canal by the United States
15 of America to the Republic of Panama as required by
16 the Panama Canal Treaty of 1977;

17 “(4) such a payment—

18 “(A) may be in an amount determined by
19 the Commission not to exceed \$25,000; and

20 “(B) may be made (notwithstanding the
21 limitation specified in subsection (c)(2)(D) of
22 section 663) in the case of an eligible employee
23 who voluntarily separates (whether by retirement
24 or resignation) during the 90-day period begin-
25 ning on the date of the enactment of this section

1 or during the period beginning on October 1,
2 1998, and ending on December 31, 1998;

3 “(5) in the case of not more than 15 employees
4 who (as determined by the Commission) are unwill-
5 ing to work for the Panama Canal Authority after the
6 Canal Transfer Date and who occupy critical posi-
7 tions for which (as determined by the Commission) at
8 least two years of experience is necessary to ensure
9 that seasoned managers are in place on and after the
10 Canal Transfer Date, such a payment (notwithstand-
11 ing paragraph (4))—

12 “(A) may be in an amount determined by
13 the Commission not to exceed 50 percent of the
14 basic pay of the employee; and

15 “(B) may be made (notwithstanding the
16 limitation specified in subsection (c)(2)(D) of
17 section 663) in the case of such an employee who
18 voluntarily separates (whether by retirement or
19 resignation) during the 90-day period beginning
20 on the date of the enactment of this section; and

21 “(6) the provisions of subsection (f) of section
22 663 shall not apply.

23 “(b) A decision by the Commission to exercise or to
24 not exercise the authority to pay a transition separation
25 incentive under this section shall not be subject to review

1 *under any statutory procedure or any agency or negotiated*
2 *grievance procedure except under any of the laws referred*
3 *to in section 2302(d) of title 5, United States Code.”.*

4 **SEC. 3527. LABOR-MANAGEMENT RELATIONS.**

5 *Section 1271 (22 U.S.C. 3701) is amended by adding*
6 *at the end the following new subsection:*

7 *“(c)(1) This subsection applies to any matter that be-*
8 *comes the subject of collective bargaining between the Com-*
9 *mission and the exclusive representative for any bargaining*
10 *unit of employees of the Commission during the period be-*
11 *ginning on the date of the enactment of this subsection and*
12 *ending on the Canal Transfer Date.*

13 *“(2)(A) The resolution of impasses resulting from col-*
14 *lective bargaining between the Commission and any such*
15 *exclusive representative during that period shall be con-*
16 *ducted in accordance with such procedures as may be mutu-*
17 *ally agreed upon between the Commission and the exclusive*
18 *representative (without regard to any otherwise applicable*
19 *provisions of chapter 71 of title 5, United States Code).*
20 *Such mutually agreed upon procedures shall become effec-*
21 *tive upon transmittal by the Chairman of the Commission*
22 *to the Congress of notice of the agreement to use those proce-*
23 *dures and a description of those procedures.*

24 *“(B) The Federal Services Impasses Panel shall not*
25 *have jurisdiction to resolve any impasse between the Com-*

1 *mission and any such exclusive representative in negotia-*
2 *tions over a procedure for resolving impasses.*

3 “(3) *If the Commission and such an exclusive rep-*
4 *resentative do not reach an agreement concerning a proce-*
5 *dure for resolving impasses with respect to a bargaining*
6 *unit and transmit notice of the agreement under paragraph*
7 *(2) on or before July 1, 1998, the following shall be the*
8 *procedure by which collective bargaining impasses between*
9 *the Commission and the exclusive representative for that*
10 *bargaining unit shall be resolved:*

11 “(A) *If bargaining efforts do not result in an*
12 *agreement, the parties shall request the Federal Medi-*
13 *ation and Conciliation Service to assist in achieving*
14 *an agreement.*

