

In the Senate of the United States,

July 11, 1997.

Resolved, That the bill from the House of Representatives (H.R. 1119) entitled “An Act 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.”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

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.*

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

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

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

Sec. 1. Short title.

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

Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

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.

Sec. 110. Reduction in authorizations of appropriations.

Subtitle B—Army Programs

Sec. 111. Army helicopter modernization plan.

*Sec. 112. Multiyear procurement authority for AH-64D Longbow Apache fire
control radar.*

Sec. 113. Multiyear procurement authority for family of medium tactical vehicles.

Subtitle C—Navy Programs

Sec. 121. New Attack Submarine program.

Sec. 122. Nuclear aircraft carrier program.

Sec. 123. Exception to cost limitation for Seawolf submarine program.

Sec. 124. Airborne self-protection jammer program.

Subtitle D—Air Force Programs

Sec. 131. B-2 bomber aircraft program.

Sec. 132. ALR radar warning receivers.

Subtitle E—Other Matters

*Sec. 141. Prohibition on use of funds for acquisition or alteration of private dry-
docks.*

- Sec. 142. Replacement of engines on aircraft derived from Boeing 707 aircraft.*
Sec. 143. Exception to requirement for a particular determination for sales of manufactured articles or services of Army industrial facilities outside the United States.
Sec. 144. NATO Joint Surveillance/Target Attack Radar System.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

- Sec. 201. Authorization of appropriations.*

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Joint Strike Fighter program.*
Sec. 212. F-22 aircraft program.
Sec. 213. High Altitude Endurance Unmanned Vehicle Program.
Sec. 214. Advanced Anti-Radiation Guided Missile Program.
Sec. 215. Federally funded research and development centers.
Sec. 216. Goal for dual-use science and technology projects.
Sec. 217. Transfers of authorizations for counterproliferation support program.
Sec. 218. Kinetic energy tactical anti-satellite technology program.
Sec. 219. Clementine 2 micro-satellite development program.
Sec. 220. Bioassay testing of veterans exposed to ionizing radiation during military service.
Sec. 221. DOD/VA Cooperative Research Program.
Sec. 222. Multitechnology integration in mixed-mode electronics.
Sec. 223. Facial recognition technology program.

Subtitle C—Ballistic Missile Defense Programs

- Sec. 225. National Missile Defense Program.*
Sec. 226. Reversal of decision to transfer procurement funds from the Ballistic Missile Defense Organization.

Subtitle D—Other Matters

- Sec. 231. Manufacturing technology program.*
Sec. 232. Use of major range and test facility installations by commercial entities.
Sec. 233. Eligibility for the Defense experimental program to stimulate competitive research.
Sec. 234. Restructuring of National Oceanographic Partnership Program organizations.
Sec. 235. Demonstration program on explosives demilitarization technology.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.*
Sec. 302. Working-capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
Sec. 305. Fisher House Trust Funds.
Sec. 306. Funds for operation of Fort Chaffee, Arkansas.

Subtitle B—Depot-Level Activities

- Sec. 311. Percentage limitation on performance of depot-level maintenance of materiel.*
- Sec. 312. Centers of Industrial and Technical Excellence.*
- Sec. 313. Clarification of prohibition on management of depot employees by constraints on personnel levels.*
- Sec. 314. Annual report on depot-level maintenance and repair.*
- Sec. 315. Report on allocation of core logistics activities among Department of Defense facilities and private sector facilities.*
- Sec. 316. Review of use of temporary duty assignments for ship repair and maintenance.*
- Sec. 317. Repeal of a conditional repeal of certain depot-level maintenance and repair laws and a related reporting requirement.*
- Sec. 318. Extension of authority for naval shipyards and aviation depots to engage in defense-related production and services.*
- Sec. 319. Realignment of performance of ground communication-electronic workload.*

Subtitle C—Environmental Provisions

- Sec. 331. Clarification of authority relating to storage and disposal of nondefense toxic and hazardous materials on Department of Defense property.*
- Sec. 332. Annual report on payments and activities in response to fines and penalties assessed under environmental laws.*
- Sec. 333. Annual report on environmental activities of the Department of Defense overseas.*
- Sec. 334. Membership terms for Strategic Environmental Research and Development Program Scientific Advisory Board.*
- Sec. 335. Additional information on agreements for agency services in support of environmental technology certification.*
- Sec. 336. Risk assessments under the Defense Environmental Restoration Program.*
- Sec. 337. Recovery and sharing of costs of environmental restoration at Department of Defense sites.*
- Sec. 338. Pilot program for the sale of air pollution emission reduction incentives.*
- Sec. 339. Tagging system for identification of hydrocarbon fuels used by the Department of Defense.*
- Sec. 340. Procurement of recycled copier paper.*
- Sec. 341. Report on options for the disposal of chemical weapons and agents.*

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- Sec. 351. Funding sources for construction and improvement of commissary store facilities.*
- Sec. 352. Integration of military exchange services.*

Subtitle E—Other Matters

- Sec. 361. Advance billings for working-capital funds.*
- Sec. 362. Center for Excellence in Disaster Management and Humanitarian Assistance.*
- Sec. 363. Administrative actions adversely affecting military training or other readiness activities.*

- Sec. 364. Financial assistance to support additional duties assigned to Army National Guard.*
- Sec. 365. Sale of excess, obsolete, or unserviceable ammunition and ammunition components.*
- Sec. 366. Inventory management.*
- Sec. 367. Warranty claims recovery pilot program.*
- Sec. 368. Adjustment and diversification assistance to enhance increased performance of military family support services by private sector sources.*
- Sec. 369. Multitechnology automated reader card demonstration program.*
- Sec. 370. Contracting for procurement of capital assets in advance of availability of funds in the working-capital fund financing the procurement.*
- Sec. 371. Contracted training flight services.*

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- Sec. 382. Preparation of integrated natural resources management plans.*
- Sec. 383. Review for preparation of integrated natural resources management plans.*
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- Sec. 385. Annual reviews and reports.*
- Sec. 386. Cooperative agreements.*
- Sec. 387. Federal enforcement.*
- Sec. 388. Natural resource management services.*
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- Sec. 392. Authorizations of appropriations.*

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- Sec. 402. Permanent end strength levels to support two major regional contingencies.*

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- Sec. 411. End strengths for Selected Reserve.*
- Sec. 412. End strengths for Reserves on active duty in support of the Reserves.*
- Sec. 413. Addition to end strengths for military technicians.*

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- Sec. 421. Authorization of appropriations for military personnel.*

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- Sec. 502. Increase in the maximum number of officers allowed to be frocked to the grade of O-6.*
- Sec. 503. Availability of Navy chaplains on retired list or of retirement age to serve as Chief or Deputy Chief of Chaplains of the Navy.*
- Sec. 504. Period of recall service of certain retirees.*

Sec. 505. Increased years of commissioned service for mandatory retirement of regular generals and admirals above major general and rear admiral.

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Sec. 511. Termination of Ready Reserve Mobilization Income Insurance Program.
Sec. 512. Discharge or retirement of Reserve officers in an inactive status.
Sec. 513. Retention of military technicians in grade of brigadier general after mandatory separation date.
Sec. 514. Federal status of service by National Guard members as honor guards at funerals of veterans.

Subtitle C—Education and Training Programs

Sec. 521. Service academies foreign exchange study program.
Sec. 522. Programs of higher education of the Community College of the Air Force.
Sec. 523. Preservation of entitlement to educational assistance of members of the Selected Reserve serving on active duty in support of a contingency operation.
Sec. 524. Repeal of certain staffing and safety requirements for the Army Ranger Training Brigade.
Sec. 525. Flexibility in management of Junior Reserve Officers' Training Corps.

Subtitle D—Decorations and Awards

Sec. 531. Clarification of eligibility of members of Ready Reserve for award of service medal for heroism.
Sec. 532. Waiver of time limitations for award of certain decorations to specified persons.
Sec. 533. One-year extension of period for receipt of recommendations for decorations and awards for certain military intelligence personnel.
Sec. 534. Eligibility of certain World War II military organizations for award of unit decorations.
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Sec. 552. Commission on Gender Integration in the Military.
Sec. 553. Sexual harassment investigations and reports.
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Sec. 555. Participation of Department of Defense personnel in management of non-Federal entities.
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Sec. 611. Revised entitlement and rates.

Sec. 612. Transitional basic allowance for subsistence.

Sec. 613. Effective date and termination of transitional authority.

PART II—REFORM OF HOUSING AND RELATED ALLOWANCES

Sec. 616. Entitlement to basic allowance for housing.

Sec. 617. Rates of basic allowance for housing.

Sec. 618. Dislocation allowance.

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Sec. 702. Payment for emergency health care overseas for military and civilian personnel of the On-Site Inspection Agency.

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Sec. 754. Report on plans to track location of members in a theater of operations.

Sec. 755. Report on plans to improve detection and monitoring of chemical, biological, and environmental hazards in a theater of operations.

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- Sec. 802. Restriction on undefinitized contract actions.*
- Sec. 803. Expansion of authority to cross fiscal years to all severable service contracts not exceeding a year.*
- Sec. 804. Limitation on allowability of compensation for certain contractor personnel.*
- Sec. 805. Increased price limitation on purchases of right-hand drive vehicles.*
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- Sec. 807. Elimination of certification requirement for grants.*
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- Sec. 822. One-year extension of Pilot Mentor-Protege Program.*
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- Sec. 832. Protection of certain information from disclosure.*
- Sec. 833. Content of limited selected acquisition reports.*
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- Sec. 835. Central Department of Defense point of contact for contracting information.*

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- Sec. 841. Defense business combinations.*
- Sec. 842. Lease of nonexcess property of Defense Agencies.*
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- Sec. 1040. Additional matters for annual report on activities of the General Accounting Office.*
- Sec. 1041. Eye safety at small arms firing ranges.*
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- Sec. 1057. Arms control implementation and assistance for facilities subject to inspection under the Chemical Weapons Convention.*
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- Sec. 1090. Restrictions on quantities of alcoholic beverages available for personnel overseas through Department of Defense sources.*

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- Sec. 1101. Use of prohibited constraints to manage Department of Defense personnel.*
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- Sec. 2814. Long-term lease of property, Naples, Italy.*
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- Sec. 2820. Land conveyance, Army Reserve Center, Greensboro, Alabama.*
- Sec. 2821. Land conveyance, Hancock Field, Syracuse, New York.*
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- Sec. 2823. Land conveyance, Fort Bragg, North Carolina.*

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- Sec. 2831. Disposition of proceeds of sale of Air Force Plant No. 78, Brigham City, Utah.*
- Sec. 2832. Report on closure and realignment of military bases.*
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DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

- Sec. 3101. Weapons activities.*
- Sec. 3102. Environmental restoration and waste management.*
- Sec. 3103. Other defense activities.*
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- Sec. 3121. Reprogramming.*
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- Sec. 3125. Authority for conceptual and construction design.*
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- Sec. 3127. Funds available for all national security programs of the Department of Energy.*
- Sec. 3128. Availability of funds.*

Subtitle C—Program Authorizations, Restrictions, and Limitations

- Sec. 3131. Defense environmental management privatization projects.*
- Sec. 3132. International cooperative stockpile stewardship programs.*
- Sec. 3133. Modernization of enduring nuclear weapons complex.*
- Sec. 3134. Tritium production.*
- Sec. 3135. Processing, treatment, and disposition of spent nuclear fuel rods and other legacy nuclear materials at the Savannah River Site.*

- Sec. 3136. Limitations on use of funds for laboratory directed research and development purposes.*
- Sec. 3137. Permanent authority for transfers of defense environmental management funds.*
- Sec. 3138. Report on remediation under the Formerly Utilized Sites Remedial Action Program.*
- Sec. 3139. Tritium production in commercial facilities.*
- Sec. 3140. Pilot program relating to use of proceeds of disposal or utilization of certain Department of Energy assets.*

Subtitle D—Other Matters

- Sec. 3151. Administration of certain Department of Energy activities.*
- Sec. 3152. Modification and extension of authority relating to appointment of certain scientific, engineering, and technical personnel.*
- Sec. 3153. Annual report on plan and program for stewardship, management, and certification of warheads in the nuclear weapons stockpile.*
- Sec. 3154. Submittal of biennial waste management reports.*
- Sec. 3155. Repeal of obsolete reporting requirements.*
- Sec. 3156. Commission on safeguarding and security of nuclear weapons and materials at Department of Energy facilities.*
- Sec. 3157. Modification of authority on commission on maintaining United States nuclear weapons expertise.*
- Sec. 3158. Land transfer, Bandelier National Monument.*
- Sec. 3159. Participation of national security activities in Hispanic outreach initiative of the Department of Energy.*
- Sec. 3160. Final settlement of Department of Energy community assistance payments to Los Alamos County under auspices of Atomic Energy Community Act of 1955.*
- Sec. 3161. Designating the Y-12 plant in Oak Ridge, Tennessee as the National Prototype Center.*
- Sec. 3162. Northern New Mexico educational foundation.*
- Sec. 3163. To authorize appropriations for the Greenville Road Improvement Project, Livermore, California.*

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.*

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

- Sec. 3301. Definitions.*
- Sec. 3302. Authorized uses of stockpile funds.*
- Sec. 3303. Authority to dispose of certain materials in National Defense Stockpile.*
- Sec. 3304. Return of surplus platinum from the Department of the Treasury.*

TITLE XXXIV—NAVAL PETROLEUM RESERVES

- Sec. 3401. Authorization of appropriations.*
- Sec. 3402. Leasing of certain oil shale reserves.*
- Sec. 3403. Repeal of requirement to assign 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. Appointment of 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—MISCELLANEOUS PROVISIONS

- Sec. 3601. Commending Mexico on free and fair elections.*
Sec. 3602. Sense of Congress regarding Cambodia.
Sec. 3603. Congratulating Governor Christopher Patten of Hong Kong.

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*

6 *(2) the Committee on National Security and the*
 7 *Committee on Appropriations of the House of Rep-*
 8 *resentatives.*

9 ***DIVISION A—DEPARTMENT OF***
 10 ***DEFENSE AUTHORIZATIONS***
 11 ***TITLE I—PROCUREMENT***
 12 ***Subtitle A—Authorization of***
 13 ***Appropriations***

14 **SEC. 101. ARMY.**

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

17 *(1) For aircraft, \$1,394,459,000.*

18 *(2) For missiles, \$1,223,851,000.*

19 *(3) For weapons and tracked combat vehicles,*
 20 *\$1,179,107,000.*

21 *(4) For ammunition, \$1,043,202,000.*

22 *(5) For other procurement, \$2,903,730,000.*

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

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

1 (1) *For aircraft, \$6,482,265,000.*

2 (2) *For weapons, including missiles and tor-*
3 *pedoes, \$1,200,393,000.*

4 (3) *For shipbuilding and conversion,*
5 *\$8,593,358,000.*

6 (4) *For ammunition for the Navy and Marine*
7 *Corps, \$369,797,000.*

8 (5) *For other procurement, \$3,177,700,000.*

9 (b) *MARINE CORPS.—Funds are hereby authorized to*
10 *be appropriated for fiscal year 1998 for procurement for*
11 *the Marine Corps in the amount of \$554,806,000.*

12 **SEC. 103. AIR FORCE.**

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

15 (1) *For aircraft, \$6,048,915,000.*

16 (2) *For missiles, \$2,411,241,000.*

17 (3) *For ammunition, \$420,784,000.*

18 (4) *For other procurement, \$6,798,453,000.*

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

20 *Funds are hereby authorized to be appropriated for fis-*
21 *cal year 1998 for Defense-wide procurement in the amount*
22 *of \$1,749,285,000.*

23 **SEC. 105. RESERVE COMPONENTS.**

24 *Funds are hereby authorized to be appropriated for fis-*
25 *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, \$100,000,000.*

4 *(2) For the Air National Guard, \$186,300,000.*

5 *(3) For the Army Reserve, \$40,000,000.*

6 *(4) For the Naval Reserve, \$40,000,000.*

7 *(5) For the Air Force Reserve, \$246,700,000.*

8 *(6) For the Marine Corps Reserve, \$40,000,000.*

9 **SEC. 106. DEFENSE INSPECTOR GENERAL.**

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

13 **SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.**

14 *There is are hereby authorized to be appropriated for*
 15 *fiscal year 1998 the amount of \$614,700,000 for—*

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

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

23 **SEC. 108. DEFENSE HEALTH PROGRAMS.**

24 *Funds are hereby authorized to be appropriated for fis-*
 25 *cal year 1998 for the Department of Defense for procure-*

1 *ment for carrying out health care programs, projects, and*
 2 *activities of the Department of Defense in the total amount*
 3 *of \$274,068,000.*

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

5 *Funds are hereby authorized to be appropriated for fis-*
 6 *cal year 1998 for the Department of Defense for carrying*
 7 *out the Defense Export Loan Guarantee Program estab-*
 8 *lished under section 2540 of title 10, United States Code,*
 9 *in the total amount of \$1,231,000.*

10 **SEC. 110. REDUCTION IN AUTHORIZATION OF APPROPRIA-**
 11 **TIONS.**

12 *Notwithstanding any other provision of this Act, the*
 13 *aggregate amount of funds available for Department of De-*
 14 *fense, Army Procurement Advisory and Assistance Services*
 15 *shall be reduced by \$30,000,000.*

16 ***Subtitle B—Army Programs***

17 **SEC. 111. ARMY HELICOPTER MODERNIZATION PLAN.**

18 *(a) LIMITATION.—Not more than 25 percent of the*
 19 *amounts authorized to be appropriated pursuant to section*
 20 *101(1), 105(1), or 105(3) for modifications or upgrades of*
 21 *helicopters may be obligated before the date that is 30 days*
 22 *after the Secretary of the Army submits to the congressional*
 23 *defense committees a comprehensive plan for the moderniza-*
 24 *tion of the Army's helicopter fleet.*

1 (b) *CONTENT OF PLAN.*—*The plan required by sub-*
2 *section (a) shall, at a minimum, contain the following:*

3 (1) *A detailed assessment of the Army's present*
4 *and future helicopter requirements and present and*
5 *future helicopter inventory, including number of air-*
6 *craft, age of aircraft, availability of spare parts,*
7 *flight hour costs, roles and functions assigned to the*
8 *fleet as a whole and to its individual types of air-*
9 *craft, and the mix of active component aircraft and*
10 *reserve component aircraft in the fleet.*

11 (2) *Estimates and analysis of requirements and*
12 *funding proposed for procurement of new aircraft.*

13 (3) *An analysis of the requirements for and*
14 *funding proposed for extended service plans or service*
15 *life extension plans for fleet aircraft.*

16 (4) *A plan for retiring aircraft no longer re-*
17 *quired or capable of performing assigned functions,*
18 *including a discussion of opportunities to eliminate*
19 *older aircraft models and to focus future funding on*
20 *current or future generation aircraft.*

21 (5) *The implications of the plan for the defense*
22 *industrial base.*

23 (c) *FUNDING IN FUTURE-YEARS DEFENSE PRO-*
24 *GRAM.*—*The Secretary of the Army shall include in the plan*
25 *required by subsection (a) a certification that the plan is*

1 *to be funded in the future-years defense program submitted*
 2 *to Congress in 1998 pursuant to section 221(a) of title 10,*
 3 *United States Code.*

4 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR AH-**
 5 **64D LONGBOW APACHE FIRE CONTROL**
 6 **RADAR.**

7 *Beginning with the fiscal year 1998 program year, the*
 8 *Secretary of the Army may, in accordance with section*
 9 *2306b of title 10, United States Code, enter into a*
 10 *multiyear procurement contract for the procurement of the*
 11 *AH-64D Longbow Apache fire control radar.*

12 **SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR FAM-**
 13 **ILY OF MEDIUM TACTICAL VEHICLES.**

14 *Beginning with the fiscal year 1998 program year, the*
 15 *Secretary of the Army may, in accordance with section*
 16 *2306b of title 10, United States Code, enter into a*
 17 *multiyear procurement contract for the procurement of ve-*
 18 *hicles of the Family of Medium Tactical Vehicles. The con-*
 19 *tract may be for a term of four years and include an option*
 20 *to extend the contract for one additional year.*

21 ***Subtitle C—Navy Programs***

22 **SEC. 121. NEW ATTACK SUBMARINE PROGRAM.**

23 *(a) AMOUNTS AUTHORIZED FROM SCN ACCOUNT.—*
 24 *Of the amounts authorized to be appropriated by section*

1 102(a)(3) for fiscal year 1998, \$2,599,800,000 is available
2 for the New Attack Submarine Program.

3 (b) CONTRACT AUTHORITY.—(1) The Secretary of the
4 Navy may enter into a contract for the procurement of four
5 submarines under the New Attack Submarine program.

6 (2) Any contract entered into under paragraph (1)—

7 (A) shall, notwithstanding section 2304(k) of
8 title 10, United States Code, be awarded to one of the
9 two eligible shipbuilders as the prime contractor on
10 the condition that the prime contractor enter into one
11 or more subcontracts (under such prime contract)
12 with the other of the two eligible shipbuilders as con-
13 templated in the New Attack Submarine Team Agree-
14 ment; and

15 (B) shall provide for—

16 (i) construction of the first submarine in
17 fiscal year 1998; and

18 (ii) advance construction and advance pro-
19 curement of materiel for the second, third, and
20 fourth submarines in fiscal year 1998.

21 (3) The following shipbuilders are eligible for a con-
22 tract under this subsection:

23 (A) The Electric Boat Corporation.

24 (B) The Newport News Shipbuilding and Dry-
25 dock Company.

1 (4) *In paragraph (2)(A), the term “New Attack Sub-*
 2 *marine Team Agreement” means the agreement known as*
 3 *the Team Agreement between Electric Boat Corporation*
 4 *and Newport News Shipbuilding and Drydock Company,*
 5 *dated February 25, 1997, that was submitted to Congress*
 6 *by the Secretary of the Navy on March 31, 1997.*

7 (c) *LIMITATION OF LIABILITY.—If a contract entered*
 8 *into under this section is terminated, the United States*
 9 *shall not be liable for termination costs in excess of the total*
 10 *amount appropriated for the New Attack Submarine pro-*
 11 *gram.*

12 (d) *REPEALS OF SUPERSEDED PROVISIONS OF PRE-*
 13 *VIOUS DEFENSE AUTHORIZATION LAWS.—(1) Section 131*
 14 *of the National Defense Authorization Act for Fiscal Year*
 15 *1996 (Public Law 104–106; 110 Stat. 206) is amended—*

16 (A) *in subsection (a)(1)(B)—*

17 (i) *in clause (i), by striking out “, which*
 18 *shall be built by Electric Boat Division”; and*

19 (ii) *in clause (ii), by striking out “, which*
 20 *shall be built by Newport News Shipbuilding”;*
 21 *and*

22 (B) *in subsection (b), by striking out paragraph*
 23 *(1).*

1 (2) *Section 121 of the National Defense Authorization*
 2 *Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat.*
 3 *2441) is amended—*

4 (A) *in subsection (a)—*

5 (i) *in paragraph (1)(B), by striking out “to*
 6 *be built by Electric Boat Division”; and*

7 (ii) *in paragraph (1)(C), by striking out*
 8 *“to be built by Newport News Shipbuilding”;*

9 (B) *in subsection (d), by striking out paragraph*
 10 *(2);*

11 (C) *in subsection (e), by striking out paragraph*
 12 *(1); and*

13 (D) *in subsection (g), by striking out “the com-*
 14 *mittees specified in subsection (e)(1)” in paragraphs*
 15 *(3) and(4) and inserting in lieu thereof “the Commit-*
 16 *tee on Armed Services of the Senate and the Commit-*
 17 *tee on National Security of the House of Representa-*
 18 *tives”.*

19 (e) *INAPPLICABILITY OF SUPERSEDED ASPECTS OF*
 20 *ATTACK SUBMARINE DEVELOPMENT PLAN.—The Secretary*
 21 *of Defense and the Secretary of the Navy are not required*
 22 *to carry out the portions of the program plan submitted*
 23 *under subsection (c) of section 131 of the National Defense*
 24 *Authorization Act for Fiscal Year 1996 that are included*

1 *in the plan pursuant to subparagraphs (A), (B), and (E)*
2 *of paragraph (2) of such subsection.*

3 **SEC. 122. NUCLEAR AIRCRAFT CARRIER PROGRAM.**

4 *(a) AMOUNTS AUTHORIZED FROM SCN ACCOUNT.—*
5 *Of the amounts authorized to be appropriated by section*
6 *102(a)(3) for fiscal year 1998, \$345,000,000 is available for*
7 *the procurement and construction of nuclear and non-nu-*
8 *clear components for the CVN-77 nuclear aircraft carrier*
9 *program. The Secretary of the Navy is authorized to enter*
10 *into a contract or contracts with the shipbuilder for the pro-*
11 *curement and construction of such components.*

12 *(b) AMOUNTS AUTHORIZED FROM RDT&E AC-*
13 *COUNT.—Of the amounts authorized to be appropriated by*
14 *section 201(2) for fiscal year 1998, \$35,000,000 is available*
15 *for research, development, test, and evaluation of tech-*
16 *nologies that have potential for use in the CVN-77 nuclear*
17 *aircraft carrier program.*

18 *(c) LIMITATION OF COSTS.—(1) The Secretary of the*
19 *Navy shall structure the procurement of CVN-77 nuclear*
20 *aircraft carrier and manage the program so that the CVN-*
21 *77 may be acquired for an amount not to exceed*
22 *\$4,600,000,000.*

23 *(2) The Secretary of the Navy may adjust the amount*
24 *set forth in paragraph (1) for the program by the following*
25 *amounts:*

1 (A) *The amounts of outfitting costs and post-de-*
2 *livery costs incurred for the program.*

3 (B) *The amounts of increases or decreases in*
4 *costs attributable to economic inflation after Septem-*
5 *ber 30, 1997.*

6 (C) *The amounts of increases or decreases in*
7 *costs attributable to compliance with changes in Fed-*
8 *eral, State, or local laws enacted after September 30,*
9 *1997.*

10 (D) *The amounts of increases or decreases in*
11 *costs of the program that are attributable to new tech-*
12 *nology built into the CVN-77 aircraft carrier, as*
13 *compared to the technology built into the baseline de-*
14 *sign of the CVN-76 aircraft carrier.*

15 (E) *The amounts of increases or decreases in*
16 *costs resulting from changes the Secretary proposes in*
17 *the funding plan of the Smart Buy proposal on which*
18 *the projected savings are based.*