15 “(B) *If an agreement is not reached within 45*
16 *days after the date on which either party requests the*
17 *assistance of the Federal Mediation and Conciliation*
18 *Service in writing (or within such shorter period as*
19 *may be mutually agreed upon by the parties), the*
20 *parties shall be considered to be at an impasse and*
21 *shall request the Federal Services Impasses Panel of*
22 *the Federal Labor Relations Authority to decide the*
23 *impasse.*

24 “(C) *If the Federal Services Impasses Panel fails*
25 *to issue a decision within 90 days after the date on*

1 *which its services are requested (or within such short-*
2 *er period as may be mutually agreed upon by the*
3 *parties), the efforts of the Panel shall be terminated.*

4 “(D) *In such a case, the Chairman of the Panel*
5 *(or another member in the absence of the Chairman)*
6 *shall immediately determine the matter by a drawing*
7 *(conducted in such manner as the Chairman (or, in*
8 *the absence of the Chairman, such other member) de-*
9 *termines appropriate) between the last offer of the*
10 *Commission and the last offer of the exclusive rep-*
11 *resentative, with the offer chosen through such draw-*
12 *ing becoming the binding resolution of the matter.*

13 “(4) *In the case of a notice of agreement described in*
14 *paragraph (2)(A) that is transmitted to the Congress as de-*
15 *scribed in the second sentence of that paragraph after July*
16 *1, 1998, the impasse resolution procedures covered by that*
17 *notice shall apply to any impasse between the Commission*
18 *and the other party to the agreement that is unresolved*
19 *on the date on which that notice is transmitted to the Con-*
20 *gress.”.*

1 **SEC. 3528. AVAILABILITY OF PANAMA CANAL REVOLVING**
2 **FUND FOR SEVERANCE PAY FOR CERTAIN EM-**
3 **PLOYEES SEPARATED BY PANAMA CANAL AU-**
4 **THORITY AFTER CANAL TRANSFER DATE.**

5 (a) *AVAILABILITY OF REVOLVING FUND.*—Section
6 1302(a) (22 U.S.C. 3712(a)) is amended by adding at the
7 end the following new paragraph:

8 “(10) *Payment to the Panama Canal Authority,*
9 *not later than the Canal Transfer Date, of such*
10 *amount as is computed by the Commission to be the*
11 *future amount of severance pay to be paid by the*
12 *Panama Canal Authority to employees whose employ-*
13 *ment with the Authority is terminated, to the extent*
14 *that such severance pay is attributable to periods of*
15 *service performed with the Commission before the*
16 *Canal Transfer Date (and assuming for purposes of*
17 *such computation that the Panama Canal Authority,*
18 *in paying severance pay to terminated employees,*
19 *will provide for crediting of periods of service with*
20 *the Commission).”.*

21 (b) *STYLISTIC AMENDMENTS.*—Such section is further
22 amended—

23 (1) *by striking out “for—” in the matter preced-*
24 *ing paragraph (1) and inserting in lieu thereof “for*
25 *the following purposes:”;*

1 “(A) *applies the fundamental operating prin-*
2 *ciples and procedures in the Federal Acquisition Reg-*
3 *ulation;*

4 “(B) *uses efficient commercial standards of prac-*
5 *tice; and*

6 “(C) *is suitable for adoption and uninterrupted*
7 *use by the Republic of Panama after the Canal*
8 *Transfer Date.*

9 “(2) *The Regulation shall contain provisions regard-*
10 *ing the establishment of the Panama Canal Board of Con-*
11 *tract Appeals described in section 3102.*

12 “(b) *SUPPLEMENT TO REGULATION.—The Commission*
13 *shall develop a Supplement to the Regulation (in this sec-*
14 *tion referred to as the ‘Supplement’) that identifies both the*
15 *provisions of Federal law applicable to procurement of*
16 *goods and services by the Commission and the provisions*
17 *of Federal law waived by the Commission under subsection*
18 *(c).*

19 “(c) *WAIVER AUTHORITY.—(1) Subject to paragraph*
20 *(2), the Commission shall determine which provisions of*
21 *Federal law should not apply to procurement by the Com-*
22 *mission and may waive those laws for purposes of the Regu-*
23 *lation and Supplement.*

24 “(2) *For purposes of paragraph (1), the Commission*
25 *may not waive—*

1 “(A) *section 27 of the Office of Federal Procure-*
2 *ment Policy Act (41 U.S.C. 423);*

3 “(B) *the Contract Disputes Act of 1978 (41*
4 *U.S.C. 601 et seq.), other than section 10(a) of such*
5 *Act (41 U.S.C 609(a)); or*

6 “(C) *civil rights, environmental, or labor laws.*

7 “(d) *CONSULTATION WITH ADMINISTRATOR FOR FED-*
8 *ERAL PROCUREMENT POLICY.—In establishing the Regula-*
9 *tion and developing the Supplement, the Commission shall*
10 *consult with the Administrator for Federal Procurement*
11 *Policy.*

12 “(e) *EFFECTIVE DATE.—The Regulation and the Sup-*
13 *plement shall take effect on the date of publication in the*
14 *Federal Register, or January 1, 1999, whichever is earlier.*

15 “*PANAMA CANAL BOARD OF CONTRACT APPEALS*

16 “*SEC. 3102. (a) ESTABLISHMENT.—(1) The Secretary*
17 *of Defense, in consultation with the Commission, shall es-*
18 *tablish a board of contract appeals, to be known as the Pan-*
19 *ama Canal Board of Contract Appeals, in accordance with*
20 *section 8 of the Contract Disputes Act of 1978 (41 U.S.C.*
21 *607). Except as otherwise provided by this section, the Pan-*
22 *ama Canal Board of Contract Appeals (in this section re-*
23 *ferred to as the ‘Board’) shall be subject to the Contract*
24 *Disputes Act of 1978 (41 U.S.C. 601 et seq.) in the same*
25 *manner as any other agency board of contract appeals es-*
26 *tablished under that Act.*

1 “(2) *The Board shall consist of three members. At least*
2 *one member of the Board shall be licensed to practice law*
3 *in the Republic of Panama. Individuals appointed to the*
4 *Board shall take an oath of office, the form of which shall*
5 *be prescribed by the Secretary of Defense.*

6 “(b) *EXCLUSIVE JURISDICTION TO DECIDE AP-*
7 *PEALS.—Notwithstanding section 10(a)(1) of the Contract*
8 *Disputes Act of 1978 (41 U.S.C. 609(a)(1)) or any other*
9 *provision of law, the Board shall have exclusive jurisdiction*
10 *to decide an appeal from a decision of a contracting officer*
11 *under section 8(d) of such Act (41 U.S.C. 607(d)).*

12 “(c) *EXCLUSIVE JURISDICTION TO DECIDE PRO-*
13 *TESTS.—The Board shall decide protests submitted to it*
14 *under this subsection by interested parties in accordance*
15 *with subchapter V of title 31, United States Code. Notwith-*
16 *standing section 3556 of that title, section 1491(b) of title*
17 *28, United States Code, and any other provision of law,*
18 *the Board shall have exclusive jurisdiction to decide such*
19 *protests. For purposes of this subsection—*

20 “(1) *except as provided in paragraph (2), each*
21 *reference to the Comptroller General in sections 3551*
22 *through 3555 of title 31, United States Code, is*
23 *deemed to be a reference to the Board;*

24 “(2) *the reference to the Comptroller General in*
25 *section 3553(d)(3)(C)(ii) of such title is deemed to be*

1 *a reference to both the Board and the Comptroller*
2 *General;*

3 “(3) *the report required by paragraph (1) of sec-*
4 *tion 3554(e) of such title shall be submitted to the*
5 *Comptroller General as well as the committees listed*
6 *in such paragraph;*