19 (3) *The Secretary of the Navy shall submit to the con-*
20 *gressional defense committees annually, at the same time*
21 *as the submission of the budget under section 1105(a) of*
22 *title 31, United States Code, any changes in the amount*
23 *set forth in paragraph (1) that he has determined to be asso-*
24 *ciated with costs referred to in paragraph (2).*

1 **SEC. 123. EXCEPTION TO COST LIMITATION FOR SEAWOLF**
 2 **SUBMARINE PROGRAM.**

3 *In the application of the limitation in section 133(a)*
 4 *of the National Defense Authorization Act for Fiscal Year*
 5 *1996 (Public Law 104–106; 110 Stat. 211), there shall not*
 6 *be taken into account \$745,700,000 of the amounts that*
 7 *were appropriated for procurement of Seawolf class sub-*
 8 *marines before the date of the enactment of this Act (that*
 9 *amount having been appropriated for fiscal years 1990,*
 10 *1991, and 1992 for the procurement of SSN–23, SSN–24,*
 11 *and SSN–25 Seawolf class submarines, which have been*
 12 *canceled).*

13 **SEC. 124. AIRBORNE SELF-PROTECTION JAMMER PROGRAM.**

14 *(a) LIMITATION ON RESUMPTION OF SERIAL PRODUC-*
 15 *TION.—Serial production of the airborne self-protection*
 16 *jammer may not be resumed until the Director of Oper-*
 17 *ational Test and Evaluation of the Department of Defense*
 18 *has certified in writing to Congress that—*

19 *(1) the capabilities of the airborne self-protection*
 20 *jammer exceed the capabilities of the integrated defen-*
 21 *sive electronics countermeasure system that is under*
 22 *development for use in F/A–18E/F aircraft;*

23 *(2) the units of the airborne self-protection*
 24 *jammer to be produced are to be used in F/A–18E/*
 25 *F aircraft; and*

1 (3) *the deficiencies in the airborne self-protection*
 2 *jammer noted by the Director before the date of the*
 3 *enactment of this Act have been eliminated.*

4 (b) *LIMITATION ON OBLIGATION OF FUNDS.—No funds*
 5 *authorized to be appropriated by this or any other Act may*
 6 *be obligated for serial production of the airborne self-protec-*
 7 *tion jammer until the Secretary of Defense has certified in*
 8 *writing to Congress that funding is programmed for serial*
 9 *production of the airborne self-protection jammer in the fu-*
 10 *ture-years defense program.*

11 ***Subtitle D—Air Force Programs***

12 ***SEC. 131. B-2 BOMBER AIRCRAFT PROGRAM.***

13 (a) *PROHIBITION.—None of the funds authorized to be*
 14 *appropriated in this or any other Act may be used—*

15 (1) *to procure any additional B-2 bomber air-*
 16 *craft; or*

17 (2) *to maintain any part of the bomber indus-*
 18 *trial base solely for the purpose of preserving the op-*
 19 *tion to procure additional B-2 bomber aircraft in the*
 20 *future.*

21 (b) *EXCEPTIONS.—The prohibition in subsection (a)*
 22 *does not apply to—*

23 (1) *any B-2 bomber aircraft that is covered by*
 24 *a contract for the production of that aircraft as of the*
 25 *date of the enactment of this Act; or*

1 (2) *any part of the bomber industrial base that*
 2 *is necessary for producing all B-2 bomber aircraft re-*
 3 *ferred to in paragraph (1), but only for so long as is*
 4 *necessary to complete the production of such aircraft.*

5 **SEC. 132. ALR RADAR WARNING RECEIVERS.**

6 (a) *COST AND OPERATION EFFECTIVENESS ANALY-*
 7 *SIS.—The Secretary of the Air Force shall conduct a cost*
 8 *and operation effectiveness analysis of upgrading the*
 9 *ALR69 radar warning receiver as compared with the fur-*
 10 *ther acquisition of the ALR56M radar warning receiver.*

11 (b) *SUBMISSION TO CONGRESS.—The Secretary shall*
 12 *submit the cost and operation effectiveness analysis to the*
 13 *congressional defense committees not later than April 2,*
 14 *1998.*

15 **Subtitle E—Other Matters**

16 **SEC. 141. PROHIBITION ON USE OF FUNDS FOR ACQUISI-**
 17 **TION OR ALTERATION OF PRIVATE DRY-**
 18 **DOCKS.**

19 (a) *PROHIBITION.—None of the funds authorized to be*
 20 *appropriated by this or any other Act may be used, directly*
 21 *or indirectly, to purchase, lease, upgrade, or modify pri-*
 22 *vately-owned drydocks.*

23 (b) *EXCEPTIONS.—The prohibition in subsection (a)*
 24 *does not apply to the following:*

1 (1) *Any purchase, lease, upgrade, or modifica-*
2 *tion initiated before the date of the enactment of this*
3 *Act.*

4 (2) *Any installation of state-of-the-art technology*
5 *for a drydock that does not also increase the capacity*
6 *of the drydock.*

7 **SEC. 142. REPLACEMENT OF ENGINES ON AIRCRAFT DE-**
8 **RIVED FROM BOEING 707 AIRCRAFT.**

9 (a) *ANALYSIS REQUIRED.*—*The Under Secretary of*
10 *Defense for Acquisition and Technology shall submit to the*
11 *Committee on Armed Services of the Senate and the Com-*
12 *mittee on National Security of the House of Representatives*
13 *an analysis of the requirements of the Department of De-*
14 *fense for replacing engines on the aircraft of the department*
15 *that are derived from the Boeing 707 aircraft and the costs*
16 *of meeting the requirements.*

17 (b) *CONTENT.*—*The analysis shall include the follow-*
18 *ing:*

19 (1) *The number of aircraft described in sub-*
20 *section (a) that are in the inventory of the Depart-*
21 *ment of Defense and the number of such aircraft that*
22 *are projected to be in the inventory of the department*
23 *in 5 years, in 10 years, and in 15 years.*

24 (2) *For each type of such aircraft, the estimated*
25 *cost of operating the aircraft for each fiscal year after*

1 *fiscal year 1997 and before fiscal year 2015, taking*
2 *into account historical patterns of usage and projected*
3 *support costs.*

4 (3) *For each type of such aircraft, the estimated*
5 *costs and the benefits of replacing the engines on the*
6 *aircraft, analyzed on the basis of the experience under*
7 *the limited program for replacing the engines on RC–*
8 *135 aircraft that was undertaken during fiscal years*
9 *1995, 1996, and 1997.*

10 (4) *The estimated total cost of replacing the en-*
11 *gines pursuant to a program that provides for re-*
12 *placement of the engines on all of the aircraft of one*
13 *type before undertaking the replacement of the engines*
14 *on the aircraft of another type, with a higher priority*
15 *being given in turn to each type of aircraft in which*
16 *the replacement of the engines is expected to yield the*
17 *anticipated benefits of replacement faster.*

18 (5) *Various plans for replacement of engines that*
19 *the Under Secretary considers best on the basis of*
20 *costs and benefits.*

21 (c) *SUBMISSION DEADLINE.—The Under Secretary*
22 *shall submit the report under this section not later than*
23 *March 1, 1998.*

1 **SEC. 143. EXCEPTION TO REQUIREMENT FOR A PARTICU-**
 2 **LAR DETERMINATION FOR SALES OF MANU-**
 3 **FACTURED ARTICLES OR SERVICES OF ARMY**
 4 **INDUSTRIAL FACILITIES OUTSIDE THE UNIT-**
 5 **ED STATES.**

6 *Section 4543 of title 10, United States Code, is amend-*
 7 *ed—*

8 *(1) in subsection (a)(5), by inserting “, except in*
 9 *the case of a sale described in subsection (b),” after*
 10 *“the Secretary of the Army determines”;*

11 *(2) by redesignating subsections (b), (c), and (d)*
 12 *as subsections (c), (d), and (e), respectively; and*

13 *(3) by inserting after subsection (a) the following*
 14 *new subsection (b):*

15 *“(b) EXCEPTION TO REQUIREMENT FOR A PARTICU-*
 16 *LAR DETERMINATION.—A determination described in sub-*
 17 *section (a)(5) is not necessary under the regulations in the*
 18 *case of—*

19 *“(1) a sale of articles to be incorporated into a*
 20 *weapon system being procured by the Department of*
 21 *Defense; or*

22 *“(2) a sale of services to be used in the manufac-*
 23 *ture of a weapon system being procured by the De-*
 24 *partment of Defense.”.*

1 **SEC. 144. NATO JOINT SURVEILLANCE/TARGET ATTACK**
2 **RADAR SYSTEM.**

3 (a) *FUNDING.*—Amounts authorized to be appro-
4 priated under this title and title II are available for a
5 NATO alliance ground surveillance capability that is based
6 on the Joint Surveillance/Target Attack Radar System of
7 the United States, as follows:

8 (1) *Of the amount authorized to be appropriated*
9 *under section 101(5), \$26,153,000.*

10 (2) *Of the amount authorized to be appropriated*
11 *under section 103(1), \$10,000,000.*

12 (3) *Of the amount authorized to be appropriated*
13 *under section 201(1), \$13,500,000.*

14 (4) *Of the amount authorized to be appropriated*
15 *under section 201(3), \$26,061,000.*

16 (b) *AUTHORITY.*—(1) *Subject to paragraph (2), the*
17 *Secretary of Defense may utilize authority under section*
18 *2350b of title 10, United States Code, for contracting for*
19 *the purposes of Phase I of a NATO Alliance Ground Sur-*
20 *veillance capability that is based on the Joint Surveillance/*
21 *Target Attack Radar System of the United States, notwith-*
22 *standing the condition in such section that the authority*
23 *be utilized for carrying out contracts or obligations in-*
24 *curred under section 27(d) of the Arms Export Control Act*
25 *(22 U.S.C. 2767(d)).*

1 (2) *The authority under paragraph (1) applies during*
 2 *the period that the conclusion of a cooperative project agree-*
 3 *ment for a NATO Alliance Ground Surveillance capability*
 4 *under section 27(d) of the Arms Export control Act is pend-*
 5 *ing, as determined by the Secretary of Defense.*

6 (c) *MODIFICATION OF AIR FORCE AIRCRAFT.—*
 7 *Amounts available pursuant to paragraphs (2) and (4) of*
 8 *subsection (a) may be used to provide for modifying two*
 9 *Air Force Joint Surveillance/Target Attack Radar System*
 10 *production aircraft to have a NATO Alliance Ground Sur-*
 11 *veillance capability that is based on the Joint Surveillance/*
 12 *Target Attack Radar System of the United States.*

13 ***TITLE II—RESEARCH, DEVELOP-***
 14 ***MENT, TEST, AND EVALUA-***
 15 ***TION***

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

18 ***SEC. 201. AUTHORIZATION OF APPROPRIATIONS.***

19 (a) *AUTHORIZATION OF APPROPRIATIONS.—Funds are*
 20 *hereby authorized to be appropriated for fiscal year 1998*
 21 *for the use of the Department of Defense for research, devel-*
 22 *opment, test, and evaluation as follows:*

23 (1) *For the Army, \$4,750,462,000.*

24 (2) *For the Navy, \$7,812,972,000.*

25 (3) *For the Air Force, \$14,302,264,000.*

1 (4) *For Defense-wide activities, \$10,087,347,000,*
 2 *of which—*

3 (A) *\$268,183,000 is authorized for the ac-*
 4 *tivities of the Director, Test and Evaluation; and*

5 (B) *\$31,384,000 is authorized for the Direc-*
 6 *tor of Operational Test and Evaluation.*

7 (b) *AVAILABILITY OF FUNDS FOR COUNTER-LANDMINE*
 8 *TECHNOLOGIES.—Of the amounts available in section*
 9 *201(4) for demining activity, the Secretary of Defense may*
 10 *utilize \$2,000,000 for the following activities:*

11 (1) *The development of technologies for detecting,*
 12 *locating, and removing abandoned landmines.*

13 (2) *The operation of a test and evaluation facil-*
 14 *ity at the Nevada Test Site, Nevada, for the testing*
 15 *of the performance of such technologies.*

16 ***Subtitle B—Program Requirements,***
 17 ***Restrictions, and Limitations***

18 ***SEC. 211. JOINT STRIKE FIGHTER PROGRAM.***

19 (a) *REPORT.—Not later than February 15, 1998, the*
 20 *Secretary of Defense shall submit to the congressional de-*
 21 *fense committees a report on the options for the sequence*
 22 *in which the variants of the joint strike fighter are to be*
 23 *produced and fielded.*

24 (b) *CONTENT OF REPORT.—The report shall contain*
 25 *the following:*

1 (1) *A review of the plan for production under the*
2 *Joint Strike Fighter program that was used by the*
3 *Department of Defense for developing the funding es-*
4 *timates for the fiscal year 1999 budget request for the*
5 *Department of Defense.*

6 (2) *An estimate of the costs, and an analysis of*
7 *the costs and benefits, of producing the joint strike*
8 *fighter variants in a sequence that provides for field-*
9 *ing of the naval variant of the aircraft first.*

10 (3) *A comparison of the costs and benefits of the*
11 *various options for the sequence for fielding the*
12 *variants of the joint strike fighter that the Secretary*
13 *of Defense considers likely to be the options from*
14 *among which a sequence for fielding is selected, in-*
15 *cluding a discussion of the effects that selection of*
16 *each such option would have on the costs and rates*
17 *of production of the units of F/A-18E/F and F-22*
18 *aircraft that are in production when the Joint Strike*
19 *Fighter Program proceeds into production.*

20 (c) *LIMITATION ON USE OF FUNDS PENDING SUBMIS-*
21 *SION OF REPORT.*—*Not more than 90 percent of the total*
22 *amount authorized to be appropriated under this Act for*
23 *the Joint Strike Fighter Program may be obligated until*
24 *the date that is 30 days after the date on which the congres-*

1 sional defense committees receive the report required under
2 this section.

3 (d) *FISCAL YEAR 1998 BUDGET DEFINED.*—In this
4 section, the term “fiscal year 1999 budget request for the
5 Department of Defense” means the budget estimates for the
6 Department of Defense for fiscal year 1999 that were sub-
7 mitted to Congress by the Secretary of Defense in connection
8 with the submission of the budget for fiscal year 1998 to
9 Congress under section 1105 of title 31, United States Code.

10 **SEC. 212. F-22 AIRCRAFT PROGRAM.**

11 (a) *LIMITATION ON TOTAL COST OF ENGINEERING AND*
12 *MANUFACTURING DEVELOPMENT.*—The total amount obli-
13 gated or expended for engineering and manufacturing de-
14 velopment under the F-22 aircraft program may not exceed
15 \$18,688,000,000.

16 (b) *LIMITATION ON TOTAL COST OF PRODUCTION.*—
17 The total amount obligated or expended for the F-22 pro-
18 duction program may not exceed \$43,000,000,000.

19 (c) *LIMITATION ON OBLIGATION OF FUNDS.*—Of the
20 total amount authorized to be appropriated for the F-22
21 aircraft program for a fiscal year, not more than 90 percent
22 of the amount may be obligated until the Comptroller Gen-
23 eral submits to Congress—

24 (1) the report required to be submitted in that
25 fiscal year under subsection (c); and

1 (2) *a certification that the Comptroller General*
2 *has had access to sufficient information to make in-*
3 *formed judgments on the matters covered by the re-*
4 *port.*

5 (d) *ANNUAL GAO REVIEW.*—(1) *Not later than Decem-*
6 *ber 1 of each year, the Comptroller General shall review*
7 *the F-22 aircraft program and submit to Congress a report*
8 *on the results of the review. The Comptroller General shall*
9 *also submit to Congress for each report a certification re-*
10 *garding whether the Comptroller General has had access to*
11 *sufficient information to make informed judgments on the*
12 *matters covered by the report.*

13 (2) *The report submitted on the program each year*
14 *shall include the following:*

15 (A) *The extent to which engineering and manu-*
16 *facturing development under the program is meeting*
17 *the goals established for engineering and manufactur-*
18 *ing development under the program.*

19 (B) *The status of costs, testing, and modifica-*
20 *tions.*

21 (C) *The plan for engineering and manufacturing*
22 *development (leading to production) under the pro-*
23 *gram for the fiscal year that begins in the following*
24 *year.*

(E) A conclusion regarding whether engineering and manufacturing development (leading to production) under the program is likely to be completed at a total cost not in excess of the amount specified in subsection (a).

10 (3) *The Comptroller General shall submit the first re-*
11 *port under this subsection not later than December 1, 1997.*
12 *No report is required under this subsection after engineer-*
13 *ing and manufacturing development under the program has*
14 *been completed.*

(e) *REQUIREMENT TO SUPPORT ANNUAL GAO REVIEW.*—The Secretary of the Air Force and the prime contractor under the F-22 aircraft program shall provide the Comptroller General with such information on the program as the Comptroller considers necessary to carry out the responsibilities under subsection (d).

21 SEC. 213. HIGH ALTITUDE ENDURANCE UNMANNED VEHI-
22 CLE PROGRAM.

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1 *nology demonstration under the High Altitude Endurance*
2 *Unmanned Vehicle Program through fiscal year 2003 may*
3 *not exceed \$476,826,000.*

4 (2) *The total amount obligated or expended in fiscal*
5 *year 1999, 2000, 2001, or 2002 for advanced concept tech-*
6 *nology demonstration under the High Altitude Endurance*
7 *Unmanned Vehicle Program may not exceed the amount*
8 *specified for that fiscal year, as follows:*

9 (A) *In fiscal year 1999, not more than*
10 *\$167,864,000.*

11 (B) *In fiscal year 2000, not more than*
12 *\$31,374,000.*

13 (C) *In fiscal year 2001, not more than*
14 *\$19,106,000.*

15 (D) *In fiscal year 2002, not more than*
16 *\$20,866,000.*

17 (b) *LIMITATION ON ACQUISITION.—No high altitude*
18 *endurance unmanned vehicle may be acquired after the date*
19 *of the enactment of this Act until 50 percent of the testing*
20 *programmed in the test and evaluation master plan (as of*
21 *such date) for the high altitude endurance unmanned vehi-*
22 *cle has been completed.*

23 (c) *LIMITATION ON PROCEEDING.—The High Altitude*
24 *Endurance Unmanned Vehicle Program may not proceed*
25 *beyond advanced concept technology demonstration until*

1 *the Comptroller General has certified to Congress that the*
2 *high altitude endurance unmanned vehicles can be produced*
3 *under the program at an average unit cost that does not*
4 *exceed \$10,000,000 (the so-called fly away price) in fiscal*
5 *year 1994 constant dollars.*

6 *(d) GAO REVIEW.—(1) The Comptroller General shall*
7 *review the High Altitude Endurance Unmanned Vehicle*
8 *Program for purposes of making the certification under sub-*
9 *section (c).*

10 *(2) The Secretary of Defense and the prime contractors*
11 *under the High Altitude Endurance Unmanned Vehicle*
12 *Program shall provide the Comptroller General with such*
13 *information on the program as the Comptroller considers*
14 *necessary to make the determinations required for the cer-*
15 *tification under subsection (c).*

16 **SEC. 214. ADVANCED ANTI-RADIATION GUIDED MISSILE**
17 **PROGRAM.**

18 *To the extent provided in appropriations Acts, the Sec-*
19 *retary of the Navy may use not more than \$25,000,000 of*
20 *the amount appropriated for the Navy for fiscal year 1997*
21 *for research, development, test, evaluation for the Advanced*
22 *Anti-Radiation Guided Missile Program in order to fund*
23 *fiscal year 1998 research, development, test, and evaluation*
24 *programs of the Navy that have a higher priority than such*
25 *program.*

1 **SEC. 215. FEDERALLY FUNDED RESEARCH AND DEVELOP-**
2 **MENT CENTERS.**

3 (a) *LIMITATION ON STAFF YEARS FUNDED.*—Not more
4 than 6,206 staff years of technical effort (staff years) may
5 be funded for federally funded research and development
6 centers out of the funds authorized to be appropriated for
7 the Department of Defense for fiscal year 1998.

8 (b) *ALLOCATIONS AMONG CENTERS.*—(1) Not later
9 than 60 days after the date of the enactment of this Act,
10 the Secretary of Defense shall submit to the congressional
11 defense committees a report that specifies the number of
12 staff years of technical effort that is to be allocated (for
13 funding as described in subsection (a)) to each defense feder-
14 ally funded research and development center for fiscal year
15 1998.

16 (2) After the submission of the report on allocation of
17 staff years of technical effort under paragraph (1), the Sec-
18 retary of Defense may not reallocate more than 5 percent
19 of the staff years of technical effort allocated to a federally
20 funded research and development center for fiscal year 1998
21 from that center to other federally funded research and de-
22 velopment centers until 30 days after the date on which the
23 Secretary has submitted a justification for the reallocation
24 to the congressional defense committees.

25 (c) *FISCAL YEAR 1999 ALLOCATION.*—(1) The Sec-
26 retary of Defense shall submit to the congressional defense

1 committees a report that specifies the number of staff years
 2 of technical effort that is to be allocated to each federally
 3 funded research and development center for fiscal year 1999
 4 for funding out of the funds authorized to be appropriated
 5 for the Department of Defense for that fiscal year.

6 (2) The report shall be submitted at the same time that
 7 the President submits the budget for fiscal year 1999 to
 8 Congress under section 1105 of title 31, United States Code.

9 (c) *STAFF YEAR DEFINED.*—In this section, the term
 10 “staff year of technical effort” means 1,810 hours of paid
 11 effort by direct and consultant labor performing profes-
 12 sional-level technical work primarily in the fields of studies
 13 and analysis, system engineering and integration, systems
 14 planning, program and policy planning and analyses, and
 15 basic and applied research.

16 **SEC. 216. GOAL FOR DUAL-USE SCIENCE AND TECHNOLOGY**
 17 **PROJECTS.**

18 (a) *GOALS.*—(1) Subject to paragraph (3), it shall be
 19 the objective of the Secretary of each military department
 20 to obligate for dual-use projects in each fiscal year referred
 21 to in paragraph (2), out of the total amount authorized to
 22 be appropriated for such fiscal year for new projects initi-
 23 ated under the applied research programs of the military
 24 department, the percent of such amount that is specified
 25 for that fiscal year in paragraph (2).

1 (2) *The objectives for fiscal years under paragraph (1)*
2 *are as follows:*

3 (A) *For fiscal year 1998, 5 percent.*

4 (B) *For fiscal year 1999, 7 percent.*

5 (C) *For fiscal year 2000, 10 percent.*

6 (3) *The Secretary of Defense may establish for a mili-*
7 *tary department for a fiscal year an objective different from*
8 *the objective set forth in paragraph (2) if the Secretary—*

9 (A) *determines that compelling national security*
10 *considerations require the establishment of the dif-*
11 *ferent objective; and*

12 (2) *notifies Congress of the determination and*
13 *the reasons for the determination.*

14 (b) *DESIGNATION OF OFFICIAL FOR DUAL-USE PRO-*
15 *GRAMS.—(1) The Secretary of Defense shall designate a sen-*
16 *ior official in the Office of the Secretary of Defense to carry*
17 *out responsibilities for dual-use programs under this sub-*
18 *section. The designated official shall report directly to the*
19 *Under Secretary of Defense for Acquisition and Technology.*

20 (2) *The primary responsibilities of the designated offi-*
21 *cial shall include developing policy and overseeing the es-*
22 *tablishment of, and adherence to, procedures for ensuring*
23 *that dual-use programs are initiated and administered ef-*
24 *fectively and that applicable commercial technologies are*
25 *integrated into current and future military systems.*

1 (3) *In carrying out the responsibilities, the designated*
2 *official shall ensure that—*

3 (A) *dual-use projects are consistent with the joint*
4 *warfighting science and technology plan referred to in*
5 *section 270 of the National Defense Authorization Act*
6 *for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C.*
7 *2501 note); and*

8 (B) *the dual-use projects of the military depart-*
9 *ments and defense agencies of the Department of De-*
10 *fense are coordinated and avoid unnecessary duplica-*
11 *tion.*

12 (c) *FINANCIAL COMMITMENT OF NON-FEDERAL GOV-*
13 *ERNMENT PARTICIPANTS.—The total amount of funds pro-*
14 *vided by a military department for a dual-use project en-*
15 *tered into by the Secretary of that department shall not ex-*
16 *ceed 50 percent of the total cost of the project. The Secretary*
17 *may consider in-kind contributions by non-Federal partici-*
18 *pants for dual-use projects for the purpose of calculating*
19 *the share of project costs that has been or is being under-*
20 *taken by such participants only to the extent provided in*
21 *regulations issued pursuant to section 2511(c)(2) of title 10,*
22 *United States Code.*

23 (d) *USE OF COMPETITIVE PROCEDURES.—Funds obli-*
24 *gated for a dual-use project may be counted toward meeting*
25 *an objective under subsection (a) only if the funds are obli-*

1 *gated for a contract, grant, cooperative agreement, or other*
2 *transaction that was entered into through the use of com-*
3 *petitive procedures.*

4 *(e) REPORT.—(1) Not later than January 31 of each*
5 *of 1998, 1999, and 2000, the Secretary of Defense shall sub-*
6 *mit a report to the congressional defense committees on the*
7 *progress made by the Department of Defense in meeting the*
8 *objectives set forth in subsection (a) during the preceding*
9 *fiscal year.*

10 *(2) The report for a fiscal year shall contain, at a min-*
11 *imum, the following:*

12 *(A) The aggregate value of all contracts, grants,*
13 *cooperative agreements, or other transactions entered*
14 *into during the fiscal year for which funding is*
15 *counted toward meeting an objective under this sec-*
16 *tion, expressed in relationship to the total amount ap-*
17 *propriated for the applied research programs in the*
18 *Department of Defense for that fiscal year.*

19 *(B) For each military department, the value of*
20 *all contracts, grants, cooperative agreements, or other*
21 *transactions entered into during the fiscal year for*
22 *which funding is counted toward meeting an objective*
23 *under this section, expressed in relationship to the*
24 *total amount appropriated for the applied research*

1 *program of the military department for that fiscal*
2 *year.*

3 *(C) A summary of the cost-sharing arrangements*
4 *in dual-use projects that were initiated during the fis-*
5 *cal year and are counted toward reaching an objective*
6 *under this section.*

7 *(D) A description of the regulations, directives,*
8 *or other procedures that have been issued by the Sec-*
9 *retary of Defense or the Secretary of a military de-*
10 *partment to increase the percentage of the total value*
11 *of the dual-use projects undertaken to meet or exceed*
12 *an objective under this section.*

13 *(E) Any recommended legislation to facilitate*
14 *achievement of objectives under this section.*

15 *(f) REPEAL OF SUPERSEDED AUTHORITY.—Section*
16 *203 of the National Defense Authorization Act for Fiscal*
17 *Year 1997 (Public Law 104–201; 110 Stat. 2451) is re-*
18 *pealed.*

19 *(g) DEFINITIONS.—In this section:*

20 *(1) The term “applied research program” means*
21 *a program of a military department which is funded*
22 *under the 6.2 Research, Development, Test and Eval-*
23 *uation account of that department.*

24 *(2) The term “dual-use project” means a project*
25 *under a program of a military department or a de-*

1 *fense agency under which research or development of*
 2 *a dual-use technology is carried out and the costs of*
 3 *which are shared by the Department of Defense and*
 4 *non-Government entities.*

5 **SEC. 217. TRANSFERS OF AUTHORIZATIONS FOR**
 6 **COUNTERPROLIFERATION SUPPORT PRO-**
 7 **GRAM.**

8 *(a) IN GENERAL.—In addition to the transfer author-*
 9 *ity provided in section 1001, upon determination by the*
 10 *Secretary of Defense that such action is necessary in the*
 11 *national interest, the Secretary may transfer amounts of*
 12 *authorizations made available to the Department of Defense*
 13 *in this division for fiscal year 1998 to counterproliferation*
 14 *programs, projects, and activities identified as areas for*
 15 *progress by the Counterproliferation Program Review Com-*
 16 *mittee established by section 1605 of the National Defense*
 17 *Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751*
 18 *note). Amounts of authorizations so transferred shall be*
 19 *merged with and be available for the same purposes as the*
 20 *authorization to which transferred.*

21 *(b) LIMITATIONS.—(1) The total amount of authoriza-*
 22 *tions transferred under the authority of this section may*
 23 *not exceed \$50,000,000.*

24 *(2) The authority provided by this section to transfer*
 25 *authorizations—*

6 (c) *EFFECT OF TRANSFERS ON ACCOUNTS.*—A transfer
7 made from one account to another under the authority of
8 this section shall be deemed to increase the amount author-
9 ized for the account to which the amount is transferred by
10 an amount equal to the amount transferred.

11 (d) CONGRESSIONAL NOTIFICATION.—The Secretary of
12 Defense shall promptly notify Congress of transfers made
13 under the authority of this section.

(a) *FUNDING.*—Of the funds authorized to be appropriated under section 201(4), \$80,000,000 shall be available for the kinetic energy tactical anti-satellite technology program.

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1 *satellite technology program for implementation of that*
 2 *program.*

3 **SEC. 219. CLEMENTINE 2 MICRO-SATELLITE DEVELOPMENT**
 4 **PROGRAM.**

5 (a) *FUNDING.*—*Of the amount authorized to be appro-*
 6 *priated under section 201(3), \$50,000,000 shall be available*
 7 *for the Clementine 2 micro-satellite near-earth asteroid*
 8 *interception mission.*

9 (b) *LIMITATION.*—*Of the funds authorized to be appro-*
 10 *priated pursuant to this Act in program element 64480F*
 11 *for the Global Positioning System Block IIF satellite sys-*
 12 *tem, not more than \$35,000,000 may be obligated until the*
 13 *Secretary of Defense certifies to Congress that the Secretary*
 14 *has made available for obligation the funds appropriated*
 15 *pursuant to subsection (a) for the purpose specified in that*
 16 *subsection.*

17 **SEC. 220. BIOASSAY TESTING OF VETERANS EXPOSED TO**
 18 **IONIZING RADIATION DURING MILITARY**
 19 **SERVICE.**

20 (a) *NUCLEAR TEST PERSONNEL PROGRAM.*—*Of the*
 21 *amount provided in section 201(4), \$300,000 shall be avail-*
 22 *able for testing described in subsection (b) in support of*
 23 *the Nuclear Test Personnel Program conducted by the De-*
 24 *fense Special Weapons Agency.*

1 (b) *COVERED TESTING.*—Subsection (a) applies to the
 2 third phase of bioassay testing of individuals who are radi-
 3 ation-exposed veterans (as defined in section 1112(c)(3)(A)
 4 of title 38, United States Code) who participated in radi-
 5 ation-risk activities (as defined in such paragraph).

6 (c) *COLLECTION OF SAMPLES.*—The appropriate de-
 7 partment or agency shall collect the required bioassay sam-
 8 ples, at the request of a veteran who participated in the
 9 United States atmospheric nuclear testing or the occupation
 10 of Hiroshima and Nagasaki, Japan, and forward them to
 11 Brookhaven National Laboratory, under the appropriate
 12 chain of custody.

13 **SEC. 221. DOD/VA COOPERATIVE RESEARCH PROGRAM.**

14 Of the amount authorized to be appropriated by sec-
 15 tion 201(4), \$15,000,000 shall be available for the DOD/
 16 VA Cooperative Research Program. The Secretary of De-
 17 fense shall be the executive agent for the funds authorized
 18 under this section.

19 **SEC. 222. MULTITECHNOLOGY INTEGRATION IN MIXED-**
 20 **MODE ELECTRONICS.**

21 (a) *AMOUNT FOR PROGRAM.*—Of the amount author-
 22 ized to be appropriated under section 201(4), \$7,000,000
 23 is available for Multitechnology Integration in Mixed-Mode
 24 Electronics.

1 (b) *ADJUSTMENTS TO AUTHORIZATIONS OF APPRO-*
 2 *PRIATIONS.—(1) The amount authorized to be appropriated*
 3 *under section 201(4) is hereby increased by \$7,000,000.*

4 (2) *The amount authorized to be appropriated under*
 5 *section 101(5) and available for special equipment for user*
 6 *testing is reduced by \$7,000,000.*

7 **SEC. 223. FACIAL RECOGNITION TECHNOLOGY PROGRAM.**

8 (a) *AVAILABILITY OF FUNDS.—(1) Notwithstanding*
 9 *any other provision of this Act, the amount authorized to*
 10 *be appropriated by section 201(4) is hereby increased by*
 11 *\$5,000,000.*

12 (2) *Funds available under the section referred to in*
 13 *paragraph (1) as a result of the increase in the authoriza-*
 14 *tion of appropriations made by that paragraph may be*
 15 *available for a facial recognition technology program. The*
 16 *Secretary shall use competitive procedures in selecting par-*
 17 *ticipants for the program.*

18 (b) *OFFSET.—Notwithstanding any other provision of*
 19 *this Act, the amount authorized to be appropriated by sec-*
 20 *tion 201(1) is hereby decreased by \$5,000,000.*

21 **Subtitle C—Ballistic Missile**
 22 **Defense Programs**

23 **SEC. 225. NATIONAL MISSILE DEFENSE PROGRAM.**

24 (a) *PROGRAM STRUCTURE.—To preserve the option of*
 25 *achieving an initial operational capability in fiscal year*

1 2003, the Secretary of Defense shall ensure that the Na-
 2 tional Missile Defense Program is structured and pro-
 3 grammed for funding so as to support a test, in fiscal year
 4 1999, of an integrated national missile defense system that
 5 is representative of the national missile defense system ar-
 6 chitecture that could achieve initial operational capability
 7 in fiscal year 2003.

8 (b) *ELEMENTS OF NMD SYSTEM.*—The national mis-
 9 sile defense system architecture specified in subsection (a)
 10 shall consist of the following elements:

11 (1) *An interceptor system that optimizes defen-*
 12 *sive coverage of the continental United States, Alaska,*
 13 *and Hawaii against limited ballistic missile attack*
 14 *(whether accidental, unauthorized, or deliberate).*

15 (2) *Ground-based radars.*

16 (3) *Space-based sensors.*

17 (4) *Battle management, command, control, and*
 18 *communications (BM/C3).*

19 (c) *PLAN FOR NMD SYSTEM DEVELOPMENT AND DE-*
 20 *PLOYMENT.*—Not later than February 15, 1998, the Sec-
 21 retary of Defense shall submit to the congressional defense
 22 committees a plan for the development and deployment of
 23 a national missile defense system that could achieve initial
 24 operational capability in fiscal year 2003. The plan shall
 25 include the following matters:

1 (1) *A detailed description of the system architec-*
2 *ture selected for development.*

3 (2) *A discussion of the justification for the selec-*
4 *tion of that particular architecture.*

5 (3) *The Secretary's estimate of the amounts of*
6 *the appropriations that would be necessary for re-*
7 *search, development, test, evaluation, and for procure-*
8 *ment for each of fiscal years 1999 through 2003 in*
9 *order to achieve an initial operational capability of*
10 *the system architecture in fiscal year 2003.*

11 (4) *For each activity necessary for the develop-*
12 *ment and deployment of the national missile defense*
13 *system architecture selected by the Secretary that*
14 *would at some point conflict with the terms of the*
15 *ABM Treaty, if any—*

16 (A) *a description of the activity;*

17 (B) *a description of the point at which the*
18 *activity would conflict with the terms of the*
19 *ABM Treaty;*

20 (C) *the legal analysis justifying the Sec-*
21 *retary's determination regarding the point at*
22 *which the activity would conflict with the terms*
23 *of the ABM Treaty; and*

24 (D) *an estimate of the time at which such*
25 *point would be reached in order to achieve a test*

1 *of an integrated missile defense system in fiscal*
 2 *year 1999 and initial operational capability of*
 3 *such a system in fiscal year 2003.*

4 *(d) FUNDING FOR FISCAL YEAR 1998.—Of the funds*
 5 *authorized to be appropriated under section 201(4),*
 6 *\$978,091,000 shall be available for the national missile de-*
 7 *fense program.*

8 *(e) ABM TREATY DEFINED.—In this section, the term*
 9 *“ABM Treaty” means the Treaty Between the United States*
 10 *of America and the Union of Soviet Socialist Republics on*
 11 *the Limitation of Anti-Ballistic Missile Systems, signed at*
 12 *Moscow on May 26, 1972, and includes the Protocol to that*
 13 *treaty, signed at Moscow on July 3, 1974.*

14 **SEC. 226. REVERSAL OF DECISION TO TRANSFER PROCURE-**
 15 **MENT FUNDS FROM THE BALLISTIC MISSILE**
 16 **DEFENSE ORGANIZATION.**

17 *(a) TRANSFERS REQUIRED.—The Secretary of Defense*
 18 *shall—*

19 *(1) transfer to appropriations available to the*
 20 *Ballistic Missile Defense Organization for procure-*
 21 *ment for fiscal year 1998 the amounts that were*
 22 *transferred to accounts of the Army, Navy, Air Force,*
 23 *and Marine Corps pursuant to Program Budget Deci-*
 24 *sion 224C3, signed by the Under Secretary of Defense*
 25 *(Comptroller) on December 23, 1996; and*

1 (2) *ensure that, in the future-years defense pro-*
 2 *gram, the procurement funding covered by that pro-*
 3 *gram budget decision is programmed for appropria-*
 4 *tions accounts of the Ballistic Missile Defense Organi-*
 5 *zation rather than appropriations accounts of the*
 6 *Armed Forces.*

7 (b) *RELATIONSHIP TO OTHER TRANSFER AUTHOR-*
 8 *ITY.—The transfer authority provided in subsection (a) is*
 9 *in addition to the transfer authority provided in section*
 10 *1001.*

11 ***Subtitle D—Other Matters***

12 ***SEC. 231. MANUFACTURING TECHNOLOGY PROGRAM.***

13 *Section 2525(c)(2) of title 10, United States Code, is*
 14 *amended to read as follows:*

15 “(2) *In order to promote increased dissemination and*
 16 *use of manufacturing technology throughout the national*
 17 *defense technology and industrial base, the Secretary shall*
 18 *seek, to the maximum extent practicable, the participation*
 19 *of manufacturers of manufacturing equipment in the*
 20 *projects under the program.”.*

21 ***SEC. 232. USE OF MAJOR RANGE AND TEST FACILITY IN-*** 22 ***STALLATIONS BY COMMERCIAL ENTITIES.***

23 (a) *EXTENSION OF AUTHORITY.—Subsection (g) of sec-*
 24 *tion 2681 of title 10, United States Code, is amended by*
 25 *striking out “1998” and inserting in lieu thereof “2001”.*

1 (b) *ADDITIONAL REPORTING REQUIREMENT.*—Sub-
2 section (h) of such section is amended—

3 (1) by striking out “REPORT.—” and inserting
4 in lieu thereof “REPORTS.—(1)”; and

5 (2) by adding at the end the following:

6 “(2) Not later than February 15, 1998, the Secretary
7 of Defense shall submit to the Committee on Armed Services
8 of the Senate and the Committee on National Security of
9 the House of Representatives a report identifying existing
10 and proposed procedures to ensure that the use of Major
11 Range and Test Facility Installations by commercial enti-
12 ties does not compete with private sector test and evaluation
13 services.”.

14 (c) *REPEAL OF REPORTING REQUIREMENTS WHEN*
15 *EXECUTED.*—Effective on October 1, 1998, subsection (h)
16 of such section is repealed.

17 **SEC. 233. ELIGIBILITY FOR THE DEFENSE EXPERIMENTAL**
18 **PROGRAM TO STIMULATE COMPETITIVE RE-**
19 **SEARCH.**

20 Section 257 of the National Defense Authorization Act
21 for Fiscal Year 1995 (10 U.S.C. 2358 note) is amended by
22 adding at the end the following:

23 “(f) *STATE DEFINED.*—In this section, the term ‘State’
24 means a State of the United States, the District of Colum-
25 bia, Puerto Rico, Guam, the Virgin Islands of the United

1 *States, American Samoa, and the Commonwealth of the*
 2 *Northern Mariana Islands.”.*

3 **SEC. 234. RESTRUCTURING OF NATIONAL OCEANOGRAPHIC**
 4 **PARTNERSHIP PROGRAM ORGANIZATIONS.**

5 *(a) NATIONAL OCEAN RESEARCH LEADERSHIP COUN-*
 6 *CIL.—Section 7902 of title 10, United States Code, is*
 7 *amended—*

8 *(1) in subsection (b)—*

9 *(A) by striking out paragraphs (11), (14),*
 10 *(15), (16) and (17); and*

11 *(B) by redesignating paragraphs (12) and*
 12 *(13) as paragraphs (11) and (12), respectively;*

13 *(2) by striking out subsection (d); and*

14 *(3) by redesignating subsections (e), (f), (g), (h),*
 15 *and (i) as subsections (d), (e), (f), (g), and (h), re-*
 16 *spectively.*

17 *(b) OCEAN RESEARCH ADVISORY PANEL.—(1) Section*
 18 *7903(a) of such title is amended by striking out “govern-*
 19 *ment, academia, and industry” and inserting in lieu there-*
 20 *of “State governments, academia, and ocean industries”.*

21 *(2) Section 282(c) of the National Defense Authoriza-*
 22 *tion Act for Fiscal Year 1997 (Public Law 104–201; 110*
 23 *Stat. 2473) is amended by striking out “January 1, 1997”*
 24 *and inserting in lieu thereof “January 1, 1998”.*

1 (c) *CONFORMING AMENDMENTS.*—Section 282 of the
 2 *National Defense Authorization Act for Fiscal Year 1997*
 3 *is amended—*

4 (1) *by striking out subsection (b); and*

5 (2) *by redesignating subsections (c), (d), (e), and*
 6 *(f) as subsections (b), (c), (d), and (e), respectively.*

7 (d) *EFFECTIVE DATE.*—The amendments made by
 8 subsection (a) and (b) shall be effective as of September 23,
 9 1996, as if included in section 282 of Public Law
 10 104–201.

11 **SEC. 235. DEMONSTRATION PROGRAM ON EXPLOSIVES DE-**
 12 **MILITARIZATION TECHNOLOGY.**

13 (a) *PROGRAM REQUIRED.*—During fiscal year 1998,
 14 the Secretary of Defense may conduct an alternative tech-
 15 nology explosive munitions demilitarization demonstration
 16 program in accordance with this section.

17 (b) *COMMERCIAL BLAST CHAMBER TECHNOLOGY.*—
 18 Under the demonstration program, the Secretary shall dem-
 19 onstrate the use of existing, commercially available blast
 20 chamber technology for incineration of explosive munitions
 21 as an alternative to the open burning, open pit detonation
 22 of such munitions.

23 (c) *COMPETITIVE PROCEDURES.*—The Secretary shall
 24 use competitive procedures in selecting participants for the
 25 demonstration program described in subsection (b).

1 (d) *ASSESSMENT.*—*The Secretary shall assess the rel-*
2 *ative benefits of the blast chamber technology and the open*
3 *burning, open pit detonation process with respect to the lev-*
4 *els of emissions and noise resulting from use of the respec-*
5 *tive processes. In addition, the Secretary shall include a cost*
6 *benefit analysis of this technology generally for explosives*
7 *munitions destruction.*

8 (e) *REPORT.*—*Not later than the date on which the*
9 *President submits the budget for fiscal year 2000 to Con-*
10 *gress pursuant to section 1105(a) of title 31, United States*
11 *Code, the Secretary of Defense shall submit a report on the*
12 *results of the demonstration program to the Committee on*
13 *Armed Services of the Senate and the Committee on Na-*
14 *tional Security of the House of Representatives. The report*
15 *shall include the Secretary's assessment under subsection*
16 *(c).*

17 (f) *FUNDING.*—(1) *Of the amount authorized to be ap-*
18 *propriated under section 201(4), \$6,000,000 is available for*
19 *the demonstration program under this section.*

20 (2) *The amount provided under section 201(4) is here-*
21 *by increased by \$6,000,000 for the explosives demilitariza-*
22 *tion technology program (PE 63104D).*

23 (3) *The amount provided under section 101(5) for spe-*
24 *cial equipment for user testing is hereby decreased by*
25 *\$6,000,000.*

***TITLE III—OPERATION AND
MAINTENANCE
Subtitle A—Authorization of
Appropriations***

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

- (1) For the Army, \$17,194,284,000.*
- (2) For the Navy, \$21,681,330,000.*
- (3) For the Marine Corps, \$2,379,445,000.*
- (4) For the Air Force, \$18,861,685,000.*
- (5) For Defense-wide activities, \$10,280,838,000.*
- (6) For the Army Reserve, \$1,212,891,000.*
- (7) For the Naval Reserve, \$834,711,000.*
- (8) For the Marine Corps Reserve, \$110,366,000.*
- (9) For the Air Force Reserve, \$1,631,200,000.*
- (10) For the Army National Guard,*
\$2,288,932,000.
- (11) For the Air National Guard,*
\$3,004,282,000.
- (12) For the Defense Inspector General,*
\$136,580,000.

1 (13) *For the United States Court of Appeals for*
2 *the Armed Forces, \$6,952,000.*

3 (14) *For Environmental Restoration, Army,*
4 *\$350,337,000.*

5 (15) *For Environmental Restoration, Navy,*
6 *\$257,500,000.*

7 (16) *For Environmental Restoration, Air Force,*
8 *\$351,900,000.*

9 (17) *For Environmental Restoration, Defense-*
10 *Wide, \$25,900,000.*

11 (18) *For Environmental Restoration, Formerly*
12 *Used Defense Sites, \$188,300,000.*

13 (19) *For Overseas Contingency Operations,*
14 *\$1,467,500,000.*

15 (20) *For Drug Interdiction and Counter-drug*
16 *Activities, Defense-wide, \$660,882,000.*

17 (21) *For Medical Programs, Defense,*
18 *\$9,954,782,000.*

19 (22) *For Former Soviet Union Threat Reduction*
20 *programs, \$322,000,000.*

21 (23) *For Overseas Humanitarian Demining and*
22 *CINC Initiative activities, \$40,130,000.*

23 (24) *For the Kaho'olawe Island Conveyance, Re-*
24 *mediation, and Environmental Restoration Trust*
25 *Fund, \$10,000,000.*

1 **SEC. 302. WORKING-CAPITAL FUNDS.**

2 *Funds are hereby authorized to be appropriated for fis-*
3 *cal year 1998 for the use of the Armed Forces and other*
4 *activities and agencies of the Department of Defense for*
5 *providing capital for working-capital and revolving funds*
6 *in amounts as follows:*

7 (1) *For the Defense Working-Capital Fund,*
8 *\$33,400,000.*

9 (2) *For the National Defense Sealift Fund,*
10 *\$516,126,000.*

11 (3) *For the Military Commissary Fund,*
12 *\$938,552,000.*

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

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

19 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE**
20 **TRANSACTION FUND.**

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

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

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

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

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

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

8 (2) *may not be expended for an item that has*
9 *been denied authorization of appropriations by Con-*
10 *gress.*

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

14 **SEC. 305. FISHER HOUSE TRUST FUNDS.**

15 *Funds are hereby authorized to be appropriated for fis-*
16 *cal year 1998, out of funds in Fisher House Trust Funds*
17 *not otherwise appropriated, for the operation and mainte-*
18 *nance of Fisher houses described in section 2221(d) of title*
19 *10, United States Code, as follows:*

20 (1) *The Fisher House Trust Fund, Department*
21 *of the Army, \$150,000 for Fisher houses that are lo-*
22 *cated in proximity to medical treatment facilities of*
23 *the Army.*

24 (2) *The Fisher House Trust Fund, Department*
25 *of the Navy, \$150,000 for Fisher houses that are lo-*

3 SEC. 306. FUNDS FOR OPERATION OF FORT CHAFFEE, AR-
4 KANSAS.

5 *Of the amount authorized for O&M, Army National*
6 *Guard, \$6,854,000 may be available for the operation of*
7 *Fort Chaffee, Arkansas.*

8 Subtitle B—Depot-Level Activities

9 SEC. 311. PERCENTAGE LIMITATION ON PERFORMANCE OF
10 DEPOT-LEVEL MAINTENANCE OF MATERIEL.

11 (a) *PERFORMANCE IN NON-GOVERNMENT FACILI-*
12 *TIES.—Subsection (a) of section 2466 of title 10, United*
13 *States Code, is amended to read as follows:*

14 “(a) *PERCENTAGE LIMITATION.*—(1) *Except as pro-*
15 *vided in paragraph (2), not more than 50 percent of the*
16 *funds made available in a fiscal year to a military depart-*
17 *ment or a Defense Agency for depot-level maintenance and*
18 *repair workload may be used to contract for the perform-*
19 *ance of such workload in facilities other than Government-*
20 *owned, Government-operated facilities.*

21 “(2) In the administration of paragraph (1) for fiscal
22 years ending before October 1, 1998, the percentage specified
23 in that paragraph shall be deemed to be 40 percent.”.

24 (b) *TREATMENT OF PERFORMANCE BY PUBLIC-PRIVATE PARTNERSHIP.*—Such section is further amended by

1 *inserting after subsection (a), as amended by subsection (a),*
 2 *the following:*

3 “(b) *TREATMENT OF PERFORMANCE BY PUBLIC-PRIV-*
 4 *ATE PARTNERSHIP.—For the purposes of subsection (a),*
 5 *any performance of a depot-level maintenance and repair*
 6 *workload by a public-private partnership formed under sec-*
 7 *tion 2474(b) of this title shall be treated as performance*
 8 *of the workload in a Government-owned, Government-oper-*
 9 *ated facility.”.*

10 **SEC. 312. CENTERS OF INDUSTRIAL AND TECHNICAL EX-**
 11 **CELLENCE.**

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

15 **“§2474. Centers of Industrial and Technical Excel-**
 16 **lence: designation; public-private partner-**
 17 **ships**

18 “(a) *DESIGNATION.—(1) The Secretary of Defense*
 19 *shall designate each depot-level activity of the military de-*
 20 *partments and the Defense Agencies (other than facilities*
 21 *recommended for closure or major realignment under the*
 22 *Defense Base Closure and Realignment Act of 1990 (part*
 23 *A of title XXIX of Public Law 101–510; 10 U.S.C. 2687*
 24 *note)) as a Center of Industrial and Technical Excellence*
 25 *in the recognized core competencies of the activity.*

1 “(2) *The Secretary shall establish a policy to encourage*
2 *the Secretary of each military department and the head of*
3 *each Defense Agency to reengineer industrial processes and*
4 *adopt best-business practices at their depot-level activities*
5 *in connection with their core competency requirements, so*
6 *as to serve as recognized leaders in their core competencies*
7 *throughout the Department of Defense and in the national*
8 *technology and industrial base (as defined in section*
9 *2491(1) of this title).*

10 “(3) *The Secretary of a military department may con-*
11 *duct a pilot program, consistent with applicable require-*
12 *ments of law, to test any practices referred to in paragraph*
13 *(2) that the Secretary determines could improve the effi-*
14 *ciency and effectiveness of depot-level operations, improve*
15 *the support provided by depot-level activities for the armed*
16 *forces user of the services of such activities, and enhance*
17 *readiness by reducing the time that it takes to repair equip-*
18 *ment.*

19 “(b) *PUBLIC-PRIVATE PARTNERSHIPS.—The Secretary*
20 *of Defense shall enable Centers of Industrial and Technical*
21 *Excellence to form public-private partnerships for the per-*
22 *formance of depot-level maintenance and repair at such*
23 *centers and shall encourage the use of such partnerships to*
24 *maximize the utilization of the capacity at such Centers.*

1 “(c) *ADDITIONAL WORK.*—*The policy required under*
 2 *subsection (a) shall include measures to enable a private*
 3 *sector entity that enters into a partnership arrangement*
 4 *under subsection (b) or leases excess equipment and facili-*
 5 *ties at a Center of Industrial and Technical Excellence pur-*
 6 *suant to section 2471 of this title to perform additional*
 7 *work at the Center, subject to the limitations outlined in*
 8 *subsection (b) of such section, outside of the types of work*
 9 *normally assigned to the Center.”.*

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

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

12 (b) *REPORTING REQUIREMENT.*—*Not later than*
 13 *March 1, 1998, the Secretary of Defense shall submit to*
 14 *Congress a report describing the policies established by the*
 15 *Secretary pursuant to section 2474 of title 10, United*
 16 *States Code (as added by subsection (a)), to carry out that*
 17 *section.*

18 **SEC. 313. CLARIFICATION OF PROHIBITION ON MANAGE-**
 19 **MENT OF DEPOT EMPLOYEES BY CON-**
 20 **STRAINTS ON PERSONNEL LEVELS.**

21 Section 2472(a) of title 10, United States Code, is
 22 amended by striking out the first sentence and inserting
 23 in lieu thereof the following: “The civilian employees of the
 24 Department of Defense, including the civilian employees of

1 *the military departments and the Defense Agencies, who*
 2 *perform, or are involved in the performance of, depot-level*
 3 *maintenance and repair workloads may not be managed*
 4 *on the basis of any constraint or limitation in terms of*
 5 *man years, end strength, full-time equivalent positions, or*
 6 *maximum number of employees.”.*

7 **SEC. 314. ANNUAL REPORT ON DEPOT-LEVEL MAINTENANCE AND REPAIR.**
 8

9 *Subsection (e) of section 2466 of title 10, United States*
 10 *Code, is amended to read as follows:*

11 *“(e) REPORT.—(1) Not later than February 1 of each*
 12 *year, the Secretary of Defense shall submit to Congress a*
 13 *report identifying, for each military department and De-*
 14 *fense Agency—*

15 *“(A) the percentage of the funds referred to in*
 16 *subsection (a) that were used during the preceding fis-*
 17 *cal year for performance of depot-level maintenance*
 18 *and repair workloads in Government-owned, Govern-*
 19 *ment-operated facilities; and*

20 *“(B) the percentage of the funds referred to in*
 21 *subsection (a) that were used during the preceding fis-*
 22 *cal year to contract for the performance of depot-level*
 23 *maintenance and repair workloads in facilities that*
 24 *are not owned and operated by the Federal Govern-*
 25 *ment.*

1 “(2) Not later than 90 days after the date on which
 2 the Secretary submits the annual report under paragraph
 3 (1), the Comptroller General shall submit to the Committees
 4 on Armed Services and on Appropriations of the Senate
 5 and the Committees on National Security and on Appro-
 6 priations of the House of Representatives the Comptroller’s
 7 views on whether the Department of Defense has complied
 8 with the requirements of subsection (a) for the fiscal year
 9 covered by the report.”.