7 “(4) *the report required by paragraph (2) of*
8 *such section shall be submitted to the Comptroller*
9 *General as well as Congress; and*

10 “(5) *section 3556 of such title shall not apply to*
11 *the Board, but nothing in this subsection shall affect*
12 *the right of an interested party to file a protest with*
13 *the appropriate contracting officer.*

14 “(d) *PROCEDURES.—The Board shall prescribe such*
15 *procedures as may be necessary for the expeditious decision*
16 *of appeals and protests under subsections (b) and (c).*

17 “(e) *COMMENCEMENT.—The Board shall begin to func-*
18 *tion as soon as it has been established and has prescribed*
19 *procedures under subsection (d), but not later than January*
20 *1, 1999.*

21 “(f) *TRANSITION.—The Board shall have jurisdiction*
22 *under subsection (b) and (c) over any appeals and protests*
23 *filed on or after the date on which the Board begins to func-*
24 *tion. Any appeals and protests filed before such date shall*
25 *remain before the forum in which they were filed.*

1 “(g) *OTHER FUNCTIONS.*—*The Board may perform*
2 *functions similar to those described in this section for such*
3 *other matters or activities of the Commission as the Com-*
4 *mission may determine and in accordance with regulations*
5 *prescribed by the Commission.*”.

6 **SEC. 3542. TRANSACTIONS WITH THE PANAMA CANAL AU-**
7 **THORITY.**

8 *Section 1342 (22 U.S.C. 3752) is amended—*

9 (1) *by designating the text of the section as sub-*
10 *section (a); and*

11 (2) *by adding at the end the following new sub-*
12 *sections:*

13 “(b) *The Commission may provide office space, equip-*
14 *ment, supplies, personnel, and other in-kind services to the*
15 *Panama Canal Authority on a nonreimbursable basis.*

16 “(c) *Any executive department or agency of the United*
17 *States may, on a reimbursable basis, provide to the Pan-*
18 *ama Canal Authority materials, supplies, equipment, work,*
19 *or services requested by the Panama Canal Authority, at*
20 *such rates as may be agreed upon by that department or*
21 *agency and the Panama Canal Authority.*”.

22 **SEC. 3543. TIME LIMITATIONS ON FILING OF CLAIMS FOR**
23 **DAMAGES.**

24 (a) *FILING OF ADMINISTRATIVE CLAIMS WITH COM-*
25 *MISSION.*—*Sections 1411(a) (22 U.S.C. 3771(a)) and 1412*

1 (22 U.S.C. 3772) are each amended in the last sentence by
2 striking out “within 2 years after” and all that follows
3 through “of 1985,” and inserting in lieu thereof “within
4 one year after the date of the injury or the date of the enact-
5 ment of the Panama Canal Transition Facilitation Act of
6 1997,”.

7 (b) *FILING OF JUDICIAL ACTIONS.*—The penultimate
8 sentence of section 1416 (22 U.S.C. 3776) is amended—

9 (1) by striking out “one year” the first place it
10 appears and inserting in lieu thereof “180 days”; and

11 (2) by striking out “claim, or” and all that fol-
12 lows through “of 1985,” and inserting in lieu thereof
13 “claim or the date of the enactment of the Panama
14 Canal Transition Facilitation Act of 1997,”.

15 **SEC. 3544. TOLLS FOR SMALL VESSELS.**

16 Section 1602(a) (22 U.S.C. 3792(a)) is amended—

17 (1) in the first sentence, by striking out “supply
18 ships, and yachts” and inserting in lieu thereof “and
19 supply ships”; and

20 (2) by adding at the end the following new sen-
21 tence: “Tolls for small vessels (including yachts), as
22 defined by the Commission, may be set at rates deter-
23 mined by the Commission without regard to the pre-
24 ceding provisions of this subsection.”.

1 **SEC. 3545. DATE OF ACTUARIAL EVALUATION OF FECA LI-**
2 **ABILITY.**

3 *Section 5(a) of the Panama Canal Commission Com-*
4 *ensation Fund Act of 1988 (22 U.S.C. 3715c(a)) is amend-*
5 *ed by striking out “Upon the termination of the Panama*
6 *Canal Commission” and inserting in lieu thereof “By*
7 *March 31, 1998”.*

8 **SEC. 3546. APPOINTMENT OF NOTARIES PUBLIC.**

9 *Section 1102a (22 U.S.C. 3612a) is amended—*

10 *(1) by redesignating subsection (g) as subsection*
11 *(h); and*

12 *(2) by inserting after subsection (f) the following*
13 *new subsection:*

14 *“(g)(1) The Commission may appoint any United*
15 *States citizen to have the general powers of a notary public*
16 *to perform, on behalf of Commission employees and their*
17 *dependents outside the United States, any notarial act that*
18 *a notary public is required or authorized to perform within*
19 *the United States. Unless an earlier expiration is provided*
20 *by the terms of the appointment, any such appointment*
21 *shall expire three months after the Canal Transfer Date.*

22 *“(2) Every notarial act performed by a person acting*
23 *as a notary under paragraph (1) shall be as valid, and*
24 *of like force and effect within the United States, as if exe-*
25 *cuted by or before a duly authorized and competent notary*
26 *public in the United States.*

1 “(3) *The signature of any person acting as a notary*
2 *under paragraph (1), when it appears with the title of that*
3 *person’s office, is prima facie evidence that the signature*
4 *is genuine, that the person holds the designated title, and*
5 *that the person is authorized to perform a notarial act.”.*

6 **SEC. 3547. COMMERCIAL SERVICES.**

7 *Section 1102b (22 U.S.C. 3612b) is amended by add-*
8 *ing at the end the following new subsection:*

9 “(e) *The Commission may conduct and promote com-*
10 *mercial activities related to the management, operation, or*
11 *maintenance of the Panama Canal. Any such commercial*
12 *activity shall be carried out consistent with the Panama*
13 *Canal Treaty of 1977 and related agreements.”.*

14 **SEC. 3548. TRANSFER FROM PRESIDENT TO COMMISSION**
15 **OF CERTAIN REGULATORY FUNCTIONS RE-**
16 **LATING TO EMPLOYMENT CLASSIFICATION**
17 **APPEALS.**

18 *Sections 1221(a) and 1222(a) (22 U.S.C. 3661(a),*
19 *3662(a)) are amended by striking out “President” and in-*
20 *serting in lieu thereof “Commission”.*

21 **SEC. 3549. ENHANCED PRINTING AUTHORITY.**

22 *Section 1306(a) (22 U.S.C. 3714b(a)) is amended by*
23 *striking out “Section 501” and inserting in lieu thereof*
24 *“Sections 501 through 517 and 1101 through 1123”.*

1 **SEC. 3550. TECHNICAL AND CONFORMING AMENDMENTS.**

2 (a) *CLERICAL AMENDMENTS.*—*The table of contents in*
 3 *section 1 is amended—*

4 (1) *by striking out the item relating to section*
 5 *1210 and inserting in lieu thereof the following:*

“*Sec. 1210. Air transportation.*”;

6 (2) *by striking out the items relating to sections*
 7 *1215, 1219, and 1225;*

8 (3) *by inserting after the item relating to section*
 9 *1232 the following new item:*

“*Sec. 1233. Transition separation incentive payments.*”;

10 *and*

11 (4) *by inserting after the item relating to the*
 12 *heading of title III the following:*

“*CHAPTER 1—PROCUREMENT*

“*Sec. 3101. Procurement system.*

“*Sec. 3102. Panama Canal Board of Contract Appeals.*”.