10 **SEC. 315. REPORT ON ALLOCATION OF CORE LOGISTICS AC-**
 11 **TIVITIES AMONG DEPARTMENT OF DEFENSE**
 12 **FACILITIES AND PRIVATE SECTOR FACILI-**
 13 **TIES.**

14 (a) *REPORT*.—Not later than May 31, 1998, the Sec-
 15 retary of Defense shall submit to Congress a report on the
 16 allocation among facilities of the Department of Defense
 17 and facilities in the private sector of the logistics activities
 18 that are necessary to maintain and repair the weapon sys-
 19 tems and other military equipment identified by the Sec-
 20 retary, in consultation with the Joint Chiefs of Staff, as
 21 being necessary to enable the Armed Forces to conduct a
 22 strategic or major theater war.

23 (b) *ELEMENTS*.—The report under subsection (a) shall
 24 set forth the following:

1 (1) *The systems or equipment identified under*
2 *subsection (a) that must be maintained and repaired*
3 *in Government-owned, Government-operated facilities,*
4 *using personnel and equipment of the Department, as*
5 *a result of the Secretary's determination that—*

6 (A) *the work involves unique or valuable*
7 *workforce skills that should be maintained in the*
8 *public sector in the national interest;*

9 (B) *the base of private sector sources having*
10 *the capability to perform the workloads includes*
11 *industry sectors that are vulnerable to work stop-*
12 *pages;*

13 (C) *the private sector sources having the ca-*
14 *pability to perform the workloads have insuffi-*
15 *cient workforce levels or skills to perform the*
16 *depot-level maintenance and repair workloads—*

17 (i) *in the quantity necessary, or as*
18 *rapidly as the Secretary considers nec-*
19 *essary, to enable the armed forces to fulfill*
20 *the national military strategy; or*

21 (ii) *without a significant disruption or*
22 *delay in the maintenance and repair of*
23 *equipment;*

24 (D) *the need for performance of workloads*
25 *is too infrequent, cyclical, or variable to sustain*

1 *a reliable base of private sector sources having*
2 *the workforce levels or skills to perform the work-*
3 *loads;*

4 *(E) the market conditions or workloads are*
5 *insufficient to ensure that the price of private*
6 *sector performance of the workloads can be con-*
7 *trolled through competition or other means;*

8 *(F) private sector sources are not ade-*
9 *quately responsive to the requirements of the De-*
10 *partment for rapid, cost-effective, and flexible re-*
11 *sponse to surge requirements or other contin-*
12 *gency situations, including changes in the mix*
13 *or priority of previously scheduled workloads*
14 *and reassignment of employees to different work-*
15 *loads without the requirement for additional con-*
16 *tractual negotiations;*

17 *(G) private sector sources are less willing to*
18 *assume responsibility for performing the work-*
19 *load as a result of the possibility of direct mili-*
20 *tary or terrorist attack; or*

21 *(H) private sector sources cannot maintain*
22 *continuity of workforce expertise as a result of*
23 *high rates of employee turnover.*

24 *(2) The systems or equipment identified under*
25 *subsection (a) that must be maintained and repaired*

1 *in Government-owned facilities, whether Government*
2 *operated or contractor-operated, as a result of the Sec-*
3 *retary's determination that—*

4 *(A) the work involves facilities, technologies,*
5 *or equipment that are unique and sufficiently*
6 *valuable that the facilities, technologies, or equip-*
7 *ment must be maintained in the public sector in*
8 *the national interest;*

9 *(B) the private sector sources having the ca-*
10 *pability to perform the workloads have insuffi-*
11 *cient facilities, technology, or equipment to per-*
12 *form the depot-level maintenance and repair*
13 *workloads—*

14 *(i) in the quantity necessary, or as*
15 *rapidly as the Secretary considers nec-*
16 *essary, to enable the armed forces to fulfill*
17 *the national military strategy; or*

18 *(ii) without a significant disruption or*
19 *delay in the maintenance and repair of*
20 *equipment; or*

21 *(C) the need for performance of workloads is*
22 *too infrequent, cyclical, or variable to sustain a*
23 *reliable base of private sector sources having the*
24 *facilities, technology, or equipment to perform*
25 *the workloads.*

1 (3) *The systems or equipment identified under*
2 *subsection (a) that may be maintained and repaired*
3 *in private sector facilities.*

4 (4) *The approximate percentage of the total*
5 *maintenance and repair workload of the Department*
6 *of Defense necessary for the systems and equipment*
7 *identified under subsection (a) that would be per-*
8 *formed at Department of Defense facilities, and at*
9 *private sector facilities, as a result of the determina-*
10 *tions made for purposes of paragraphs (1), (2), and*
11 *(3).*

12 **SEC. 316. REVIEW OF USE OF TEMPORARY DUTY ASSIGN-**
13 **MENTS FOR SHIP REPAIR AND MAINTENANCE.**
14 **NANCE.**

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

16 (1) *In order to reduce the time that the crew of*
17 *a naval vessel is away from the homeport of the ves-*
18 *sel, the Navy seeks to perform ship repair and main-*
19 *tenance of the vessel at the homeport of the vessel*
20 *whenever it takes six months or less to accomplish the*
21 *work involved.*

22 (2) *At the same time, the Navy seeks to distrib-*
23 *ute ship repair and maintenance work among the*
24 *Navy shipyards (known as to “level load”) in order*
25 *to more fully utilize personnel resources.*

1 (3) *During periods when a Navy shipyard is not*
2 *utilized to its capacity, the Navy sometimes sends*
3 *workers at the shipyard, on a temporary duty basis,*
4 *to perform ship repairs and maintenance at a home-*
5 *port not having a Navy shipyard.*

6 (4) *This practice is a more efficient use of civil-*
7 *ian employees who might otherwise not be fully em-*
8 *ployed on work assigned to Navy shipyards.*

9 (b) *GAO REVIEW AND REPORT.—(1) The Comptroller*
10 *General of the United States shall review the Navy’s prac-*
11 *tice of using temporary duty assignments of personnel to*
12 *perform ship maintenance and repair work at homeports*
13 *not having Navy shipyards. The review shall include the*
14 *following:*

15 (A) *An assessment of the rationale, conditions,*
16 *and factors supporting the Navy’s practice.*

17 (B) *A determination of whether the practice is*
18 *cost-effective.*

19 (C) *The factors affecting future requirements for,*
20 *and the adherence to, the practice, together with an*
21 *assessment of the factors.*

22 (2) *Not later than May 1, 1998, the Comptroller Gen-*
23 *eral shall submit a report on the review to the Committee*
24 *on Armed Services of the Senate and the Committee on Na-*
25 *tional Security of the House of Representatives.*

1 **SEC. 317. REPEAL OF A CONDITIONAL REPEAL OF CERTAIN**
 2 **DEPOT-LEVEL MAINTENANCE AND REPAIR**
 3 **LAWS AND A RELATED REPORTING REQUIRE-**
 4 **MENT.**

5 *Section 311 of the National Defense Authorization Act*
 6 *for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 247;*
 7 *10 U.S.C. 2464 note) is amended by striking out subsections*
 8 *(f) and (g).*

9 **SEC. 318. EXTENSION OF AUTHORITY FOR NAVAL SHIP-**
 10 **YARDS AND AVIATION DEPOTS TO ENGAGE IN**
 11 **DEFENSE-RELATED PRODUCTION AND SERV-**
 12 **ICES.**

13 *Section 1425(e) of the National Defense Authorization*
 14 *Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat.*
 15 *1684) is amended by striking out “September 30, 1997”*
 16 *and inserting in lieu thereof “September 30, 1998”.*

17 **SEC. 319. REALIGNMENT OF PERFORMANCE OF GROUND**
 18 **COMMUNICATION-ELECTRONIC WORKLOAD.**

19 *(a) SENSE OF CONGRESS.—It is the sense of Congress*
 20 *that the transfer of the ground communication-electronic*
 21 *workload to Tobyhanna Army Depot, Pennsylvania, in the*
 22 *realignment of the performance of such function should be*
 23 *carried out in adherence to the schedule prescribed for that*
 24 *transfer by the Defense Depot Maintenance Council on*
 25 *March 13, 1997, as follows:*

1 (1) *Transfer of 20 percent of the workload in fis-*
2 *cal year 1998.*

3 (2) *Transfer of 40 percent of the workload in fis-*
4 *cal year 1999.*

5 (3) *Transfer of 40 percent of the workload in fis-*
6 *cal year 2000.*

7 (b) *PROHIBITION.*—*No provision of this Act that au-*
8 *thorizes or provides for contracting for the performance of*
9 *a depot-level maintenance and repair workload by a private*
10 *sector source at a location where the workload was per-*
11 *formed before fiscal year 1998 shall apply to the workload*
12 *referred to in subsection (a).*

13 ***Subtitle C—Environmental*** 14 ***Provisions***

15 ***SEC. 331. CLARIFICATION OF AUTHORITY RELATING TO*** 16 ***STORAGE AND DISPOSAL OF NONDEFENSE*** 17 ***TOXIC AND HAZARDOUS MATERIALS ON DE-*** 18 ***PARTMENT OF DEFENSE PROPERTY.***

19 (a) *MATERIALS OF MEMBERS AND DEPENDENTS.*—
20 *Subsection (a)(1) of section 2692 of title 10, United States*
21 *Code, is amended by inserting “or by a member of the*
22 *armed forces (or a dependent of a member) living on the*
23 *installation” before the period at the end.*

1 (b) *STORAGE OF MATERIALS CONNECTED WITH COM-*
2 *PATIBLE USE.*—Subsection (b)(8) of such section is amend-
3 *ed—*

4 (1) *by striking out “by a private person”;*

5 (2) *by striking out “by that private person of an*
6 *industrial-type” and inserting in lieu thereof “of a”;*
7 *and*

8 (3) *by striking out “; and” and inserting in lieu*
9 *thereof “, including a space launch facility located on*
10 *a Department of Defense installation or other land*
11 *controlled by the United States and a Department of*
12 *Defense facility for testing materiel or training per-*
13 *sonnel;”.*

14 (c) *TREATMENT AND DISPOSAL OF MATERIALS CON-*
15 *NECTED WITH COMPATIBLE USE.*—Subsection (b)(9) of
16 *such section is amended—*

17 (1) *by striking out “by a private person”;*

18 (2) *by striking out “commercial use by that per-*
19 *son of an industrial-type” and inserting in lieu there-*
20 *of “use of a”;*

21 (3) *by striking out “with that person” and in-*
22 *serting in lieu thereof “with the prospective user”;*
23 *and*

1 (4) in subparagraph (B), by striking out “for
2 that person’s” and inserting in lieu thereof “for the
3 prospective user’s”.

4 (d) *ADDITIONAL AUTHORITY*.—Subsection (b) of such
5 section is further amended—

6 (1) by striking out the period at the end of para-
7 graph (9) and inserting in lieu thereof “; and”; and

8 (2) by adding at the end the following:

9 “(10) the storage of materials that will be used
10 in connection with an activity of the Department of
11 Defense or in connection with a service performed for
12 the benefit of the Department of Defense or the dis-
13 posal of materials that have been used in such connec-
14 tion.”.

15 **SEC. 332. ANNUAL REPORT ON PAYMENTS AND ACTIVITIES**

16 **IN RESPONSE TO FINES AND PENALTIES AS-**
17 **SESSED UNDER ENVIRONMENTAL LAWS.**

18 (a) *ANNUAL REPORTS*.—Section 2706(b)(2) of title 10,
19 United States Code, is amended by adding at the end the
20 following:

21 “(H) A statement of the fines and penalties
22 imposed or assessed against the Department of
23 Defense under Federal, State, or local environ-
24 mental law during the fiscal year preceding the

1 *fiscal year in which the report is submitted,*
2 *which statement sets forth—*

3 “(i) *each Federal environmental stat-*
4 *ute under which a fine or penalty was im-*
5 *posed or assessed during the fiscal year;*

6 “(ii) *with respect to each such stat-*
7 *ute—*

8 “(I) *the aggregate amount of fines*
9 *and penalties imposed or assessed dur-*
10 *ing the fiscal year;*

11 “(II) *the aggregate amount of*
12 *finances and penalties paid during the fis-*
13 *cal year;*

14 “(III) *the total amount required*
15 *to meet commitments to environmental*
16 *enforcement authorities under agree-*
17 *ments entered into by the Department*
18 *of Defense during the fiscal year for*
19 *supplemental environmental projects*
20 *agreed to in lieu of the payment of*
21 *finances or penalties; and*

22 “(IV) *the number of fines and*
23 *penalties imposed or assessed during*
24 *the fiscal year that were—*

25 “(aa) *\$10,000 or less;*

1 “(bb) more than \$10,000, but
2 not more than \$50,000;

3 “(cc) more than \$50,000, but
4 not more than \$100,000; and

5 “(dd) more than \$100,000;
6 and

7 “(iii) with respect to each fine or pen-
8 alty set forth under clause (ii)(IV)(dd)—

9 “(I) the installation or facility to
10 which the fine or penalty applies; and

11 “(II) the agency that imposed or
12 assessed the fine or penalty.”.

13 (b) *REPORT IN FISCAL YEAR 1998.*—The statement
14 submitted by the Secretary of Defense under subparagraph
15 (H) of section 2706(b)(2) of title 10, United States Code,
16 as added by subsection (a), in 1998 shall, to the maximum
17 extent practicable, include the information required by that
18 subparagraph for each of fiscal years 1994 through 1997.

19 **SEC. 333. ANNUAL REPORT ON ENVIRONMENTAL ACTIVI-**
20 **TIES OF THE DEPARTMENT OF DEFENSE**
21 **OVERSEAS.**

22 Section 2706 of title 10, United States Code, is amend-
23 ed—

24 (1) by redesignating subsection (d) as subsection
25 (e); and

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

3 “(d) *REPORT ON ENVIRONMENTAL ACTIVITIES OVER-*
4 *SEAS.—(1) The Secretary of Defense shall submit to Con-*
5 *gress each year, not later than 30 days after the date on*
6 *which the President submits to Congress the budget for a*
7 *fiscal year, a report on the environmental activities of the*
8 *Department of Defense overseas.*

9 “(2) *Each such report shall include the following:*

10 “(A) *A statement of the funding levels and full-*
11 *time personnel required for the Department of Defense*
12 *to comply during such fiscal year with each require-*
13 *ment under a treaty, law, contract, or other agree-*
14 *ment for environmental restoration or compliance ac-*
15 *tivities.*

16 “(B) *A statement of the funds to be expended by*
17 *the Department of Defense during such fiscal year in*
18 *carrying out other activities relating to the environ-*
19 *ment overseas, including conferences, meetings, and*
20 *studies for pilot programs and travel related to such*
21 *activities.”.*

1 **SEC. 334. MEMBERSHIP TERMS FOR STRATEGIC ENVIRON-**
 2 **MENTAL RESEARCH AND DEVELOPMENT PRO-**
 3 **GRAM SCIENTIFIC ADVISORY BOARD.**

4 (a) *TERMS.*—Section 2904(b)(4) of title 10, United
 5 States Code, is amended by striking out “three” and insert-
 6 ing in lieu thereof “not less than two or more than four”.

7 (b) *APPLICABILITY.*—The amendment made by sub-
 8 section (a) shall apply to appointments to the Strategic En-
 9 vironmental Research and Development Program Scientific
 10 Advisory Board made before, on, or after the date of enact-
 11 ment of this Act.

12 **SEC. 335. ADDITIONAL INFORMATION ON AGREEMENTS FOR**
 13 **AGENCY SERVICES IN SUPPORT OF ENVIRON-**
 14 **MENTAL TECHNOLOGY CERTIFICATION.**

15 (a) *ADDITIONAL INFORMATION.*—Subsection (d) of sec-
 16 tion 327 of the National Defense Authorization Act for Fis-
 17 cal Year 1997 (Public Law 104–201; 110 Stat. 2483; 10
 18 U.S.C. 2702 note) is amended by adding at the end the fol-
 19 lowing:

20 “(5) A statement of the funding that will be re-
 21 quired to meet commitments made to State and local
 22 governments under agreements entered into during
 23 the fiscal year preceding the fiscal year in which the
 24 report is submitted.

12 ***SEC. 336. RISK ASSESSMENTS UNDER THE DEFENSE ENVI-***
13 ***RONMENTAL RESTORATION PROGRAM.***

(1) utilize a risk assessment method that meets the requirements in subsection (b); and

(2) ensure the uniform and consistent utilization of the risk assessment method in all evaluations of facilities under the program.

1 (b) *RISK ASSESSMENT METHOD.*—*The risk assessment*
2 *method utilized under subsection (a) shall—*

3 (1) *take into account as a separate factor of*
4 *risk—*

5 (A) *the extent to which the contamination*
6 *level of a particular contaminant exceeds the*
7 *permissible contamination level for the contami-*
8 *nant;*

9 (B) *the existence and extent of any popu-*
10 *lation (including human populations and natu-*
11 *ral populations) potentially affected by the con-*
12 *taminant; and*

13 (C) *the existence and nature of any mecha-*
14 *nism that would cause the population to be af-*
15 *ected by the contaminant; and*

16 (2) *provide appropriately for the significance of*
17 *any such factor in the final determination of risk.*

18 (c) *DEFENSE ENVIRONMENTAL RESTORATION PRO-*
19 *GRAM DEFINED.*—*In this section, the term “Defense Envi-*
20 *ronmental Restoration Program” means the program of en-*
21 *vironmental restoration carried out under chapter 160 of*
22 *title 10, United States Code.*

1 **SEC. 337. RECOVERY AND SHARING OF COSTS OF ENVIRON-**
2 **MENTAL RESTORATION AT DEPARTMENT OF**
3 **DEFENSE SITES.**

4 (a) *GUIDELINES.*—

5 (1) *IN GENERAL.*—*The Secretary of Defense shall*
6 *prescribe in regulations guidelines concerning the*
7 *cost-recovery and cost-sharing activities of the mili-*
8 *tary departments and defense agencies.*

9 (2) *COVERED MATTERS.*—*The guidelines pre-*
10 *scribed under paragraph (1) shall—*

11 (A) *establish uniform requirements relating*
12 *to cost-recovery and cost-sharing activities for*
13 *the military departments and defense agencies;*

14 (B) *require the Secretaries of the military*
15 *departments and the heads of the defense agen-*
16 *cies to obtain all appropriate data regarding ac-*
17 *tivities of contractors of the Department or other*
18 *private parties responsible for environmental*
19 *contamination at Department sites that is rel-*
20 *evant for purposes of cost-recovery and cost-shar-*
21 *ing activities;*

22 (C) *require the Secretaries of the military*
23 *departments and the heads of the defense agen-*
24 *cies to use consistent methods in estimating the*
25 *costs of environmental restoration at sites under*

1 *the jurisdiction of such departments and agencies*
2 *for purposes of reports to Congress on such costs;*

3 *(D) require the Secretaries of the military*
4 *departments to reduce the amounts requested for*
5 *environmental restoration activities of such de-*
6 *partments for a fiscal year by the amounts an-*
7 *ticipated to be recovered in the preceding fiscal*
8 *year as a result of cost-recovery and cost-sharing*
9 *activities; and*

10 *(E) resolve any unresolved issues regarding*
11 *the crediting of amounts recovered as a result of*
12 *such activities under section 2703(d) of title 10,*
13 *United States Code.*

14 *(b) IMPLEMENTATION OF GUIDELINES.—The Secretary*
15 *shall take appropriate actions to ensure the implementation*
16 *of the guidelines prescribed under subsection (a), including*
17 *appropriate requirements to—*

18 *(1) identify contractors of the Department and*
19 *other private parties responsible for environmental*
20 *contamination at Department sites;*

21 *(2) review the activities of contractors of the De-*
22 *partment and other private parties in order to iden-*
23 *tify negligence or other misconduct in such activities*
24 *that would preclude Department indemnification for*
25 *the costs of environmental restoration relating to such*

1 *contamination or justify the recovery or sharing of*
 2 *costs associated with such restoration;*

3 *(3) obtain data as provided for under subsection*
 4 *(a)(2)(B); and*

5 *(4) pursue cost-recovery and cost-sharing activi-*
 6 *ties where appropriate.*

7 *(c) DEFINITION.—In this section, the term “cost-recov-*
 8 *ery and-cost sharing activities” means activities concern-*
 9 *ing—*

10 *(1) the recovery of the costs of environmental res-*
 11 *toration at Department sites from contractors of the*
 12 *Department and other private parties that contribute*
 13 *to environmental contamination at such sites; and*

14 *(2) the sharing of the costs of such restoration*
 15 *with such contractors and parties.*

16 **SEC. 338. PILOT PROGRAM FOR THE SALE OF AIR POLLU-**
 17 **TION EMISSION REDUCTION INCENTIVES.**

18 *(a) AUTHORITY.—(1) The Secretary of Defense may,*
 19 *in consultation with the Administrator of General Services,*
 20 *carry out a pilot program to assess the feasibility and ad-*
 21 *visability of the sale of economic incentives for the reduction*
 22 *of emission of air pollutants attributable to a facility of*
 23 *a military department.*

1 (2) *The Secretary may carry out the pilot program*
2 *during the period beginning on October 1, 1997, and ending*
3 *on September 30, 1999.*

4 (b) *INCENTIVES AVAILABLE FOR SALE.*—(1) *Under the*
5 *pilot program, the Secretary may sell economic incentives*
6 *for the reduction of emission of air pollutants attributable*
7 *to a facility of a military department only if such incen-*
8 *tives are not otherwise required for the activities or oper-*
9 *ations of the military department.*

10 (2) *The Secretary may not, under the pilot program,*
11 *sell economic incentives attributable to the closure or re-*
12 *alignment of a military installation under a base closure*
13 *law.*

14 (3) *If the Secretary determines that additional sales*
15 *of economic incentives are likely to result in amounts avail-*
16 *able for allocation under subsection (c)(2) in a fiscal year*
17 *in excess of the limitation set forth in subparagraph (B)*
18 *of that subsection, the Secretary shall not carry out such*
19 *additional sales in that fiscal year.*

20 (c) *USE OF PROCEEDS.*—(1) *The proceeds of sale of*
21 *economic incentives attributable to a facility of a military*
22 *department shall be credited to the funds available to the*
23 *facility for the costs of identifying, quantifying, or valuing*
24 *economic incentives for the reduction of emission of air pol-*
25 *lutants. The amount credited shall be equal to the cost in-*

1 *curred in identifying, quantifying, or valuing the economic*
2 *incentives sold.*

3 (2)(A)(i) *If after crediting under paragraph (1) a bal-*
4 *ance remains, the amount of such balance shall be available*
5 *to the Department of Defense for allocation by the Secretary*
6 *to the military departments for programs, projects, and ac-*
7 *tivities necessary for compliance with Federal environ-*
8 *mental laws, including the purchase of economic incentives*
9 *for the reduction of emission of air pollutants.*

10 (ii) *To the extent practicable, amounts allocated to the*
11 *military departments under this subparagraph shall be*
12 *made available to the facilities that generated the economic*
13 *incentives providing the basis for the amounts.*

14 (B) *The total amount allocated under this paragraph*
15 *in a fiscal year from sales of economic incentives may not*
16 *equal or exceed \$500,000.*

17 (3) *If after crediting under paragraph (1) a balance*
18 *remains in excess of an amount equal to the limitation set*
19 *forth in paragraph (2)(B), the amount of the excess shall*
20 *be covered over into the Treasury as miscellaneous receipts.*

21 (4) *Funds credited under paragraph (1) or allocated*
22 *under paragraph (2) shall be merged with the funds to*
23 *which credited or allocated, as the case may be, and shall*
24 *be available for the same purposes and for the same period*
25 *as the funds with which merged.*

1 (d) *DEFINITIONS.—In this section:*

2 (1) *The term “base closure law” means the fol-*
3 *lowing:*

4 (A) *Section 2687 of title 10, United States*
5 *Code.*

6 (B) *Title II of the Defense Authorization*
7 *Amendments and Base Closure and Realignment*
8 *Act (Public Law 100–526; 10 U.S.C. 2687 note).*

9 (C) *The Defense Base Closure and Realign-*
10 *ment Act of 1990 (part A of title XXIX of Public*
11 *Law 101–510; 10 U.S.C. 2687 note).*

12 (2) *The term “economic incentives for the reduc-*
13 *tion of emission of air pollutants” means any trans-*
14 *ferable economic incentives (including marketable per-*
15 *mits and emission rights) necessary or appropriate to*
16 *meet air quality requirements under the Clean Air*
17 *Act (42 U.S.C. 7401 et seq.).*

18 **SEC. 339. TAGGING SYSTEM FOR IDENTIFICATION OF HY-**
19 **DROCARBON FUELS USED BY THE DEPART-**
20 **MENT OF DEFENSE.**

21 (a) *AUTHORITY TO CONDUCT PILOT PROGRAM.—The*
22 *Secretary of Defense may conduct a pilot program using*
23 *existing technology to determine—*

1 (1) *the feasibility of tagging hydrocarbon fuels*
2 *used by the Department of Defense for the purposes*
3 *of analyzing and identifying such fuels;*

4 (2) *the deterrent effect of such tagging on the*
5 *theft and misuse of fuels purchased by the Depart-*
6 *ment; and*

7 (3) *the extent to which such tagging assists in*
8 *determining the source of surface and underground*
9 *pollution in locations having separate fuel storage fa-*
10 *cilities of the Department and of civilian companies.*

11 (b) *SYSTEM ELEMENTS.—The tagging system under*
12 *the pilot program shall have the following characteristics:*

13 (1) *The tagging system does not harm the envi-*
14 *ronment.*

15 (2) *Each chemical used in the tagging system*
16 *is—*

17 (A) *approved for use under the Toxic Sub-*
18 *stances Control Act (15 U.S.C. 2601 et seq.); and*

19 (B) *substantially similar to the fuel to*
20 *which added, as determined in accordance with*
21 *criteria established by the Environmental Protec-*
22 *tion Agency for the introduction of additives into*
23 *hydrocarbon fuels.*

24 (3) *The tagging system permits a determination*
25 *if a tag is present and a determination if the con-*

1 centration of a tag has changed in order to facilitate
2 identification of tagged fuels and detection of dilution
3 of tagged fuels.