13 (b) *AMENDMENT TO REFLECT PRIOR CHANGE IN COM-*
 14 *PENSATION OF ADMINISTRATOR.*—*Section 5315 of title 5,*
 15 *United States Code, is amended by striking out the follow-*
 16 *ing:*

17 “*Administrator of the Panama Canal Commis-*
 18 *sion.*”.

19 (c) *AMENDMENTS TO REFLECT CHANGE IN TRAVEL*
 20 *AND TRANSPORTATION EXPENSES AUTHORITY.*—(1) *Sec-*
 21 *tion 5724(a)(3) of title 5, United States Code, is amended*
 22 *by striking out “, the Commonwealth of Puerto Rico,” and*

1 *all that follows through “Panama Canal Act of 1979” and*
2 *inserting in lieu thereof “or the Commonwealth of Puerto*
3 *Rico”.*

4 *(2) Section 5724a(j) of such title is amended—*

5 *(A) by inserting “and” after “Northern Mariana*
6 *Islands,”; and*

7 *(B) by striking out “United States, and” and all*
8 *that follows through the period at the end and insert-*
9 *ing in lieu thereof “United States.”.*

10 *(3) The amendments made by this subsection shall take*
11 *effect on January 1, 1999.*

12 *(d) MISCELLANEOUS TECHNICAL AMENDMENTS.—*

13 *(1) Section 3(b) (22 U.S.C. 3602(b)) is amended*
14 *by striking out “the Canal Zone Code” and all that*
15 *follows through “other laws” the second place it ap-*
16 *pears and inserting in lieu thereof “laws of the Unit-*
17 *ed States and regulations issued pursuant to such*
18 *laws”.*

19 *(2)(A) The following provisions are each amend-*
20 *ed by striking out “the effective date of this Act” and*
21 *inserting in lieu thereof “October 1, 1979”: sections*
22 *3(b), 3(c), 1112(b), and 1321(c)(1).*

23 *(B) Section 1321(c)(2) is amended by striking*
24 *out “such effective date” and inserting in lieu thereof*
25 *“October 1, 1979”.*

1 (C) Section 1231(c)(3)(A) (22 U.S.C.
2 3671(c)(3)(A)) is amended by striking out “the day
3 before the effective date of this Act” and inserting in
4 lieu thereof “September 30, 1979”.

5 (3) Section 1102a(h), as redesignated by section
6 3546(1), is amended by striking out “section 1102B”
7 and inserting in lieu thereof “section 1102b”.

8 (4) Section 1110(b)(2) (22 U.S.C. 3620(b)(2)) is
9 amended by striking out “section 16 of the Act of Au-
10 gust 1, 1956 (22 U.S.C. 2680a),” and inserting in
11 lieu thereof “section 207 of the Foreign Service Act of
12 1980 (22 U.S.C. 3927)”.

13 (5) Section 1212(b)(3) (22 U.S.C. 3652(b)(3)) is
14 amended by striking out “as last in effect before the
15 effective date of section 3530 of the Panama Canal
16 Act Amendments of 1996” and inserting in lieu there-
17 of “as in effect on September 22, 1996”.

18 (6) Section 1243(c)(2) (22 U.S.C. 3681(c)(2)) is
19 amended by striking out “retroactivity” and inserting
20 in lieu thereof “retroactively”.

21 (7) Section 1341(f) (22 U.S.C. 3751(f)) is
22 amended by striking out “sections 1302(c)” and in-
23 serting in lieu thereof “sections 1302(b)”.