4 (4) *The tagging system does not impair or de-*
5 *grade the suitability of tagged fuels for their intended*
6 *use.*

7 (c) *REPORT.*—Not later than 30 days after the comple-
8 tion of the pilot program, the Secretary shall submit to Con-
9 gress a report setting forth the results of the pilot program
10 and including any recommendations for legislation relating
11 to the tagging of hydrocarbon fuels by the Department that
12 the Secretary considers appropriate.

13 (d) *FUNDING.*—Of the amounts authorized to be ap-
14 propriated under section 301(5) for operation and mainte-
15 nance for defense-wide activities, not more than \$5,000,000
16 shall be available for the pilot program.

17 **SEC. 340. PROCUREMENT OF RECYCLED COPIER PAPER.**

18 (a) *REQUIREMENT.*—(1) *Except as provided in sub-*
19 *section (b), a department or agency of the Department of*
20 *Defense may not procure copying machine paper after a*
21 *date set forth in paragraph (2) unless the percentage of*
22 *post-consumer recycled content of the paper meets the per-*
23 *centage set forth with respect to such date in that para-*
24 *graph.*

1 (2) *The percentage of post-consumer recycled content*
2 *of paper required under paragraph (1) is as follows:*

3 (A) *20 percent as of January 1, 1998.*

4 (B) *30 percent as of January 1, 1999.*

5 (C) *50 percent as of January 1, 2004.*

6 (b) *EXCEPTIONS.—A department or agency may pro-*
7 *cure copying machine paper having a percentage of post-*
8 *consumer recycled content that does not meet the applicable*
9 *requirement in subsection (a) if—*

10 (1) *the cost of procuring copying machine paper*
11 *under such requirement would exceed by more than 7*
12 *percent the cost of procuring copying machine paper*
13 *having a percentage of post-consumer recycled content*
14 *that does not meet such requirement;*

15 (2) *copying machine paper having a percentage*
16 *of post-consumer recycled content meeting such re-*
17 *quirement is not reasonably available within a rea-*
18 *sonable period of time;*

19 (3) *copying machine paper having a percentage*
20 *of post-consumer recycled content meeting such re-*
21 *quirement does not meet performance standards of the*
22 *department or agency for copying machine paper; or*

23 (4) *in the case of the requirement in paragraph*
24 *(2)(C) of that subsection, the Secretary of Defense*
25 *makes the certification described in subsection (c).*

1 (c) *CERTIFICATION OF INABILITY TO MEET GOAL IN*
2 *2004.—If the Secretary determines that any department or*
3 *agency of the Department will be unable to meet the goal*
4 *specified in subsection (a)(2)(C) by the date specified in*
5 *that subsection, the Secretary shall certify that determina-*
6 *tion to the Committee on Armed Services of the Senate and*
7 *the Committee on National Security of the House of Rep-*
8 *resentatives. The Secretary shall submit such certification,*
9 *if at all, not later than January 1, 2003.*

10 **SEC. 341. REPORT ON OPTIONS FOR THE DISPOSAL OF**
11 **CHEMICAL WEAPONS AND AGENTS.**

12 (a) *REQUIREMENT.—Not later than March 15, 1998,*
13 *the Secretary of Defense shall submit to Congress a report*
14 *on the options available to the Department of Defense for*
15 *the disposal of chemical weapons and agents in order to*
16 *facilitate the disposal of such weapons and agents without*
17 *the construction of additional chemical weapons disposal*
18 *facilities in the continental United States.*

19 (b) *ELEMENTS.—The report shall include the follow-*
20 *ing—*

- 21 (1) *a description of each option evaluated;*
22 (2) *an assessment of the lifecycle costs and risks*
23 *associated with each option evaluated;*
24 (3) *a statement of any technical, regulatory, or*
25 *other requirements or obstacles with respect to each*

1 option, including with respect to any transportation
 2 of weapons or agents that is required for the option;

3 (4) an assessment of incentives required for sites
 4 to accept munitions or agents from outside their own
 5 locales, as well as incentives to enable transportation
 6 of these items across State lines;

7 (5) an assessment of the cost savings that could
 8 be achieved through either the application of uniform
 9 Federal transportation or safety requirements and
 10 any other initiatives consistent with the transpor-
 11 tation and safe disposal of stockpile and nonstockpile
 12 chemical weapons and agents; and

13 (6) proposed legislative language necessary to
 14 implement options determined by the Secretary to be
 15 worthy of consideration by the Congress.

16 ***Subtitle D—Commissaries and Non-***
 17 ***appropriated Fund Instrumen-***
 18 ***talities***

19 ***SEC. 351. FUNDING SOURCES FOR CONSTRUCTION AND IM-***
 20 ***PROVEMENT OF COMMISSARY STORE FACILI-***
 21 ***TIES.***

22 (a) *ADDITIONAL FUNDING SOURCES.*—Section 2685 of
 23 *title 10, United States Code, is amended—*

24 (1) *by redesignating subsections (b), (c), and (d)*
 25 *as subsections (c), (d), and (e), respectively; and*

1 (2) by inserting after subsection (a) the following
2 new subsection (b):

3 “(b) *FUNDS FOR CONSTRUCTION AND IMPROVE-*
4 *MENTS.—Revenues received by the Department of Defense*
5 *from the following sources or activities of commissary store*
6 *facilities shall be available for the purposes set forth in sub-*
7 *sections (c), (d), and (e):*

8 “(1) *Adjustments or surcharges authorized by*
9 *subsection (a).*

10 “(2) *Sale of recyclable materials.*

11 “(3) *Sale of excess property.*

12 “(4) *License fees.*

13 “(5) *Royalties.*

14 “(6) *Fees paid by sources of products in order to*
15 *obtain favorable display of the products for resale,*
16 *known as business related management fees.*

17 “(7) *Products offered for sale in commissaries*
18 *under consignment with exchanges, as designated by*
19 *the Secretary of Defense.”.*

20 **SEC. 352. INTEGRATION OF MILITARY EXCHANGE SERVICES.**

21 (a) *INTEGRATION REQUIRED.—The Secretaries of the*
22 *military departments shall integrate the military exchange*
23 *services, including the managing organizations of the mili-*
24 *tary exchange services, not later than September 30, 2000.*

1 (b) *SUBMISSION OF PLAN TO CONGRESS.*—Not later
 2 than 180 days after the date of the enactment of this Act,
 3 the Secretaries of the military departments shall submit to
 4 the Committee on Armed Services of the Senate and the
 5 Committee on National Security of the House of Represent-
 6 atives the plan for achieving the integration required by
 7 subsection (a).

8 ***Subtitle E—Other Matters***

9 ***SEC. 361. ADVANCE BILLINGS FOR WORKING-CAPITAL*** 10 ***FUNDS.***

11 (a) *RESTRICTION.*—Section 2208 of title 10, United
 12 States Code, is amended—

13 (1) by redesignating subsection (k) as subsection
 14 (l); and

15 (2) by inserting after subsection (j) the following
 16 new subsection (k):

17 “(k)(1) *An advance billing of a customer for a work-*
 18 *ing-capital fund is prohibited except as provided in para-*
 19 *graph (2).*

20 “(2) *An advance billing of a customer for a working-*
 21 *capital fund is authorized if—*

22 “(A) *the Secretary of Defense has submitted to*
 23 *the Committees on Armed Services and on Appropria-*
 24 *tions of the Senate and the Committees on National*

1 *Security and on Appropriations of the House of Rep-*
2 *resentatives a notification of the advance billing; and*

3 “(B) *in the case of an advance billing in an*
4 *amount that exceeds \$50,000,000, thirty days have*
5 *elapsed since the date of the notification.*

6 “(3) *A notification of an advance billing of a customer*
7 *for a working-capital fund that is submitted under para-*
8 *graph (2) shall include the following:*

9 “(A) *The reasons for the advance billing.*

10 “(B) *An analysis of the effects of the advance*
11 *billing on military readiness.*

12 “(C) *An analysis of the effects of the advance*
13 *billing on the customer.*

14 “(4) *The Secretary of Defense may waive the applica-*
15 *bility of this subsection—*

16 “(A) *during a period war or national emer-*
17 *gency; or*

18 “(B) *to the extent that the Secretary determines*
19 *necessary to support a contingency operation.*

20 “(5) *The Secretary of Defense shall submit to the com-*
21 *mittees referred to in paragraph (2) a report on advance*
22 *billings for all working-capital funds whenever the aggre-*
23 *gate amount of the advance billings for all working-capital*
24 *funds not covered by a notification under that paragraph*
25 *or a report previously submitted under this paragraph ex-*

ceeds \$50,000,000. The report shall be submitted not later than 30 days after the end of the month in which the aggregate amount first reaches \$50,000,000. The report shall include, for each customer covered by the report, a discussion of the matters described in paragraph (3).

“(6) In this subsection:

“(A) The term ‘advance billing’, with respect to a working-capital fund, means a billing of a customer by the fund, or a requirement for a customer to reimburse or otherwise credit the fund, for the cost of goods or services provided (or for other expenses incurred) on behalf of the customer that is rendered or imposed before the customer receives the goods or before the services have been performed.

“(B) The term ‘customer’ means a requisitioning component or agency.”.

(b) *REPORTS ON ADVANCE BILLINGS FOR THE DBOF.*—Section 2216a(d)(3) of title 10, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking out “\$100,000,000” and inserting in lieu thereof “\$50,000,000”; and

(2) by adding at the end the following:

“(D) A report required under subparagraph (B)(ii) shall be submitted not later than 30 days after the end of

1 *the month in which the aggregate amount referred to in*
 2 *that subparagraph reaches the amount specified in that sub-*
 3 *paragraph.”.*

4 *(c) FISCAL YEAR 1998 LIMITATION.—(1) The total*
 5 *amount of advance billings for Department of Defense work-*
 6 *ing-capital funds and the Defense Business Operations*
 7 *Fund for fiscal year 1998 may not exceed \$1,000,000,000.*

8 *(2) In paragraph (1), the term “advance billing”, with*
 9 *respect to the working-capital funds of the Department of*
 10 *Defense and the Defense Business Operations Fund, has the*
 11 *same meaning as is provided with respect to working-cap-*
 12 *ital funds in section 2208(k)(6) of title 10, United States*
 13 *Code (as amended by subsection (a)).*

14 **SEC. 362. CENTER FOR EXCELLENCE IN DISASTER MANAGE-**
 15 **MENT AND HUMANITARIAN ASSISTANCE.**

16 *(a) ESTABLISHMENT.—The Secretary of Defense may*
 17 *operate a Center for Excellence in Disaster Management*
 18 *and Humanitarian Assistance at Tripler Army Medical*
 19 *Center, Hawaii.*

20 *(b) MISSIONS.—The Secretary of Defense shall specify*
 21 *the missions of the Center. The missions shall include the*
 22 *following:*

23 *(1) To provide and facilitate education, training,*
 24 *and research in civil-military operations, particu-*
 25 *larly operations that require international disaster*

1 *management and humanitarian assistance and oper-*
2 *ations that require interagency coordination.*

3 (2) *To make available high-quality disaster*
4 *management and humanitarian assistance in re-*
5 *sponse to disasters.*

6 (3) *To provide and facilitate education, training,*
7 *interagency coordination, and research on the follow-*
8 *ing additional matters:*

9 (A) *Management of the consequences of nu-*
10 *clear, biological, and chemical events.*

11 (B) *Management of the consequences of ter-*
12 *rorism.*

13 (C) *Appropriate roles for the reserve compo-*
14 *nents in the management of such consequences*
15 *and in disaster management and humanitarian*
16 *assistance in response to natural disasters.*

17 (D) *Meeting requirements for information*
18 *in connection with regional and global disasters,*
19 *including use of advanced communications tech-*
20 *nology as a virtual library.*

21 (E) *Tropical medicine, particularly in rela-*
22 *tion to the medical readiness requirements of the*
23 *Department of Defense.*

24 (4) *To develop a repository of disaster risk indi-*
25 *cators for the Asia-Pacific region.*

1 (c) *JOINT OPERATION WITH EDUCATIONAL INSTITU-*
2 *TION AUTHORIZED.*—*The Secretary may enter into an*
3 *agreement with appropriate officials of an institution of*
4 *higher education to provide for joint operation of the Cen-*
5 *ter. Any such agreement shall provide for the institution*
6 *to furnish necessary administrative services for the Center,*
7 *including administration and allocation of funds.*

8 (d) *ACCEPTANCE OF FUNDS.*—(1) *Except as provided*
9 *in paragraph (2), the Secretary of Defense may, on behalf*
10 *of the Center, accept funds for use to defray the costs of*
11 *the Center or to enhance the operation of the Center from*
12 *any agency of the Federal Government, any State or local*
13 *government, any foreign government, any foundation or*
14 *other charitable organization (including any that is orga-*
15 *nized or operates under the laws of a foreign country), or*
16 *any other private source in the United States or a foreign*
17 *country.*

18 (2)(A) *The Secretary may not accept a gift or donation*
19 *under paragraph (1) if the acceptance of the gift or dona-*
20 *tion, as the case may be, would compromise or appear to*
21 *compromise—*

22 (i) *the ability of the Department of Defense, or*
23 *any employee of the Department, to carry out any re-*
24 *sponsibility or duty of the Department in a fair and*
25 *objective manner; or*

1 (ii) the integrity of any program of the Depart-
 2 ment of Defense or of any official involved in such a
 3 program.

4 (B) The Secretary shall prescribe written guidance set-
 5 ting forth the criteria to be used in determining whether
 6 or not the acceptance of a foreign gift or donation would
 7 have a result described in subparagraph (A).

8 (3) Funds accepted by the Secretary under paragraph
 9 (1) shall be credited to appropriations available to the De-
 10 partment of Defense for the Center. Funds so credited shall
 11 be merged with the appropriations to which credited and
 12 shall be available for the Center for the same purposes and
 13 the same period as the appropriations with which merged.

14 (e) *FUNDING FOR FISCAL YEAR 1998.*—Of the funds
 15 authorized to be appropriated under section 301, \$5,000,000
 16 shall be available for the Center for Excellence in Disaster
 17 Management and Humanitarian Assistance.

18 **SEC. 363. ADMINISTRATIVE ACTIONS ADVERSELY AFFECT-**
 19 **ING MILITARY TRAINING OR OTHER READI-**
 20 **NESS ACTIVITIES.**

21 (a) *CONGRESSIONAL NOTIFICATION.*—Chapter 101 of
 22 title 10, United States Code, is amended by adding at the
 23 end the following:

1 **“§2014. Administrative actions adversely affecting**
2 **military training or other readiness ac-**
3 **tivities**

4 “(a) CONGRESSIONAL NOTIFICATION.—Whenever an
5 official of an Executive agency takes or proposes to take
6 an administrative action that, as determined by the Sec-
7 retary of Defense in consultation with the Chairman of the
8 Joint Chiefs of Staff, affects training or any other readiness
9 activity in a manner that has or would have a significant
10 adverse effect on the military readiness of any of the armed
11 forces or a critical component thereof, the Secretary shall
12 submit a written notification of the action and each signifi-
13 cant adverse effect to the head of the Executive agency tak-
14 ing or proposing to take the administrative action and to
15 the Committee on Armed Services of the Senate and the
16 Committee on National Security of the House of Represent-
17 atives and, at the same time, shall transmit a copy of the
18 notification to the President.

19 “(b) NOTIFICATION TO BE PROMPT.—(1) Subject to
20 paragraph (2), the Secretary shall submit a written notifi-
21 cation of an administrative action or proposed administra-
22 tive action required by subsection (a) as soon as the Sec-
23 retary becomes aware of the action or proposed action.

24 “(2) The Secretary shall prescribe policies and proce-
25 dures to ensure that the Secretary receives information on
26 an administrative action or proposed administrative action

1 *described in subsection (a) promptly after Department of*
2 *Defense personnel receive notice of such an action or pro-*
3 *posed action.*

4 “(c) *CONSULTATION BETWEEN SECRETARY AND HEAD*
5 *OF EXECUTIVE AGENCY.*—*Upon notification with respect to*
6 *an administrative action or proposed administrative action*
7 *under subsection (a), the head of the Executive agency con-*
8 *cerned shall—*

9 “(1) *respond promptly to the Secretary; and*

10 “(2) *consistent with the urgency of the training*
11 *or readiness activity involved and the provisions of*
12 *law under which the administrative action or pro-*
13 *posed administrative action is being taken, seek to*
14 *reach an agreement with the Secretary on immediate*
15 *actions to attain the objective of the administrative*
16 *action or proposed administrative action in a man-*
17 *ner which eliminates or mitigates the impacts of the*
18 *administrative action or proposed administrative ac-*
19 *tion upon the training or readiness activity.*

20 “(d) *MORATORIUM.*—(1) *Subject to paragraph (2),*
21 *upon notification with respect to an administrative action*
22 *or proposed administrative action under subsection (a), the*
23 *administrative action or proposed administrative action*
24 *shall cease to be effective with respect to the Department*
25 *of Defense until the earlier of—*

1 “(A) the end of the five-day period beginning on
2 the date of the notification; or

3 “(B) the date of an agreement between the head
4 of the Executive agency concerned and the Secretary
5 as a result of the consultations under subsection (c).

6 “(2) Paragraph (1) shall not apply with respect to an
7 administrative action or proposed administrative action if
8 the head of the Executive agency concerned determines that
9 the delay in enforcement of the administrative action or
10 proposed administrative action will pose an actual threat
11 of an imminent and substantial endangerment to public
12 health or the environment.

13 “(e) EFFECT OF LACK OF AGREEMENT.—(1) In the
14 event the head of an Executive agency and the Secretary
15 do not enter into an agreement under subsection (c)(2), the
16 Secretary shall submit a written notification to the Presi-
17 dent who shall take final action on the matter.

18 “(2) Not later than 30 days after the date on which
19 the President takes final action on a matter under para-
20 graph (1), the President shall submit to the committees re-
21 ferred to in subsection (a) a notification of the action.

22 “(f) LIMITATION ON DELEGATION OF AUTHORITY.—
23 The head of an Executive agency may not delegate any re-
24 sponsibility under this section.

1 “(g) *DEFINITION.*—*In this section, the term ‘Executive*
 2 *agency’ has the meaning given such term in section 105*
 3 *of title 5 other than the General Accounting Office.’.*”

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

*“2014. Administrative actions adversely affecting military training or other read-
 iness activities.”.*

7 **SEC. 364. FINANCIAL ASSISTANCE TO SUPPORT ADDI-**
 8 **TIONAL DUTIES ASSIGNED TO ARMY NA-**
 9 **TIONAL GUARD.**

10 “(a) *AUTHORITY.*—*Chapter 1 of title 32, United States*
 11 *Code, is amended by adding at the end the following:*

12 **“§ 113. Federal financial assistance for support of ad-**
 13 **ditional duties assigned to the Army Na-**
 14 **tional Guard**

15 “(a) *AUTHORITY.*—*The Secretary of the Army may*
 16 *provide financial assistance to a State to support activities*
 17 *carried out by the Army National Guard of the State in*
 18 *the performance of duties that the Secretary has assigned,*
 19 *with the consent of the Chief of the National Guard Bureau,*
 20 *to the Army National Guard of the State. The Secretary*
 21 *shall determine the amount of the assistance that is appro-*
 22 *priate for the purpose.*

23 “(b) *COVERED ACTIVITIES.*—*Activities supported*
 24 *under this section may include only those activities that*

1 *are carried out by the Army National Guard in the per-*
 2 *formance of responsibilities of the Secretary under para-*
 3 *graphs (6), (10), and (11) of section 3013(b) of title 10.*

4 “(c) *DISBURSEMENT THROUGH NATIONAL GUARD BU-*
 5 *REAU.—The Secretary shall disburse any contribution*
 6 *under this section through the Chief of the National Guard*
 7 *Bureau.*

8 “(d) *AVAILABILITY OF FUNDS.—Funds appropriated*
 9 *for the Army for a fiscal year are available for providing*
 10 *financial assistance under this section in support of activi-*
 11 *ties carried out by the Army National Guard during that*
 12 *fiscal year.”.*

13 (b) *CLERICAL AMENDMENT.—The table of sections at*
 14 *the beginning of such chapter is amended by adding at the*
 15 *end the following:*

*“113. Federal financial assistance for support of additional duties assigned to the
 Army National Guard.”.*

16 **SEC. 365. SALE OF EXCESS, OBSOLETE, OR UNSERVICEABLE**
 17 **AMMUNITION AND AMMUNITION COMPO-**
 18 **NENTS.**

19 (a) *AUTHORITY.—Chapter 443 of title 10, United*
 20 *States Code, is amended by adding at the end the following*
 21 *new section:*

1 **“§4687. Sale of excess, obsolete, or unserviceable am-**
2 **munition and ammunition components**

3 “(a) *AUTHORITY TO SELL OUTSIDE DoD.—The Sec-*
4 *retary of the Army may sell ammunition or ammunition*
5 *components that are excess, obsolete, or unserviceable and*
6 *have not been demilitarized to a person eligible under sub-*
7 *section (c) if—*

8 “(1) *the purchaser enters into an agreement, in*
9 *advance, with the Secretary—*

10 “(A) *to demilitarize the ammunition or*
11 *components; and*

12 “(B) *to reclaim, recycle, or reuse the compo-*
13 *nent parts or materials; or*

14 “(2) *the Secretary, or an official of the Depart-*
15 *ment of the Army designated by the Secretary, ap-*
16 *proves the use of the ammunition or components pro-*
17 *posed by the purchaser as being consistent with the*
18 *public interest.*

19 “(b) *METHOD OF SALE.—The Secretary shall use com-*
20 *petitive procedures to sell ammunition and ammunition*
21 *components under this section, except that the Secretary*
22 *may negotiate a sale in any case in which the Secretary*
23 *determines that there is only one potential buyer of the*
24 *items being offered for sale.*

25 “(c) *ELIGIBLE PURCHASERS.—A purchaser of excess,*
26 *obsolete, or unserviceable ammunition or ammunition com-*

1 ponents under this section shall be a licensed manufacturer
2 (as defined in section 921(10) of title 18) that, as deter-
3 mined by the Secretary, has a capability to modify, re-
4 claim, transport, and either store or sell the ammunition
5 or ammunition components purchased.

6 “(d) *HOLD HARMLESS AGREEMENT.*—The Secretary
7 shall require a purchaser of ammunition or ammunition
8 components under this section to agree to hold harmless and
9 indemnify the United States from any claim for damages
10 for death, injury, or other loss resulting from a use of the
11 ammunition or ammunition components, except in a case
12 of willful misconduct or gross negligence of a representative
13 of the United States.

14 “(e) *VERIFICATION OF DEMILITARIZATION.*—The Sec-
15 retary shall establish procedures for ensuring that a pur-
16 chaser of ammunition or ammunition components under
17 this section demilitarizes the ammunition or ammunition
18 components in accordance with any agreement to do so
19 under subsection (a)(1). The procedures shall include on-
20 site verification of demilitarization activities.

21 “(f) *CONSIDERATION.*—The Secretary may accept am-
22 munition, ammunition components, or ammunition demili-
23 tarization services as consideration for ammunition or am-
24 munition components sold under this section. The fair mar-
25 ket value of any such consideration shall be equal to or ex-

1 *ceed the fair market value or, if higher, the sale price of*
 2 *the ammunition or ammunition components sold.*

3 “(g) *DISPOSITION OF FUNDS.—Amounts received as*
 4 *proceeds of sale of ammunition or ammunition components*
 5 *under this section in any fiscal year shall—*

6 “(1) *be credited to an appropriation available*
 7 *for such fiscal year for the acquisition of ammunition*
 8 *or ammunition components or to an appropriation*
 9 *available for such fiscal year for the demilitarization*
 10 *of excess, obsolete, or unserviceable ammunition or*
 11 *ammunition components; and*

12 “(2) *shall be available for the same period and*
 13 *for the same purposes as the appropriation to which*
 14 *credited.*

15 “(h) *RELATIONSHIP TO ARMS EXPORT CONTROL*
 16 *ACT.—Nothing in this section shall be construed to affect*
 17 *the applicability of section 38 of the Arms Export Control*
 18 *Act (22 U.S.C. 2778) to sales of ammunition or ammuni-*
 19 *tion components on the United States Munitions List.*

20 “(i) *DEFINITIONS.—In this section:*

21 “(1) *The term ‘excess, obsolete, or unserviceable’,*
 22 *with respect to ammunition or ammunition compo-*
 23 *nents, means that the ammunition or ammunition*
 24 *components are no longer necessary for war reserves*

1 or for support of training of the Army or production
2 of ammunition or ammunition components.