1 **TITLE XXXVI—MARITIME**
2 **ADMINISTRATION**

3 **SEC. 3601. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
4 **CAL YEAR 1998.**

5 *Funds are hereby authorized to be appropriated for fis-*
6 *cal year 1998, to be available without fiscal year limitation*
7 *if so provided in appropriations Act, for the use of the De-*
8 *partment of Transportation for the Maritime Administra-*
9 *tion as follows:*

10 (1) *For expenses necessary for operations and*
11 *training activities, \$70,000,000.*

12 (2) *For expenses under the loan guarantee pro-*
13 *gram authorized by title XI of the Merchant Marine*
14 *Act, 1936 (46 App. U.S.C. 1271 et seq.), \$39,000,000*
15 *of which—*

16 (A) *\$35,000,000 is for the cost (as defined*
17 *in section 502(5) of the Federal Credit Reform*
18 *Act of 1990 (2 U.S.C. 661a(5))) of loan guaran-*
19 *tees under the program; and*

20 (B) *\$4,000,000 is for administrative ex-*
21 *penses related to loan guarantee commitments*
22 *under the program.*

1 **SEC. 3602. REPEAL OF OBSOLETE ANNUAL REPORT RE-**
2 **QUIREMENT CONCERNING RELATIVE COST**
3 **OF SHIPBUILDING IN THE VARIOUS COASTAL**
4 **DISTRICTS OF THE UNITED STATES.**

5 (a) *REPEAL.*—Section 213 of the Merchant Marine
6 Act, 1936 (46 App. U.S.C. 1123), is amended by striking
7 out paragraph (c).

8 (b) *CONFORMING AMENDMENTS.*—Such section is fur-
9 ther amended—

10 (1) by striking out “on—” in the matter preced-
11 ing paragraph (a) and inserting in lieu thereof “on
12 the following:”;

13 (2) by redesignating paragraphs (a) and (b) as
14 paragraphs (1) and (2), respectively;

15 (3) by striking out the semicolon at the end of
16 each of those paragraphs and inserting in lieu thereof
17 a period; and

18 (4) by realigning those paragraphs so as to be
19 indented 2 ems from the left margin.

20 **SEC. 3603. PROVISIONS RELATING TO MARITIME SECURITY**
21 **FLEET PROGRAM.**

22 (a) *AUTHORITY OF CONTRACTORS TO OPERATE SELF-*
23 *PROPELLED TANK VESSELS IN NONCONTIGUOUS DOMESTIC*
24 *TRADES.*—Section 656(b) of the Merchant Marine Act, 1936
25 (46 App. U.S.C. 1187e(b)) is amended by inserting “(1)”

1 after “(b)”, and by adding at the end the following new
2 paragraph:

3 “(2) Subsection (a) shall not apply to operation by
4 a contractor of a self-propelled tank vessel in a noncontig-
5 uous domestic trade, or to ownership by a contractor of an
6 interest in a self-propelled tank vessel that operates in a
7 noncontiguous domestic trade.”.

8 (b) *RELIEF FROM DELAY IN CERTAIN OPERATIONS*
9 *FOLLOWING DOCUMENTATION.*—Section 652(c) of the Mer-
10 chant Marine Act, 1936 (46 U.S.C. 1187a(c)) is amended
11 by adding at the end the following: “The third sentence of
12 section 901(b)(1) shall not apply to a vessel included in
13 an operating agreement under this subtitle.”.

14 **SEC. 3604. AUTHORITY TO UTILIZE REPLACEMENT VESSELS**
15 **AND CAPACITY.**

16 Section 653(d)(1) of the Merchant Marine Act, 1936
17 (46 App. U.S.C. 1187c(d)(1)) is amended to read as follows:

18 “(1) a contractor or other person that commits
19 to make available a vessel or vessel capacity under the
20 Emergency Preparedness Program or another pri-
21 mary sealift readiness program approved by the Sec-
22 retary of Defense may, during the activation of that
23 vessel or capacity under that program, operate or em-
24 ploy in foreign commerce a foreign-flag vessel or for-

1 *this section any unneeded equipment from other vessels in*
2 *the National Defense Reserve Fleet, for use to restore the*
3 *vessel conveyed under this section to museum quality.*

Amend the title so as to read: “A bill to authorize appropriations for fiscal year 1998 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 year for the Armed Forces, and for other purposes.”.