3 “(2) The term ‘demilitarize’, with respect to am-
4 munition or ammunition components—

5 “(A) means to destroy the military offensive
6 or defensive advantages inherent in the ammuni-
7 tion or ammunition components; and

8 “(B) includes any mutilation, scrapping,
9 melting, burning, or alteration that prevents the
10 use of the ammunition or ammunition compo-
11 nents for the military purposes for which the
12 ammunition or ammunition components was de-
13 signed or for a lethal purpose.”.

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

“4687. Sale of excess, obsolete, or unserviceable ammunition and ammunition
components.”.

17 **SEC. 366. INVENTORY MANAGEMENT.**

18 (a) *SCHEDULE FOR IMPLEMENTATION OF BEST IN-*
19 *VENTORY PRACTICES AT DEFENSE LOGISTICS AGENCY.*—

20 (1) The Director of the Defense Logistics Agency shall de-
21 velop and submit to Congress a schedule for implementing
22 within the agency, for the supplies and equipment described
23 in paragraph (2), inventory practices identified by the Di-
24 rector as being the best commercial inventory practices for

1 *such supplies and equipment consistent with military re-*
 2 *quirements. The schedule shall provide for the implementa-*
 3 *tion of such practices to be completed not later than three*
 4 *years after date of the enactment of this Act.*

5 (2) *The inventory practices shall apply to the acquisi-*
 6 *tion and distribution of medical supplies, subsistence sup-*
 7 *plies, clothing and textiles, commercially available elec-*
 8 *tronics, construction supplies, and industrial supplies.*

9 (3) *For the purposes of this section, the term “best com-*
 10 *mercial inventory practice” includes a so-called prime ven-*
 11 *dor arrangement and any other practice that the Director*
 12 *determines will enable the Defense Logistics Agency to re-*
 13 *duce inventory levels and holding costs while improving the*
 14 *responsiveness of the supply system to user needs.*

15 (b) *TIME FOR SUBMISSION OF SCHEDULE TO CON-*
 16 *GRESS.*—*The schedule required by this section shall be sub-*
 17 *mitted not later than 180 days after the date of the enact-*
 18 *ment of this Act.*

19 **SEC. 367. WARRANTY CLAIMS RECOVERY PILOT PROGRAM.**

20 (a) *PILOT PROGRAM REQUIRED.*—*The Secretary of*
 21 *Defense may carry out a pilot program to use commercial*
 22 *sources of services to improve the collection of Department*
 23 *of Defense claims under aircraft engine warranties.*

24 (b) *CONTRACTS.*—*Exercising authority provided in*
 25 *section 3718 of title 31, United States Code, the Secretary*

1 *of Defense may enter into contracts under the pilot program*
2 *to provide for the following services:*

3 *(1) Collection services.*

4 *(2) Determination of amounts owed the Depart-*
5 *ment of Defense for repair of aircraft engines for con-*
6 *ditions covered by warranties.*

7 *(3) Identification and location of the sources of*
8 *information that are relevant to collection of Depart-*
9 *ment of Defense claims under aircraft engine warran-*
10 *ties, including electronic data bases and document fil-*
11 *ing systems maintained by the Department of Defense*
12 *or by the manufacturers and suppliers of the aircraft*
13 *engines.*

14 *(4) Services to define the elements necessary for*
15 *an effective training program to enhance and improve*
16 *the performance of Department of Defense personnel*
17 *in collecting and organizing documents and other in-*
18 *formation that are necessary for efficient filing, proc-*
19 *essing, and collection of Department of Defense claims*
20 *under aircraft engine warranties.*

21 *(c) CONTRACTOR FEE.—Under authority provided in*
22 *section 3718(d) of title 31, United States Code, a contract*
23 *entered into under the pilot program shall provide for the*
24 *contractor to be paid, out of the amount recovered by the*
25 *contractor under program, such percentages of the amount*

1 *recovered as the Secretary of Defense determines appro-*
2 *priate.*

3 (d) *RETENTION OF RECOVERED FUNDS.*—Subject to
4 *any obligation to pay a fee under subsection (c), any*
5 *amount collected for the Department of Defense under the*
6 *pilot program for a repair of an aircraft engine for a condi-*
7 *tion covered by a warranty shall be credited to an appro-*
8 *priation available for repair of aircraft engines for the fis-*
9 *cal year in which collected and shall be available for the*
10 *same purposes and same period as the appropriation to*
11 *which credited.*

12 (e) *REGULATIONS.*—The Secretary of Defense shall
13 *prescribe regulations to carry out this section.*

14 (f) *TERMINATION OF AUTHORITY.*—The pilot program
15 *shall terminate at the end of September 30, 1999, and con-*
16 *tracts entered into under this section shall terminate not*
17 *later than that date.*

18 (g) *REPORT.*—Not later than January 1, 2000, the
19 *Secretary of Defense shall submit to Congress a report on*
20 *the pilot program. The report shall include the following:*

21 (1) *The number of contracts entered into under*
22 *the program.*

23 (2) *The extent to which the services provided*
24 *under the contracts resulted in financial benefits for*
25 *the Federal Government.*

1 (3) *Any additional comments and recommenda-*
 2 *tions that the Secretary considers appropriate regard-*
 3 *ing use of commercial sources of services for collection*
 4 *of Department of Defense claims under aircraft en-*
 5 *gine warranties.*

6 **SEC. 368. ADJUSTMENT AND DIVERSIFICATION ASSISTANCE**
 7 **TO ENHANCE INCREASED PERFORMANCE OF**
 8 **MILITARY FAMILY SUPPORT SERVICES BY**
 9 **PRIVATE SECTOR SOURCES.**

10 *Section 2391(b)(5) of title 10, United States Code, is*
 11 *amended by adding at the end the following:*

12 “(C) *The Secretary of Defense may also make grants,*
 13 *conclude cooperative agreements, and supplement other*
 14 *Federal funds in order to assist a State or local government*
 15 *to enhance that government’s capabilities to support efforts*
 16 *of the Department of Defense to privatize, contract for, or*
 17 *diversify the performance of military family support serv-*
 18 *ices in cases in which the capability of the department to*
 19 *provide such services is adversely affected by an action de-*
 20 *scribed in paragraph (1).”.*

21 **SEC. 369. MULTITECHNOLOGY AUTOMATED READER CARD**
 22 **DEMONSTRATION PROGRAM.**

23 (a) *PROGRAM REQUIRED.—The Secretary of the Navy*
 24 *shall carry out a program to demonstrate expanded use of*
 25 *multitechnology automated reader cards throughout the*

1 *Navy and the Marine Corps. The demonstration program*
2 *shall include demonstration of the use of the so-called*
3 *“smartship” technology of the ship-to-shore work load/off*
4 *load program of the Navy.*

5 (b) *PERIOD OF PROGRAM.*—*The Secretary shall carry*
6 *out the demonstration program for two years beginning not*
7 *later than January 1, 1998.*

8 (c) *REPORT.*—*Not later than 90 days after termi-*
9 *nation of the demonstration program, the Secretary shall*
10 *submit a report on the experience under the program to the*
11 *Committee on Armed Services of the Senate and the Com-*
12 *mittee on National Security of the House of Representa-*
13 *tives.*

14 (d) *FUNDING.*—(1) *Of the amount authorized to be ap-*
15 *propriated under section 301(1), \$36,000,000 shall be avail-*
16 *able for the demonstration program under this section, of*
17 *which \$6,300,000 shall be available for demonstration of the*
18 *use of the so-called “smartship” technology of the ship-to-*
19 *shore work load/off load program of the Navy.*

20 (2) *Of the amount authorized to be appropriated under*
21 *section 301(1), the total amount available for cold weather*
22 *clothing is decreased by \$36,000,000.*

1 **SEC. 370. CONTRACTING FOR PROCUREMENT OF CAPITAL**
2 **ASSETS IN ADVANCE OF AVAILABILITY OF**
3 **FUNDS IN THE WORKING-CAPITAL FUND FI-**
4 **NANCING THE PROCUREMENT.**

5 *Section 2208 of title 10, United States Code, is amend-*
6 *ed by adding at the end the following:*

7 *“(l)(1) A contract for the procurement of a capital*
8 *asset financed by a working-capital fund may be awarded*
9 *in advance of the availability of funds in the working-cap-*
10 *ital fund for the procurement.*

11 *“(2) Paragraph (1) applies to any of the following cap-*
12 *ital assets that have a development or acquisition cost of*
13 *not less than \$100,000:*

14 *“(A) A minor construction project under section*
15 *2805(c)(1) of this title.*

16 *“(B) Automatic data processing equipment or*
17 *software.*

18 *“(C) Any other equipment.*

19 *“(D) Any other capital improvement.”.*

20 **SEC. 371. CONTRACTED TRAINING FLIGHT SERVICES.**

21 *Of the amount authorized to be appropriated under*
22 *section 301(4), \$12,000,000 may be used for contracted*
23 *training flight services.*

1 ***Subtitle F—Sikes Act Improvement***

2 ***SEC. 381. SHORT TITLE; REFERENCES.***

3 (a) *SHORT TITLE.*—*This subtitle may be cited as the*
 4 *“Sikes Act Improvement Act of 1997”.*

5 (b) *REFERENCES TO SIKES ACT.*—*In this subtitle, the*
 6 *term “Sikes Act” means the Act entitled “An Act to promote*
 7 *effectual planning, development, maintenance, and coordi-*
 8 *nation of wildlife, fish, and game conservation and rehabili-*
 9 *tation in military reservations”, approved September 15,*
 10 *1960 (commonly known as the “Sikes Act”) (16 U.S.C.*
 11 *670a et seq.).*

12 ***SEC. 382. PREPARATION OF INTEGRATED NATURAL RE-***
 13 ***SOURCES MANAGEMENT PLANS.***

14 (a) *IN GENERAL.*—*Section 101 of the Sikes Act (16*
 15 *U.S.C. 670a(a)) is amended by striking subsection (a) and*
 16 *inserting the following:*

17 *“(a) AUTHORITY OF SECRETARY OF DEFENSE.—*

18 *“(1) PROGRAM.—*

19 *“(A) IN GENERAL.—The Secretary of De-*
 20 *fense shall carry out a program to provide for*
 21 *the conservation and rehabilitation of natural*
 22 *resources on military installations.*

23 *“(B) INTEGRATED NATURAL RESOURCES*
 24 *MANAGEMENT PLAN.—To facilitate the program,*
 25 *the Secretary of each military department shall*

1 *prepare and implement an integrated natural*
2 *resources management plan for each military in-*
3 *stallation in the United States under the juris-*
4 *isdiction of the Secretary, unless the Secretary de-*
5 *termines that the absence of significant natural*
6 *resources on a particular installation makes*
7 *preparation of such a plan inappropriate.*

8 “(2) *COOPERATIVE PREPARATION.*—*The Sec-*
9 *retary of a military department shall prepare each*
10 *integrated natural resources management plan for*
11 *which the Secretary is responsible in cooperation with*
12 *the Secretary of the Interior, acting through the Di-*
13 *rector of the United States Fish and Wildlife Service,*
14 *and the head of each appropriate State fish and wild-*
15 *life agency for the State in which the military instal-*
16 *lation concerned is located. Consistent with para-*
17 *graph (4), the resulting plan for the military installa-*
18 *tion shall reflect the mutual agreement of the parties*
19 *concerning conservation, protection, and management*
20 *of fish and wildlife resources.*

21 “(3) *PURPOSES OF PROGRAM.*—*Consistent with*
22 *the use of military installations to ensure the pre-*
23 *paredness of the Armed Forces, the Secretaries of the*
24 *military departments shall carry out the program re-*
25 *quired by this subsection to provide for—*

1 “(A) the conservation and rehabilitation of
2 natural resources on military installations;

3 “(B) the sustainable multipurpose use of the
4 resources, which shall include hunting, fishing,
5 trapping, and nonconsumptive uses; and

6 “(C) subject to safety requirements and
7 military security, public access to military in-
8 stallations to facilitate the use.

9 “(4) *EFFECT ON OTHER LAW.*—Nothing in this
10 title—

11 “(A)(i) affects any provision of a Federal
12 law governing the conservation or protection of
13 fish and wildlife resources; or

14 “(ii) enlarges or diminishes the responsibil-
15 ity and authority of any State for the protection
16 and management of fish and resident wildlife; or

17 “(B) except as specifically provided in the
18 other provisions of this section and in section
19 102, authorizes the Secretary of a military de-
20 partment to require a Federal license or permit
21 to hunt, fish, or trap on a military installa-
22 tion.”.

23 (b) *CONFORMING AMENDMENTS.*—

24 (1) Section 101 of the Sikes Act (16 U.S.C.
25 670a) is amended—

1 (A) in subsection (b)(4), by striking “coop-
2 erative plan” each place it appears and insert-
3 ing “integrated natural resources management
4 plan”;

5 (B) in subsection (c), in the matter preced-
6 ing paragraph (1), by striking “a cooperative
7 plan” and inserting “an integrated natural re-
8 sources management plan”;

9 (C) in subsection (d), in the matter preced-
10 ing paragraph (1), by striking “cooperative
11 plans” and inserting “integrated natural re-
12 sources management plans”; and

13 (D) in subsection (e), by striking “Coopera-
14 tive plans” and inserting “Integrated natural re-
15 sources management plans”.

16 (2) Section 102 of the Sikes Act (16 U.S.C. 670b)
17 is amended by striking “a cooperative plan” and in-
18 serting “an integrated natural resources management
19 plan”.

20 (3) Section 103 of the Sikes Act (16 U.S.C. 670c)
21 is amended by striking “a cooperative plan” and in-
22 serting “an integrated natural resources management
23 plan”.

24 (4) Section 106 of the Sikes Act (16 U.S.C. 670f)
25 is amended—

1 (A) in subsection (a), by striking “coopera-
 2 tive plans” and inserting “integrated natural re-
 3 sources management plans”; and

4 (B) in subsection (c), by striking “coopera-
 5 tive plans” and inserting “integrated natural re-
 6 sources management plans”.

7 (c) *REQUIRED ELEMENTS OF PLANS.*—Section 101(b)
 8 of the Sikes Act (16 U.S.C. 670a(b)) is amended—

9 (1) by striking “(b) Each cooperative” and all
 10 that follows through the end of paragraph (1) and in-
 11 serting the following:

12 “(b) *REQUIRED ELEMENTS OF PLANS.*—Consistent
 13 with the use of military installations to ensure the pre-
 14 paredness of the Armed Forces, each integrated natural re-
 15 sources management plan prepared under subsection (a)—

16 “(1) shall, to the extent appropriate and applica-
 17 ble, provide for—

18 “(A) fish and wildlife management, land
 19 management, forest management, and fish- and
 20 wildlife-oriented recreation;

21 “(B) fish and wildlife habitat enhancement
 22 or modifications;

23 “(C) wetland protection, enhancement, and
 24 restoration, where necessary for support of fish,
 25 wildlife, or plants;

1 “(D) integration of, and consistency among,
2 the various activities conducted under the plan;

3 “(E) establishment of specific natural re-
4 source management goals and objectives and
5 time frames for proposed action;

6 “(F) sustainable use by the public of natu-
7 ral resources to the extent that the use is not in-
8 consistent with the needs of fish and wildlife re-
9 sources;

10 “(G) public access to the military installa-
11 tion that is necessary or appropriate for the use
12 described in subparagraph (F), subject to re-
13 quirements necessary to ensure safety and mili-
14 tary security;

15 “(H) enforcement of applicable natural re-
16 source laws (including regulations);

17 “(I) no net loss in the capability of military
18 installation lands to support the military mis-
19 sion of the installation; and

20 “(J) such other activities as the Secretary of
21 the military department determines appro-
22 priate;”;

23 (2) in paragraph (2), by adding “and” at the
24 end;

25 (3) by striking paragraph (3);

1 (4) *by redesignating paragraph (4) as para-*
 2 *graph (3); and*

3 (5) *in paragraph (3)(A) (as so redesignated), by*
 4 *striking “collect the fees therefor,” and inserting “col-*
 5 *lect, spend, administer, and account for fees for the*
 6 *permits,”.*

7 **SEC. 383. REVIEW FOR PREPARATION OF INTEGRATED NAT-**
 8 **URAL RESOURCES MANAGEMENT PLANS.**

9 (a) *DEFINITIONS.—In this section, the terms “military*
 10 *installation” and “United States” have the meanings pro-*
 11 *vided in section 100 of the Sikes Act (as added by section*
 12 *389).*

13 (b) *REVIEW OF MILITARY INSTALLATIONS.—*

14 (1) *REVIEW.—Not later than 270 days after the*
 15 *date of enactment of this Act, the Secretary of each*
 16 *military department shall—*

17 (A) *review each military installation in the*
 18 *United States that is under the jurisdiction of*
 19 *that Secretary to determine the military instal-*
 20 *lations for which the preparation of an inte-*
 21 *grated natural resources management plan*
 22 *under section 101 of the Sikes Act (as amended*
 23 *by this subtitle) is appropriate; and*

24 (B) *submit to the Secretary of Defense a re-*
 25 *port on the determinations.*

1 (2) *REPORT TO CONGRESS.*—Not later than 1
 2 year after the date of enactment of this Act, the Sec-
 3 retary of Defense shall submit to Congress a report on
 4 the reviews conducted under paragraph (1). The re-
 5 port shall include—

6 (A) a list of the military installations re-
 7 viewed under paragraph (1) for which the Sec-
 8 retary of the appropriate military department
 9 determines that the preparation of an integrated
 10 natural resources management plan is not ap-
 11 propriate; and

12 (B) for each of the military installations
 13 listed under subparagraph (A), an explanation
 14 of each reason such a plan is not appropriate.

15 (c) *DEADLINE FOR INTEGRATED NATURAL RE-*
 16 *SOURCES MANAGEMENT PLANS.*—Not later than 3 years
 17 after the date of the submission of the report required under
 18 subsection (b)(2), the Secretary of each military department
 19 shall, for each military installation with respect to which
 20 the Secretary has not determined under subsection (b)(2)(A)
 21 that preparation of an integrated natural resources man-
 22 agement plan is not appropriate—

23 (1) prepare and begin implementing such a plan
 24 in accordance with section 101(a) of the Sikes Act (as
 25 amended by this subtitle); or

1 (2) *in the case of a military installation for*
 2 *which there is in effect a cooperative plan under sec-*
 3 *tion 101(a) of the Sikes Act on the day before the date*
 4 *of enactment of this Act, complete negotiations with*
 5 *the Secretary of the Interior and the heads of the ap-*
 6 *propriate State agencies regarding changes to the*
 7 *plan that are necessary for the plan to constitute an*
 8 *integrated natural resources management plan that*
 9 *complies with that section, as amended by this sub-*
 10 *title.*

11 (d) *PUBLIC COMMENT.*—*The Secretary of each mili-*
 12 *tary department shall provide an opportunity for the sub-*
 13 *mission of public comments on—*

14 (1) *integrated natural resources management*
 15 *plans proposed under subsection (c)(1); and*

16 (2) *changes to cooperative plans proposed under*
 17 *subsection (c)(2).*

18 **SEC. 384. TRANSFER OF WILDLIFE CONSERVATION FEES**

19 **FROM CLOSED MILITARY INSTALLATIONS.**

20 Section 101(b)(3)(B) of the Sikes Act (16 U.S.C.
 21 670a(b)) (as redesignated by section 382(c)(4)) is amended
 22 by inserting before the period at the end the following: “,
 23 unless the military installation is subsequently closed, in
 24 which case the fees may be transferred to another military
 25 installation to be used for the same purposes”.

1 **SEC. 385. ANNUAL REVIEWS AND REPORTS.**

2 *Section 101 of the Sikes Act (16 U.S.C. 670a) is*
3 *amended by adding at the end the following:*

4 “(f) *REVIEWS AND REPORTS.*—

5 “(1) *SECRETARY OF DEFENSE.*—*Not later than*
6 *March 1 of each year, the Secretary of Defense shall*
7 *review the extent to which integrated natural re-*
8 *sources management plans were prepared or were in*
9 *effect and implemented in accordance with this title*
10 *in the preceding year, and submit a report on the*
11 *findings of the review to the committees. Each report*
12 *shall include—*

13 “(A) *the number of integrated natural re-*
14 *sources management plans in effect in the year*
15 *covered by the report, including the date on*
16 *which each plan was issued in final form or*
17 *most recently revised;*

18 “(B) *the amounts expended on conservation*
19 *activities conducted pursuant to the plans in the*
20 *year covered by the report; and*

21 “(C) *an assessment of the extent to which*
22 *the plans comply with this title.*

23 “(2) *SECRETARY OF THE INTERIOR.*—*Not later*
24 *than March 1 of each year and in consultation with*
25 *the heads of State fish and wildlife agencies, the Sec-*
26 *retary of the Interior shall submit a report to the*

1 committees on the amounts expended by the Depart-
 2 ment of the Interior and the State fish and wildlife
 3 agencies in the year covered by the report on con-
 4 servation activities conducted pursuant to integrated
 5 natural resources management plans.

6 “(3) *DEFINITION OF COMMITTEES.*—In this sub-
 7 section, the term ‘committees’ means—

8 “(A) the Committee on Resources and the
 9 Committee on National Security of the House of
 10 Representatives; and

11 “(B) the Committee on Armed Services and
 12 the Committee on Environment and Public
 13 Works of the Senate.”.

14 **SEC. 386. COOPERATIVE AGREEMENTS.**

15 Section 103a of the Sikes Act (16 U.S.C. 670c–1) is
 16 amended—

17 (1) in subsection (a), by striking “Secretary of
 18 Defense” and inserting “Secretary of a military de-
 19 partment”;

20 (2) by striking subsection (b);

21 (3) by redesignating subsection (c) as subsection
 22 (b); and

23 (4) by adding at the end the following:

24 “(c) *MULTIYEAR AGREEMENTS.*—Funds made avail-
 25 able to the Department of Defense for a fiscal year may

1 *be obligated to cover the cost of goods and services provided*
 2 *under a cooperative agreement entered into under sub-*
 3 *section (a) or through an agency agreement under section*
 4 *1535 of title 31, United States Code, during any 18-month*
 5 *period beginning in the fiscal year, regardless of the fact*
 6 *that the agreement extends for more than 1 fiscal year.”.*

7 **SEC. 387. FEDERAL ENFORCEMENT.**

8 *Title I of the Sikes Act (16 U.S.C. 670a et seq.) is*
 9 *amended—*

10 *(1) by redesignating section 106 as section 108;*

11 *and*

12 *(2) by inserting after section 105 the following:*

13 **“SEC. 106. FEDERAL ENFORCEMENT OF OTHER LAWS.**

14 *“All Federal laws relating to the management of natu-*
 15 *ral resources on Federal land may be enforced by the Sec-*
 16 *retary of Defense with respect to violations of the laws that*
 17 *occur on military installations within the United States.”.*

18 **SEC. 388. NATURAL RESOURCE MANAGEMENT SERVICES.**

19 *Title I of the Sikes Act (16 U.S.C. 670a et seq.) is*
 20 *amended by inserting after section 106 (as added by section*
 21 *387) the following:*

22 **“SEC. 107. NATURAL RESOURCE MANAGEMENT SERVICES.**

23 *“To the extent practicable using available resources,*
 24 *the Secretary of each military department shall ensure that*
 25 *sufficient numbers of professionally trained natural re-*

1 *source management personnel and natural resource law en-*
 2 *forcement personnel are available and assigned responsibil-*
 3 *ity to perform tasks necessary to carry out this title, includ-*
 4 *ing the preparation and implementation of integrated nat-*
 5 *ural resources management plans.”.*

6 **SEC. 389. DEFINITIONS.**

7 *Title I of the Sikes Act (16 U.S.C. 670a et seq.) is*
 8 *amended by inserting before section 101 the following:*

9 **“SEC. 100. DEFINITIONS.**

10 *“In this title:*

11 *“(1) MILITARY INSTALLATION.—The term ‘mili-*
 12 *tary installation’—*

13 *“(A) means any land or interest in land*
 14 *owned by the United States and administered by*
 15 *the Secretary of Defense or the Secretary of a*
 16 *military department, except land under the ju-*
 17 *risdiction of the Assistant Secretary of the Army*
 18 *having responsibility for civil works;*

19 *“(B) includes all public lands withdrawn*
 20 *from all forms of appropriation under public*
 21 *land laws and reserved for use by the Secretary*
 22 *of Defense or the Secretary of a military depart-*
 23 *ment; and*

24 *“(C) does not include any land described in*
 25 *subparagraph (A) or (B) that is subject to an*

1 *approved recommendation for closure under the*
 2 *Defense Base Closure and Realignment Act of*
 3 *1990 (part A of title XXIX of Public Law 101–*
 4 *510; 10 U.S.C. 2687 note).*

5 “(2) *STATE FISH AND WILDLIFE AGENCY.*—*The*
 6 *term ‘State fish and wildlife agency’ means the 1 or*
 7 *more agencies of State government that are respon-*
 8 *sible under State law for managing fish or wildlife*
 9 *resources.*

10 “(3) *UNITED STATES.*—*The term ‘United States’*
 11 *means the States, the District of Columbia, and the*
 12 *territories and possessions of the United States.”.*

13 **SEC. 390. REPEAL.**

14 *Section 2 of Public Law 99–561 (16 U.S.C. 670a–1)*
 15 *is repealed.*

16 **SEC. 391. TECHNICAL AMENDMENTS.**

17 *(a) The Sikes Act (16 U.S.C. 670a et seq.) is amended*
 18 *by inserting before title I the following:*

19 **“SECTION 1. SHORT TITLE.**

20 *“This Act may be cited as the ‘Sikes Act’.”.*

21 *(b) The title heading for title I of the Sikes Act (16*
 22 *U.S.C. prec. 670a) is amended by striking “MILITARY RES-*
 23 *ERVATIONS” and inserting “MILITARY INSTALLATIONS”.*

24 *(c) Section 101 of the Sikes Act (16 U.S.C. 670a) is*
 25 *amended—*

1 (1) in subsection (b)(3) (as redesignated by sec-
2 tion 382(c)(4))—

3 (A) in subparagraph (A), by striking “the
4 reservation” and inserting “the military instal-
5 lation”; and

6 (B) in subparagraph (B), by striking “the
7 military reservation” and inserting “the mili-
8 tary installation”;

9 (2) in subsection (c)—

10 (A) in paragraph (1), by striking “a mili-
11 tary reservation” and inserting “a military in-
12 stallation”; and

13 (B) in paragraph (2), by striking “the res-
14 ervation” and inserting “the military installa-
15 tion”; and

16 (3) in subsection (e), by striking “the Federal
17 Grant and Cooperative Agreement Act of 1977 (41
18 U.S.C. 501 et seq.)” and inserting “chapter 63 of title
19 31, United States Code”.

20 (d) Section 102 of the Sikes Act (16 U.S.C. 670b) is
21 amended by striking “military reservations” and inserting
22 “military installations”.

23 (e) Section 103 of the Sikes Act (16 U.S.C. 670c) is
24 amended—

- 1 (1) by striking “military reservations” and in-
 2 serting “military installations”; and
 3 (2) by striking “such reservations” and inserting
 4 “the installations”.

5 **SEC. 392. AUTHORIZATIONS OF APPROPRIATIONS.**

6 (a) CONSERVATION PROGRAMS ON MILITARY INSTAL-
 7 LATIONS.—Subsections (b) and (c) of section 108 of the
 8 Sikes Act (as redesignated by section 387(1)) are each
 9 amended by striking “1983” and all that follows through
 10 “1993,” and inserting “1998 through 2003,”.

11 (b) CONSERVATION PROGRAMS ON PUBLIC LANDS.—
 12 Section 209 of the Sikes Act (16 U.S.C. 670o) is amended—

13 (1) in subsection (a), by striking “the sum of
 14 \$10,000,000” and all that follows through “to enable
 15 the Secretary of the Interior” and inserting
 16 “\$4,000,000 for each of fiscal years 1998 through
 17 2003, to enable the Secretary of the Interior”; and

18 (2) in subsection (b), by striking “the sum of
 19 \$12,000,000” and all that follows through “to enable
 20 the Secretary of Agriculture” and inserting
 21 “\$5,000,000 for each of fiscal years 1998 through
 22 2003, to enable the Secretary of Agriculture”.

1 **TITLE IV—MILITARY 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, 485,000, of whom not more than*
8 *80,300 shall be officers.*

9 *(2) The Navy, 390,802, of whom not more than*
10 *55,695 shall be officers.*

11 *(3) The Marine Corps, 174,000, of whom not*
12 *more than 17,978 shall be officers.*

13 *(4) The Air Force, 371,577, of whom not more*
14 *than 72,732 shall be officers.*

15 **SEC. 402. PERMANENT END STRENGTH LEVELS TO SUP-**
16 **PORT TWO MAJOR REGIONAL CONTIN-**
17 **GENCIES.**

18 *(a) REPEAL.—Section 691 of title 10, United States*
19 *Code, is repealed.*

20 *(b) CLERICAL AMENDMENT.—The table of sections at*
21 *the beginning of chapter 39 of such title is amended by*
22 *striking out the item relating to section 691.*

1 ***Subtitle B—Reserve Forces***

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

3 (a) *FISCAL YEAR 1998.*—*The Armed Forces are au-*
 4 *thorized strengths for Selected Reserve personnel of the re-*
 5 *serve components as of September 30, 1998, as follows:*

6 (1) *The Army National Guard of the United*
 7 *States, 361,516.*

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

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

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

11 (5) *The Air National Guard of the United*
 12 *States, 108,002.*

13 (6) *The Air Force Reserve, 73,542.*

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

15 (b) *ADJUSTMENTS.*—*The end strengths prescribed by*
 16 *subsection (a) for the Selected Reserve of any reserve compo-*
 17 *nent for a fiscal year shall be proportionately reduced by—*

18 (1) *the total authorized strength of units orga-*
 19 *nized to serve as units of the Selected Reserve of such*
 20 *component which are on active duty (other than for*
 21 *training) at the end of the fiscal year, and*

22 (2) *the total number of individual members not*
 23 *in units organized to serve as units of the Selected*
 24 *Reserve of such component who are on active duty*
 25 *(other than for training or for unsatisfactory partici-*

1 *pation in training) without their consent at the end*
2 *of the fiscal year.*

3 *Whenever such units or such individual members are re-*
4 *leased from active duty during any fiscal year, the end*
5 *strength prescribed for such fiscal year for the Selected Re-*
6 *serve of such reserve component shall be proportionately in-*
7 *creased by the total authorized strengths of such units and*
8 *by the total number of such individual members.*

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

11 *Within the end strengths prescribed in section 411(a),*
12 *the reserve components of the Armed Forces are authorized,*
13 *as of September 30, 1998, the following number of Reserves*
14 *to be serving on full-time active duty or full-time duty, in*
15 *the case of members of the National Guard, for the purpose*
16 *of organizing, administering, recruiting, instructing, or*
17 *training the reserve components:*

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

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

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

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

23 *(5) The Air National Guard of the United*
24 *States, 10,671.*

25 *(6) The Air Force Reserve, 963.*

1 **SEC. 413. ADDITION TO END STRENGTHS FOR MILITARY**
2 **TECHNICIANS.**

3 (a) *AIR NATIONAL GUARD.*—In addition to the num-
4 ber of military technicians for the Air National Guard of
5 the United States as of the last day of fiscal year 1998 for
6 which funds are authorized to be appropriated in this Act,
7 100 military technicians are authorized for fiscal year 1998
8 for five Air National Guard C-130 aircraft units.

9 (b) *AIR FORCE RESERVE.*—In addition to the number
10 of military technicians for the Air Force Reserve as of the
11 last day of fiscal year 1998 for which funds are authorized
12 to be appropriated in this Act, 21 military technicians are
13 authorized for fiscal year 1998 for three Air Force Reserve
14 C-130 aircraft units.

15 **Subtitle C—Authorization of**
16 **Appropriations**

17 **SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**
18 **TARY PERSONNEL.**

19 *There is hereby authorized to be appropriated to the*
20 *Department of Defense for military personnel for fiscal year*
21 *1998 a total of \$69,244,962,000. The authorization in the*
22 *preceding sentence supersedes any other authorization of*
23 *appropriations (definite or indefinite) for such purpose for*
24 *fiscal year 1998.*

1 ***TITLE V—MILITARY PERSONNEL***
 2 ***POLICY***

3 ***Subtitle A—Personnel Management***

4 ***SEC. 501. OFFICERS EXCLUDED FROM CONSIDERATION BY***
 5 ***PROMOTION BOARD.***

6 (a) *ACTIVE COMPONENT OFFICERS.*—Section 619(d) of
 7 title 10, United States Code, is amended by striking out
 8 paragraph (1) and inserting in lieu thereof the following:

9 “(1) an officer whose name is on—

10 “(A) a promotion list for that grade as a re-
 11 sult of his selection for promotion to that grade
 12 by an earlier selection board convened under that
 13 section; or

14 “(B) a list of names of officers recommended
 15 for promotion to that grade that is set forth in
 16 a report of such a board, while the report is
 17 pending action under section 618 of this title”.

18 (b) *RESERVE COMPONENT OFFICERS.*—Section
 19 14301(c) of such title is amended by striking out paragraph
 20 (1) and inserting in lieu thereof the following:

21 “(1) an officer whose name is on—

22 “(A) a promotion list for that grade as a re-
 23 sult of recommendation for promotion to that
 24 grade by an earlier selection board convened

1 *under that section or section 14502 of this title*
 2 *or under chapter 36 of this title; or*

3 “(B) *a list of names of officers recommended*
 4 *for promotion to that grade that is set forth in*
 5 *a report of such a board, while the report is*
 6 *pending action under section 618, 14110, or*
 7 *14111 of this title;”.*

8 (c) *EFFECTIVE DATE.*—*The amendments made by this*
 9 *section shall take effect on the date of the enactment of this*
 10 *Act and shall apply with respect to each selection board*
 11 *that is convened under section 611(a), 14101(a), or 14502*
 12 *of title 10, United States Code, on or after such date.*

13 **SEC. 502. INCREASE IN THE MAXIMUM NUMBER OF OFFI-**
 14 **CERS ALLOWED TO BE FROCKED TO THE**
 15 **GRADE OF O-6.**

16 *Paragraph (2) of section 777(d) of title 10, United*
 17 *States Code, is amended to read as follows:*

18 “(2) *The number of officers of an armed force on the*
 19 *active-duty list who are authorized as described in sub-*
 20 *section (a) to wear the insignia for a grade to which a limi-*
 21 *tation on total number applies under section 523(a) of this*
 22 *title for a fiscal year may not exceed—*

23 “(A) *in the case of the grade of major, lieutenant*
 24 *colonel, lieutenant commander, or commander, 1 per-*
 25 *cent of the total number provided for the officers in*

1 *that grade in that armed force in the administration*
 2 *of the limitation under that section for that fiscal*
 3 *year; and*

4 *“(B) in the case of the grade of colonel or cap-*
 5 *tain, 2 percent of the total number provided for the*
 6 *officers in that grade in that armed force in the ad-*
 7 *ministration of the limitation under that section for*
 8 *that fiscal year.”.*

9 **SEC. 503. AVAILABILITY OF NAVY CHAPLAINS ON RETIRED**
 10 **LIST OR OF RETIREMENT AGE TO SERVE AS**
 11 **CHIEF OR DEPUTY CHIEF OF CHAPLAINS OF**
 12 **THE NAVY.**

13 *(a) ELIGIBILITY OF OFFICERS ON RETIRED LIST.—*
 14 *(1) Section 5142(b) of title 10, United States Code, is*
 15 *amended by striking out “, who are not on the retired list,”*
 16 *in the second sentence.*

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

19 *(b) AUTHORITY TO DEFER RETIREMENT.—(1) Chap-*
 20 *ter 573 of title 10, United States Code, is amended by add-*
 21 *ing at the end the following new section:*

22 **“§6411. Chief and Deputy Chief of Chaplains:**
 23 ***deferment of retirement for age***

24 *“The Secretary of the Navy may defer the retirement*
 25 *under section 1251(a) of this title of an officer of the Chap-*

1 *lain Corps if during the period of the deferment the officer*
 2 *will be serving as the Chief of Chaplains or the Deputy*
 3 *Chief of Chaplains. A deferment under this subsection may*
 4 *not extend beyond the first day of the month following the*
 5 *month in which the officer becomes 68 years of age.”.*

6 (2) *The table of sections at the beginning of such chap-*
 7 *ter is amended by adding at the end the following:*

“6411. Chief and Deputy Chief of Chaplains: deferment of retirement for age.”.

8 **SEC. 504. PERIOD OF RECALL SERVICE OF CERTAIN RETIR-**
 9 **EES.**

10 (a) *INAPPLICABILITY OF LIMITATION TO CERTAIN OF-*
 11 *FICERS.—Section 688(e) of title 10, United States Code, is*
 12 *amended—*

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

14 (2) *by adding at the end the following:*

15 “(2) *In the administration of paragraph (1), the fol-*
 16 *lowing officers shall not be counted:*

17 “(A) *A chaplain who is assigned to duty as a*
 18 *chaplain for the period of active duty to which or-*
 19 *dered.*

20 “(B) *A health care professional (as characterized*
 21 *by the Secretary concerned) who is assigned to duty*
 22 *as a health care professional for the period of the ac-*
 23 *tive duty to which ordered.*

1 “(C) *Any officer assigned to duty with the Amer-*
 2 *ican Battle Monuments Commission for the period of*
 3 *active duty to which ordered.*”.

4 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
 5 *section (a) shall take effect on September 30, 1997, imme-*
 6 *diately after the amendment made by section 521(a) of Pub-*
 7 *lic Law 104–201 (110 Stat. 2515) takes effect.*

8 **SEC. 505. INCREASED YEARS OF COMMISSIONED SERVICE**
 9 **FOR MANDATORY RETIREMENT OF REGULAR**
 10 **GENERALS AND ADMIRALS ABOVE MAJOR**
 11 **GENERAL AND REAR ADMIRAL.**

12 (a) *YEARS OF SERVICE.*—*Section 636 of title 10, Unit-*
 13 *ed States Code, is amended—*

14 (1) *by striking out “Except” and inserting in*
 15 *lieu thereof “(a) MAJOR GENERALS AND REAR ADMI-*
 16 *RALS SERVING IN GRADE.—Except as provided in*
 17 *subsection (b) or (c) of this section and”; and*

18 (2) *by adding at the end the following:*

19 “(b) *LIEUTENANT GENERALS AND VICE ADMIRALS.*—
 20 *In the administration of subsection (a) in the case of an*
 21 *officer who is serving in the grade of lieutenant general or*
 22 *vice admiral, the number of years of active commissioned*
 23 *service applicable to the officer is 38 years.*

24 “(c) *GENERALS AND ADMIRALS.*—*In the administra-*
 25 *tion of subsection (a) in the case of an officer who is serving*

1 *in the grade of general or admiral, the number of years*
 2 *of active commissioned service applicable to the officer is*
 3 *40 years.”.*

4 (b) *SECTION HEADING.—The heading of such section*
 5 *is amended to read as follows:*

6 **“§ 636. Retirement for years of service: regular officers**
 7 **in grades above brigadier general and**
 8 **rear admiral (lower half)”.**

9 (c) *CLERICAL AMENDMENT.—The item relating to such*
 10 *section in the table of sections at the beginning of sub-*
 11 *chapter III of chapter 36 of title 10, United States Code,*
 12 *is amended to read as follows:*

*“636. Retirement for years of service: regular officers in grades above brigadier
 general and rear admiral (lower half).”.*

13 ***Subtitle B—Matters Relating to***
 14 ***Reserve Components***

15 ***SEC. 511. TERMINATION OF READY RESERVE MOBILIZATION***
 16 ***INCOME INSURANCE PROGRAM.***

17 (a) *TERMINATION.—(1) Chapter 1214 of title 10, Unit-*
 18 *ed States Code, is amended by adding at the end the follow-*
 19 *ing;*

20 **“§ 12533. Termination of program authority**

21 **“(a) BENEFITS NOT TO ACCRUE.—No benefits accrue**
 22 **under the insurance program for active duty performed on**
 23 **or after the program termination date.**

1 “(b) *SERVICE NOT INSURED.*—*The insurance program*
 2 *does not apply with respect to any order of a member of*
 3 *the Ready Reserve into covered service that becomes effective*
 4 *on or after the program termination date.*

5 “(c) *CESSATION OF ACTIVITIES.*—*No person may be*
 6 *enrolled, and no premium may be collected, under the in-*
 7 *surance program on or after the program termination date.*

8 “(d) *PROGRAM TERMINATION DATE.*—*For the pur-*
 9 *poses of this section, the term ‘program termination date’*
 10 *is the date of the enactment of the National Defense Author-*
 11 *ization Act for Fiscal Year 1998.’”.*

12 (2) *The table of sections at the beginning of such chap-*
 13 *ter is amended by adding at the end the following:*

“12533. *Termination of program authority.*”.

14 (b) *PAYMENT OF BENEFITS.*—*The Secretary of Defense*
 15 *shall pay in full all benefits that have accrued to members*
 16 *of the Armed Forces under the Ready Reserve Mobilization*
 17 *Income Insurance Program before the date of the enactment*
 18 *of this Act. A refund of premiums to a beneficiary under*
 19 *subsection (c) may not reduce the benefits payable to the*
 20 *beneficiary under this subsection.*

21 (c) *REFUND OF PREMIUMS.*—*Not later than 180 days*
 22 *after the date of the enactment of this Act, the Secretary*
 23 *of Defense shall refund premiums paid under the Ready Re-*
 24 *serve Mobilization Income Insurance Program to the per-*
 25 *sons who paid the premiums, as follows:*

1 (1) *In the case of a person for whom no payment*
2 *of benefits has accrued under the program, all pre-*
3 *miums.*

4 (2) *In the case of a person who has accrued bene-*
5 *fits under the program, the premiums (including any*
6 *portion of a premium) that the person has paid for*
7 *periods (including any portion of a period) for which*
8 *no benefits accrued to the person under the program.*

9 (d) *STUDY AND REPORT.*—*Not later than June 1,*
10 *1998, the Secretary of Defense shall—*

11 (1) *carry out a study to determine—*

12 (A) *the reasons for the fiscal deficiencies in*
13 *the Ready Reserve Mobilization Income Insur-*
14 *ance Program that make it necessary to appro-*
15 *priate \$72,000,000 or more to pay benefits (in-*
16 *cluding benefits in arrears) and other program*
17 *costs; and*

18 (B) *whether there is a need for such a pro-*
19 *gram; and*

20 (2) *submit to Congress a report containing—*

21 (A) *the Secretary's determinations; and*

22 (B) *if the Secretary determines that there is*
23 *a need for a Ready Reserve mobilization income*
24 *insurance program, the Secretary's recommenda-*

1 *tions for improving the program under chapter*
 2 *1214 of title 10, United States Code.*

3 **SEC. 512. DISCHARGE OR RETIREMENT OF RESERVE OFFI-**
 4 **CERS IN AN INACTIVE STATUS.**

5 *Section 12683(b)(1) of title 10, United States Code, is*
 6 *amended to read as follows:*

7 “(1) to—

8 “(A) a separation under section 12684,
 9 14901, or 14907 of this title; or

10 “(B) a separation of a reserve officer in an
 11 inactive status in the Standby Reserve who is
 12 not qualified for transfer to the Retired Reserve
 13 or, if qualified, does not apply for transfer to the
 14 Retired Reserve;”.

15 **SEC. 513. RETENTION OF MILITARY TECHNICIANS IN**
 16 **GRADE OF BRIGADIER GENERAL AFTER MAN-**
 17 **DATORY SEPARATION DATE.**

18 (a) *RETENTION TO AGE 60.*—Section 14702(a) of title
 19 *10, United States Code, is amended—*

20 (1) *by striking out “section 14506 or 14507” and*
 21 *inserting in lie thereof “section 14506, 14507, or*
 22 *14508(a)”;* and

23 (2) *by striking out “or colonel” and inserting in*
 24 *lieu thereof “colonel, or brigadier general”.*

1 (b) *RELATIONSHIP TO OTHER RETENTION AUTHOR-*
 2 *ITY.*—Section 14508(c) of such title is amended by adding
 3 *at the end the following: “For the purposes of the preceding*
 4 *sentence, a retention of a reserve officer under section 14702*
 5 *of this title shall not be construed as being a retention of*
 6 *that officer under this subsection.”.*

7 **SEC. 514. FEDERAL STATUS OF SERVICE BY NATIONAL**
 8 **GUARD MEMBERS AS HONOR GUARDS AT FU-**
 9 **NERALS OF VETERANS.**

10 (a) *IN GENERAL.*—(1) Chapter 1 of title 32, United
 11 States Code, as amended by section 364, is further amended
 12 by adding at the end the following new section:

13 **“§ 114. Honor guard functions at funerals for veterans**

14 “Subject to such restrictions as may be prescribed by
 15 the Secretary concerned, the performance of honor guard
 16 functions by members of the National Guard at funerals
 17 for veterans of the armed forces may be treated by the Sec-
 18 retary concerned as a Federal function for which appro-
 19 priated funds may be used. Any such performance of honor
 20 guard functions at funerals may not be considered to be
 21 a period of drill or training otherwise required.”.

22 (2) The table of sections at the beginning of such chap-
 23 ter, as amended by section 364, is further amended by add-
 24 ing at the end the following new item:

“114. Honor guard functions at funerals for veterans.”.

1 (b) *FUNDING FOR FISCAL YEAR 1997.*—Section 114 of
 2 *title 32, United States Code, as added by subsection (a),*
 3 *does not authorize additional appropriations for fiscal year*
 4 *1997. Any expenses of the National Guard that are incurred*
 5 *by reason of such section during fiscal year 1997 may be*
 6 *paid from existing appropriations available for the Na-*
 7 *tional Guard.*

8 ***Subtitle C—Education and***
 9 ***Training Programs***

10 ***SEC. 521. SERVICE ACADEMIES FOREIGN EXCHANGE STUDY***
 11 ***PROGRAM.***

12 (a) *UNITED STATES MILITARY ACADEMY.*—(1) Chap-
 13 *ter 403 of title 10, United States Code, is amended by in-*
 14 *serting after section 4344 the following new section:*

15 ***“§4345. Exchange program with foreign military***
 16 ***academies***

17 “(a) *AGREEMENT AUTHORIZED.*—*The Secretary of the*
 18 *Army may enter into an agreement with an official of a*
 19 *foreign government authorized to act for that foreign gov-*
 20 *ernment to carry out a military academy foreign exchange*
 21 *study program.*

22 “(b) *TERMS OF AGREEMENT.*—(1) *An agreement with*
 23 *a foreign government under this section shall provide for*
 24 *the following:*

1 “(A) *That, on an exchange basis, the Secretary*
2 *provide students of military academies of the foreign*
3 *government with instruction at the Academy and the*
4 *foreign government provide cadets of the Academy*
5 *with instruction at military academies of the foreign*
6 *government.*

7 “(B) *That the number of cadets of the Academy*
8 *provided instruction under the exchange program and*
9 *the number of students of military academies of the*
10 *foreign government provided instruction at the Acad-*
11 *emy under the exchange program during an academic*
12 *year be equal.*

13 “(C) *That the duration of the period of exchange*
14 *study for each student not exceed one academic semes-*
15 *ter (or an equivalent academic period of a host for-*
16 *ign military academy).*

17 “(2) *An agreement with a foreign government under*
18 *this section may provide for the Secretary to provide a stu-*
19 *dent of a military academy of the foreign government with*
20 *quarters, subsistence, transportation, clothing, health care,*
21 *and other services during the period of the student’s ex-*
22 *change study at the Academy to the same extent that the*
23 *foreign government provides comparable support and serv-*
24 *ices to cadets of the Academy during the period of the ca-*

1 *dets' exchange study at a military academy of the foreign*
2 *government.*

3 “(c) *MAXIMUM NUMBER.*—*Under the exchange pro-*
4 *gram not more than a total of 24 cadets of the Academy*
5 *may be receiving instruction at military academies of for-*
6 *oreign governments under the program at any time, and not*
7 *more than a total of 24 students of military academies of*
8 *foreign governments may be receiving instruction at the*
9 *Academy at any time.*

10 “(d) *FOREIGN STUDENTS NOT TO RECEIVE PAY AND*
11 *ALLOWANCES.*—*A student of a foreign military academy*
12 *provided instruction at the Academy under the exchange*
13 *program is not, by virtue of participation in the exchange*
14 *program, entitled to the pay, allowances, and emoluments*
15 *of a cadet appointed from the United States.*

16 “(e) *SPECIAL RULES FOR FOREIGN MILITARY ACAD-*
17 *EMY STUDENTS.*—(1) *Foreign military academy students*
18 *receiving instruction at the Academy under the exchange*
19 *program are in addition to—*

20 “(A) *the number of persons from foreign coun-*
21 *tries who are receiving instruction at the Academy*
22 *under section 4344 of this title; and*

23 “(B) *the authorized strength of the cadets of the*
24 *Academy under section 4342 of this title.*

“(2) Subsections (c) and (d) of section 9344 of this title
apply to students of military academies of foreign govern-
ments while the students are participating in the exchange
program under this section.

5 “(f) *REGULATIONS.—The Secretary shall prescribe reg-*
6 *ulations to carry out the military academy foreign exchange*
7 *study program under this section. The regulations may,*
8 *subject to subsection (e)(2), include eligibility criteria and*
9 *methods for selection of students to participate in the ex-*
10 *change program.”.*

(2) *The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4344 the following new item:*

“4345. *Exchange program with foreign military academies.*”

(b) UNITED STATES NAVAL ACADEMY.—(1) Chapter 603 of title 10, United States Code, is amended by inserting after section 6957 the following new section:

17 *“§6957a. Exchange program with foreign military*
18 *academies*

19 “(a) *AGREEMENT AUTHORIZED.—The Secretary of the*
20 *Navy may enter into an agreement with an official of a*
21 *foreign government authorized to act for that foreign gov-*
22 *ernment to carry out a military academy foreign exchange*
23 *study program.*

1 “(b) *TERMS OF AGREEMENT.*—(1) *An agreement with*
2 *a foreign government under this section shall provide for*
3 *the following:*

4 “(A) *That, on an exchange basis, the Secretary*
5 *provide students of military academies of the foreign*
6 *government with instruction at the Naval Academy*
7 *and the foreign government provide midshipmen of*
8 *the Academy with instruction at military academies*
9 *of the foreign government.*

10 “(B) *That the number of midshipmen of the*
11 *Naval Academy provided instruction under the ex-*
12 *change program and the number of students of mili-*
13 *tary academies of the foreign government provided in-*
14 *struction at the Naval Academy under the exchange*
15 *program during an academic year be equal.*

16 “(C) *That the duration of the period of exchange*
17 *study for each student not exceed one academic semes-*
18 *ter (or an equivalent academic period of a host for-*
19 *eign military academy).*

20 “(2) *An agreement with a foreign government under*
21 *this section may provide for the Secretary to provide a stu-*
22 *dent of a military academy of the foreign government with*
23 *quarters, subsistence, transportation, clothing, health care,*
24 *and other services during the period of the student’s ex-*
25 *change study at the Naval Academy to the same extent that*

1 *the foreign government provides comparable support and*
2 *services to midshipmen of the Naval Academy during the*
3 *period of the cadets' exchange study at a military academy*
4 *of the foreign government.*

5 “(c) *MAXIMUM NUMBER.*—*Under the exchange pro-*
6 *gram not more than a total of 24 midshipmen of the Naval*
7 *Academy may be receiving instruction at military acad-*
8 *emies of foreign governments under the program at any*
9 *time, and not more than a total of 24 students of military*
10 *academies of foreign governments may be receiving instruc-*
11 *tion at the Naval Academy at any time.*

12 “(d) *FOREIGN STUDENTS NOT TO RECEIVE PAY AND*
13 *ALLOWANCES.*—*A student of a foreign military academy*
14 *provided instruction at the Naval Academy under the ex-*
15 *change program is not, by virtue of participation in the*
16 *exchange program, entitled to the pay, allowances, and*
17 *emoluments of a midshipman appointed from the United*
18 *States.*

19 “(e) *SPECIAL RULES FOR FOREIGN MILITARY ACAD-*
20 *EMY STUDENTS.*—(1) *Foreign military academy students*
21 *receiving instruction at the Naval Academy under the ex-*
22 *change program are in addition to—*

23 “(A) *the number of persons from foreign coun-*
24 *tries who are receiving instruction at the Naval Acad-*
25 *emy under section 6957 of this title; and*

1 “(B) *the authorized strength of the midshipmen*
2 *under section 6954 of this title.*

3 “(2) *Section 6957(c) of this title applies to students*
4 *of military academies of foreign governments while the stu-*
5 *dents are participating in the exchange program under this*
6 *section.*

7 “(f) *REGULATIONS.—The Secretary shall prescribe reg-*
8 *ulations to carry out the military academy foreign exchange*
9 *study program under this section. The regulations may,*
10 *subject to subsection (e)(2), include eligibility criteria and*
11 *methods for selection of students to participate in the ex-*
12 *change program.”.*

13 “(2) *The table of sections at the beginning of such chap-*
14 *ter is amended by inserting after the item relating to section*
15 *6957 the following new item:*

 “6957a. *Exchange program with foreign military academies.”.*

16 “(c) *UNITED STATES AIR FORCE ACADEMY.—(1) Chap-*
17 *ter 903 of title 10, United States Code, is amended by in-*
18 *serting after section 9344 the following new section:*

19 “**§9345. *Exchange program with foreign military***
20 ***academies***

21 “(a) *AGREEMENT AUTHORIZED.—The Secretary of the*
22 *Air Force may enter into an agreement with an official*
23 *of a foreign government authorized to act for that foreign*
24 *government to carry out a military academy foreign ex-*
25 *change study program.*

1 “(b) *TERMS OF AGREEMENT.*—(1) *An agreement with*
2 *a foreign government under this section shall provide for*
3 *the following:*

4 “(A) *That, on an exchange basis, the Secretary*
5 *provide students of military academies of the foreign*
6 *government with instruction at the Air Force Acad-*
7 *emy and the foreign government provide Air Force*
8 *Cadets of the Academy with instruction at military*
9 *academies of the foreign government.*

10 “(B) *That the number of Air Force Cadets of the*
11 *Academy provided instruction under the exchange*
12 *program and the number of students of military*
13 *academies of the foreign government provided instruc-*
14 *tion at the Academy under the exchange program*
15 *during an academic year be equal.*

16 “(C) *That the duration of the period of exchange*
17 *study for each student not exceed one academic semes-*
18 *ter (or an equivalent academic period of a host for-*
19 *eign military academy).*

20 “(2) *An agreement with a foreign government under*
21 *this section may provide for the Secretary to provide a stu-*
22 *dent of a military academy of the foreign government with*
23 *quarters, subsistence, transportation, clothing, health care,*
24 *and other services during the period of the student’s ex-*
25 *change study at the Academy to the same extent that the*

1 *foreign government provides comparable support and serv-*
2 *ices to Air Force Cadets of the Academy during the period*
3 *of the cadets' exchange study at a military academy of the*
4 *foreign government.*

5 “(c) *MAXIMUM NUMBER.*—Under the exchange pro-
6 gram not more than a total of 24 Air Force Cadets of the
7 Academy may be receiving instruction at military acad-
8 emies of foreign governments under the program at any
9 time, and not more than a total of 24 students of military
10 academies of foreign governments may be receiving instruc-
11 tion at the Academy at any time.

12 “(d) *FOREIGN STUDENTS NOT TO RECEIVE PAY AND*
13 *ALLOWANCES.*—A student of a foreign military academy
14 provided instruction at the Academy under the exchange
15 program is not, by virtue of participation in the exchange
16 program, entitled to the pay, allowances, and emoluments
17 of a cadet appointed from the United States.

18 “(e) *SPECIAL RULES FOR FOREIGN MILITARY ACAD-*
19 *EMY STUDENTS.*—(1) Foreign military academy students
20 receiving instruction at the Academy under the exchange
21 program are in addition to—

22 “(A) the number of persons from foreign coun-
23 tries who are receiving instruction at the Academy
24 under section 9344 of this title; and

1 “(B) the authorized strength of the Air Force Ca-
2 dets of the Academy under section 9342 of this title.

3 “(2) Subsections (c) and (d) of section 9344 of this title
4 apply to students of military academies of foreign govern-
5 ments while the students are participating in the exchange
6 program under this section.

7 “(f) *REGULATIONS.*—The Secretary shall prescribe reg-
8 ulations to carry out the military academy foreign exchange
9 study program under this section. The regulations may,
10 subject to subsection (e)(2), include eligibility criteria and
11 methods for selection of students to participate in the ex-
12 change program.”.

13 (2) The table of sections at the beginning of such chap-
14 ter is amended by inserting after the item relating to section
15 9344 the following new item:

 “9345. *Exchange program with foreign military academies.*”.

16 **SEC. 522. PROGRAMS OF HIGHER EDUCATION OF THE COM-**
17 **MUNITY COLLEGE OF THE AIR FORCE.**

18 (a) *PROGRAMS FOR INSTRUCTORS AT AIR FORCE*
19 *TRAINING SCHOOLS.*—Section 9315 of title 10, United
20 States Code, is amended—

21 (1) in subsection (b), by striking out “(b) Subject
22 to subsection (c)” and inserting in lieu thereof “(b)
23 *CONFERMENT OF DEGREE.*—(1) Subject to paragraph
24 (2)”;

1 (2) by redesignating subsection (c) as paragraph
2 (2) and in such paragraph, as so redesignated—

3 (A) by striking out “(1) the” and inserting
4 in lieu thereof “(A) the”; and

5 (B) by striking out “(2) the” and inserting
6 in lieu thereof “(B) the”;

7 (3) in subsection (a)—

8 (A) by inserting after “(a)” the following:
9 “ESTABLISHMENT AND MISSION.—”; and

10 (B) in paragraph (1), by striking out “Air
11 Force” and inserting in lieu thereof “armed
12 forces described in subsection (b)”; and

13 (4) by inserting after subsection (a) the following
14 new subsection (b):

15 “(b) MEMBERS ELIGIBLE FOR PROGRAMS.—Subject to
16 such other eligibility requirements as the Secretary con-
17 cerned may prescribe, the following members of the armed
18 forces are eligible to participate in programs of higher edu-
19 cation referred to in subsection (a)(1):

20 “(1) An enlisted member of the Army, Navy, or
21 Air Force who is serving as an instructor at an Air
22 Force training school.

23 “(2) Any other enlisted member of the Air
24 Force.”.

1 (b) *RETROACTIVE APPLICABILITY*.—Subsection (b) of
 2 section 9315 of such title, as added by subsection (a)(4),
 3 shall apply with respect to programs of higher education
 4 of the Community College of the Air Force as of March 31,
 5 1996.

6 **SEC. 523. PRESERVATION OF ENTITLEMENT TO EDU-**
 7 **CATIONAL ASSISTANCE OF MEMBERS OF THE**
 8 **SELECTED RESERVE SERVING ON ACTIVE**
 9 **DUTY IN SUPPORT OF A CONTINGENCY OPER-**
 10 **ATION.**

11 (a) *PRESERVATION OF EDUCATIONAL ASSISTANCE*.—
 12 Section 16131(c)(3)(B)(i) of title 10, United States Code,
 13 is amended by striking out “, in connection with the Per-
 14 sian Gulf War,”.

15 (b) *EXTENSION OF 10-YEAR PERIOD OF AVAILABIL-*
 16 *ITY*.—Section 16133(b)(4) of such title is amended—

17 (1) by striking out “(A)”;

18 (2) by striking out “, during the Persian Gulf
 19 War,”;

20 (3) by redesignating clauses (i) and (ii) as sub-
 21 paragraphs (A) and (B), respectively; and

22 (4) by striking out “(B) For the purposes” and
 23 all that follows through “title 38.”.

1 **SEC. 524. REPEAL OF CERTAIN STAFFING AND SAFETY RE-**
 2 **QUIREMENTS FOR THE ARMY RANGER TRAIN-**
 3 **ING BRIGADE.**

4 (a) *IN GENERAL.*—(1) *Section 4303 of title 10, United*
 5 *States Code, is repealed.*

6 (2) *The table of sections at the beginning of chapter*
 7 *401 of such title is amended by striking out the item relat-*
 8 *ing to section 4303.*

9 (b) *REPEAL OF RELATED PROVISION.*—*Section 562 of*
 10 *Public Law 104–106 (110 Stat. 323) is repealed.*

11 **SEC. 525. FLEXIBILITY IN MANAGEMENT OF JUNIOR RE-**
 12 **SERVE OFFICERS’ TRAINING CORPS.**

13 (a) *AUTHORITY OF THE SECRETARY OF DEFENSE.*—
 14 *Chapter 102 of title 10, United States Code, is amended*
 15 *by adding at the end the following:*

16 **“§ 2032. Responsibility of the Secretary of Defense**

17 **“(a) COORDINATION BY SECRETARY OF DEFENSE.—**
 18 *The Secretary of Defense shall coordinate the establishment*
 19 *and maintenance of Junior Reserve Officers’ Training*
 20 *Corps units by the Secretaries of the military departments*
 21 *in order to maximize enrollment in the Corps and to en-*
 22 *hance administrative efficiency in the management of the*
 23 *Corps. The Secretary may impose such requirements re-*
 24 *garding establishment of units and transfer of existing units*
 25 *as the Secretary considers necessary to achieve the objectives*
 26 *set forth in the preceding sentence.*

1 “(b) *CONSIDERATION OF NEW SCHOOL OPENINGS AND*
 2 *CONSOLIDATIONS.*—*In carrying out subsection (a), the Sec-*
 3 *retary shall take into consideration openings of new schools,*
 4 *consolidations of schools, and the desirability of continuing*
 5 *the opportunity for participation in the Corps by partici-*
 6 *pants whose continued participation would otherwise be ad-*
 7 *versely affected by new school openings and consolidations*
 8 *of schools.*

9 “(c) *FUNDING.*—*If amounts available for the Junior*
 10 *Reserve Officers’ Training Corps are insufficient for taking*
 11 *actions considered necessary by the Secretary under sub-*
 12 *section (a), the Secretary shall seek additional funding for*
 13 *units from the local educational administration agencies*
 14 *concerned.”.*

15 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 16 *the beginning of such chapter is amended by adding at the*
 17 *end the following:*

“2032. *Responsibility of the Secretary of Defense.*”.

18 ***Subtitle D—Decorations and***
 19 ***Awards***

20 ***SEC. 531. CLARIFICATION OF ELIGIBILITY OF MEMBERS OF***
 21 ***READY RESERVE FOR AWARD OF SERVICE***
 22 ***MEDAL FOR HEROISM.***

23 (a) *SOLDIER’S MEDAL.*—*Section 3750(a) of title 10,*
 24 *United States Code, is amended—*

25 (1) *by inserting “(1)” after “(a)”;* and

1 (2) *by adding at the end the following new para-*
 2 *graph:*

3 “(2) *The authority in paragraph (1) includes author-*
 4 *ity to award the medal to a member of the Ready Reserve*
 5 *who was not in a duty status defined in section 101(d) of*
 6 *this title when the member distinguished himself by hero-*
 7 *ism.”.*

8 (b) *NAVY AND MARINE CORPS MEDAL.—Section 6246*
 9 *of such title is amended—*

10 (1) *by designating the text of the section as sub-*
 11 *section (a); and*

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

14 “(b) *The authority in subsection (a) includes authority*
 15 *to award the medal to a member of the Ready Reserve who*
 16 *was not in a duty status defined in section 101(d) of this*
 17 *title when the member distinguished himself by heroism.”.*

18 (c) *AIRMAN’S MEDAL.—Section 8750(a) of such title*
 19 *is amended—*

20 (1) *by inserting “(1)” after “(a)”;* and

21 (2) *by adding at the end the following new para-*
 22 *graph:*

23 “(2) *The authority in paragraph (1) includes author-*
 24 *ity to award the medal to a member of the Ready Reserve*
 25 *who was not in a duty status defined in section 101(d) of*

1 *this title when the member distinguished himself by hero-*
 2 *ism.”.*

3 **SEC. 532. WAIVER OF TIME LIMITATIONS FOR AWARD OF**
 4 **CERTAIN DECORATIONS TO SPECIFIED PER-**
 5 **SONS.**

6 (a) *WAIVER OF TIME LIMITATION.*—Any limitation es-
 7 tablished by law or policy for the time within which a rec-
 8 ommendation for the award of a military decoration or
 9 award must be submitted shall not apply in the case of
 10 awards of decorations described in subsections (b), (c), and
 11 (d), the award of each such decoration having been deter-
 12 mined by the Secretary of the military department con-
 13 cerned to be warranted in accordance with section 1130 of
 14 title 10, United States Code.

15 (b) *SILVER STAR MEDAL.*—Subsection (a) applies to
 16 the award of the Silver Star Medal as follows:

17 (1) *To Joseph M. Moll, Jr. of Milford, New Jer-*
 18 *sey, for service during World War II.*

19 (2) *To Philip Yolinsky of Hollywood, Florida,*
 20 *for service during the Korean Conflict.*

21 (c) *NAVY AND MARINE CORPS MEDAL.*—Subsection (a)
 22 applies to the award of the Navy and Marine Corps Medal
 23 to Gary A. Gruenwald of Damascus, Maryland, for service
 24 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 **SEC. 533. ONE-YEAR EXTENSION OF PERIOD FOR RECEIPT**
 16 **OF RECOMMENDATIONS FOR DECORATIONS**
 17 **AND AWARDS FOR CERTAIN MILITARY INTEL-**
 18 **LIGENCE PERSONNEL.**

19 Section 523(b)(1) of the National Defense Authoriza-
 20 tion Act for Fiscal Year 1996 (Public Law 104–106; 110
 21 Stat. 311; 10 U.S.C. 1130 note) is amended by striking out
 22 “during the one-year period beginning on the date of the
 23 enactment of this Act” and inserting in lieu thereof “after
 24 February 9, 1996, and before February 10, 1998”.

1 **SEC. 534. ELIGIBILITY OF CERTAIN WORLD WAR II MILI-**
2 **TARY ORGANIZATIONS FOR AWARD OF UNIT**
3 **DECORATIONS.**

4 (a) *AUTHORITY.*—A unit decoration may be awarded
5 for any unit or other organization of the Armed Forces of
6 the United States, such as the Military Intelligence Service
7 of the Army, that (1) supported the planning or execution
8 of combat operations during World War II primarily
9 through unit personnel who were attached to other units
10 of the Armed Forces or of other allied armed forces, and
11 (2) is not otherwise eligible for award of the decoration by
12 reason of not usually having been deployed as a unit in
13 support of such operations.

14 (b) *TIME FOR SUBMISSION OF RECOMMENDATION.*—
15 Any recommendation for award of a unit decoration under
16 subsection (a) shall be submitted to the Secretary concerned
17 (as defined in section 101(a)(9) of title 10, United States
18 Code), or to such other official as the Secretary concerned
19 may designate, not later than 2 years after the date of the
20 enactment of this Act.

21 **SEC. 535. RETROACTIVITY OF MEDAL OF HONOR SPECIAL**
22 **PENSION.**

23 (a) *ENTITLEMENT.*—In the case of Vernon J. Baker,
24 Edward A. Carter, Junior, and Charles L. Thomas, who
25 were awarded the Medal of Honor pursuant to section 561
26 of Public Law 104–201 (110 Stat. 2529) and whose names

1 *have been entered and recorded on the Army, Navy, Air*
2 *Force, and Coast Guard Medal of Honor Roll, the entitle-*
3 *ment of those persons to the special pension provided under*
4 *section 1562 of title 38, United States Code (and antecedent*
5 *provisions of law), shall be effective as follows:*

6 (1) *In the case of Vernon J. Baker, for months*
7 *that begin after April 1945.*

8 (2) *In the case of Edward A. Carter, Junior, for*
9 *months that begin after March 1945.*

10 (3) *In the case of Charles L. Thomas, for months*
11 *that begin after December 1944.*

12 (b) *AMOUNT.*—*The amount of the special pension pay-*
13 *able under subsection (a) for a month beginning before the*
14 *date of the enactment of this Act shall be the amount of*
15 *the special pension provided by law for that month for per-*
16 *sons entered and recorded on the Army, Navy, Air Force,*
17 *and Coast Guard Medal of Honor Roll (or an antecedent*
18 *Medal of Honor Roll required by law).*

19 (c) *PAYMENT TO NEXT OF KIN.*—*In the case of a per-*
20 *son referred to in subsection (a) who died before receiving*
21 *full payment of the pension pursuant to this section, the*
22 *Secretary of Veterans Affairs shall pay the total amount*
23 *of the accrued pension, upon receipt of application for pay-*
24 *ment within one year after the date of the enactment of*
25 *this Act, to the deceased person's spouse or, if there is no*

1 *surviving spouse, then to the deceased person’s children, per*
2 *stirpes, in equal shares.*

3 **SEC. 536. COLD WAR SERVICE MEDAL.**

4 *(a) AUTHORITY.—Chapter 57 of title 10, United States*
5 *Code, is amended by adding at the end the following:*

6 **“§ 1131. Cold War service medal**

7 *“(a) MEDAL REQUIRED.—The Secretary concerned*
8 *shall issue the Cold War service medal to persons eligible*
9 *to receive the medal under subsection (b). The Cold War*
10 *service medal shall be of an appropriate design approved*
11 *by the Secretary of Defense, with ribbons, lapel pins, and*
12 *other appurtenances.*

13 *“(b) ELIGIBLE PERSONS.—The following persons are*
14 *eligible to receive the Cold War service medal:*

15 *“(1) A person who—*

16 *“(A) performed active duty or inactive duty*
17 *training as an enlisted member of an armed*
18 *force during the Cold War;*

19 *“(B) completed the initial term of enlist-*
20 *ment;*

21 *“(C) after the expiration of the initial term*
22 *of enlistment, reenlisted in an armed force for an*
23 *additional term or was appointed as a commis-*
24 *sioned officer or warrant officer in an armed*
25 *force; and*

1 “(D) has not received a discharge less favor-
2 able than an honorable discharge or a release
3 from active duty with a characterization of serv-
4 ice less favorable than honorable.

5 “(2) A person who—

6 “(A) performed active duty or inactive duty
7 training as a commissioned officer or warrant
8 office in an armed force during the Cold War;

9 “(B) completed the initial service obligation
10 as an officer;

11 “(C) served in the armed forces after com-
12 pleting the initial service obligation; and

13 “(D) has not been released from active duty
14 with a characterization of service less favorable
15 than honorable and has not received a discharge
16 less favorable than an honorable discharge.

17 “(c) ONE AWARD AUTHORIZED.—Not more than one
18 Cold War service medal may be issued to any one person.

19 “(d) ISSUANCE TO REPRESENTATIVE OF DECEASED.—
20 If a person referred to in subsection (b) dies before being
21 issued the Cold War service medal, the medal may be issued
22 to the person’s representative, as designated by the Sec-
23 retary concerned.

24 “(e) REPLACEMENT.—Under regulations prescribed by
25 the Secretary concerned, a Cold War service medal that is

1 *lost, destroyed, or rendered unfit for use without fault or*
 2 *neglect on the part of the person to whom it was issued*
 3 *may be replaced without charge.*

4 “(f) *UNIFORM REGULATIONS.*—*The Secretary of De-*
 5 *fense shall ensure that regulations prescribed by the Sec-*
 6 *retaries of the military departments under this section are*
 7 *uniform so far as is practicable.*

8 “(g) *DEFINITIONS.*—*In this section, the term ‘Cold*
 9 *War’ means the period beginning on August 15, 1974, and*
 10 *terminating at the end of December 21, 1991.’.*

11 (b) *CLERICAL AMENDMENTS.*—*The table of sections at*
 12 *the beginning of such chapter is amended by adding at the*
 13 *end the following:*

“Sec. 1131. Cold War service medal.”.

14 ***Subtitle E—Military Personnel*** 15 ***Voting Rights***

16 ***SEC. 541. SHORT TITLE.***

17 *This subtitle may be cited as the “Military Voting*
 18 *Rights Act of 1997”.*

19 ***SEC. 542. GUARANTEE OF RESIDENCY.***

20 *Article VII of the Soldiers’ and Sailors’ Civil Relief*
 21 *Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by*
 22 *adding at the end the following:*

23 “*SEC. 704. (a) For purposes of voting for an office of*
 24 *the United States or of a State, a person who is absent from*

1 *a State in compliance with military or naval orders shall*
 2 *not, solely by reason of that absence—*

3 *“(1) be deemed to have lost a residence or domi-*
 4 *cile in that State;*

5 *“(2) be deemed to have acquired a residence or*
 6 *domicile in any other State; or*

7 *“(3) be deemed to have become resident in or a*
 8 *resident of any other State.*

9 *“(b) In this section, the term ‘State’ includes a terri-*
 10 *tory or possession of the United States, a political subdivi-*
 11 *sion of a State, territory, or possession, and the District*
 12 *of Columbia.”.*

13 **SEC. 543. STATE RESPONSIBILITY TO GUARANTEE MILI-**
 14 **TARY VOTING RIGHTS.**

15 *(a) REGISTRATION AND BALLOTING.—Section 102 of*
 16 *the Uniformed and Overseas Absentee Voting Act (42 U.S.C.*
 17 *1973ff-1) is amended—*

18 *(1) by inserting “(a) ELECTIONS FOR FEDERAL*
 19 *OFFICES.—” before “Each State shall—”; and*

20 *(2) by adding at the end the following:*

21 *“(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—*
 22 *Each State shall—*

23 *“(1) permit absent uniformed services voters to*
 24 *use absentee registration procedures and to vote by*

1 *absentee ballot in general, special, primary, and run-*
 2 *off elections for State and local offices; and*

3 *“(2) accept and process, with respect to any elec-*
 4 *tion described in paragraph (1), any otherwise valid*
 5 *voter registration application from an absent uni-*
 6 *formed services voter if the application is received by*
 7 *the appropriate State election official not less than 30*
 8 *days before the election.”.*

9 (b) *CONFORMING AMENDMENT.*—*The heading for title*
 10 *I of such Act is amended by striking out “FOR FED-*
 11 *ERAL OFFICE”.*

12 ***Subtitle F—Other Matters***

13 ***SEC. 551. SENSE OF CONGRESS REGARDING STUDY OF MAT-***
 14 ***TERS RELATING TO GENDER EQUITY IN THE***
 15 ***ARMED FORCES.***

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

17 (1) *In the all-volunteer force, women play an in-*
 18 *tegral role in the Armed Forces.*

19 (2) *With increasing numbers of women in the*
 20 *Armed Forces, questions arise concerning inequalities,*
 21 *and perceived inequalities, between the treatment of*
 22 *men and women in the Armed Forces.*

23 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
 24 *that the Comptroller General should—*

1 (1) *conduct a study on any inequality, or per-*
2 *ception of inequality, in the treatment of men and*
3 *women in the Armed Forces that arises out of the*
4 *statutes and regulations governing the Armed Forces;*
5 *and*

6 (2) *submit to Congress a report on the study not*
7 *later than one year after the date of enactment of this*
8 *Act.*

9 **SEC. 552. COMMISSION ON GENDER INTEGRATION IN THE**
10 **MILITARY.**

11 (a) *ESTABLISHMENT.*—*There is established a commis-*
12 *sion to be known as the Commission on Gender Integration*
13 *in the Military.*

14 (b) *MEMBERSHIP.*—

15 (1) *IN GENERAL.*—*The commission shall be com-*
16 *posed of 11 members appointed from among private*
17 *citizens of the United States who have appropriate*
18 *and diverse experiences, expertise, and historical per-*
19 *spectives on training, organizational, legal, manage-*
20 *ment, military, and gender integration matters.*

21 (2) *SPECIFIC QUALIFICATIONS.*—*Of the 11 mem-*
22 *bers, at least two shall be appointed from among per-*
23 *sons who have superior academic credentials, at least*
24 *four shall be appointed from among former members*
25 *and retired members of the Armed Forces, and at*

1 *least two shall be appointed from among members of*
2 *the reserve components of the Armed Forces.*

3 *(c) APPOINTMENTS.—*

4 *(1) AUTHORITY.—The President pro tempore of*
5 *the Senate shall appoint the members in consultation*
6 *with the chairman of the Committee on Armed Serv-*
7 *ices, who shall recommend six persons for appoint-*
8 *ment, and the ranking member of the Committee on*
9 *Armed Services, who shall recommend five persons for*
10 *appointment. The appointments shall be made not*
11 *later than 45 days after the date of the enactment of*
12 *this Act.*

13 *(2) PERIOD OF APPOINTMENT.—Members shall be*
14 *appointed for the life of the commission.*

15 *(3) VACANCIES.—A vacancy in the membership*
16 *shall not affect the commission's powers, but shall be*
17 *filled in the same manner as the original appoint-*
18 *ment.*

19 *(d) MEETINGS.—*

20 *(1) INITIAL MEETING.—The Commission shall*
21 *hold its first meeting not later than 30 days after the*
22 *date on which all members have been appointed.*

23 *(2) WHEN CALLED.—The Commission shall meet*
24 *upon the call of the chairman.*

1 (3) *QUORUM.*—A majority of the members of the
2 Commission shall constitute a quorum, but a lesser
3 number may hold meetings.

4 (e) *CHAIRMAN AND VICE CHAIRMAN.*—The Commis-
5 sion shall select a chairman and a vice chairman from
6 among its members.

7 (f) *AUTHORITY OF INDIVIDUALS TO ACT FOR COMMIS-*
8 *SION.*—Any member or agent of the Commission may, if
9 authorized, by the Commission, take any action which the
10 Commission is authorized to take under this title.

11 (g) *DUTIES.*—The Commission shall—

12 (1) review the current practices of the Armed
13 Forces, relevant studies, and private sector training
14 concepts pertaining to gender-integrated training;

15 (2) review the laws, regulations, policies, direc-
16 tives, and practices that govern personal relationships
17 between men and women in the armed forces and per-
18 sonal relationships between members of the armed
19 forces and non-military personnel of the opposite sex;

20 (3) assess the extent to which the laws, regula-
21 tions, policies, and directives have been applied con-
22 sistently throughout the Armed Forces without regard
23 to the armed force, grade, or rank of the individuals
24 involved;

1 (4) *provide an independent assessment of the re-*
2 *ports of the independent panel, the Department of De-*
3 *fense task force, and the review of existing guidance*
4 *on adultery announced by the Secretary of Defense;*
5 *and*

6 (5) *examine the experiences, policies, and prac-*
7 *tices of the armed forces of other industrialized na-*
8 *tions regarding gender-integrated training.*

9 (h) *REPORTS.—*

10 (1) *INITIAL REPORT.—Not later than April 15,*
11 *1998, the Commission shall submit to the Committee*
12 *on Armed Services of the Senate an initial report set-*
13 *ting forth the activities, findings, and recommenda-*
14 *tions of the Commission. The report shall include any*
15 *recommendations for congressional action and admin-*
16 *istrative action that the Commission considers appro-*
17 *priate.*

18 (2) *FINAL REPORT.—Not later than September*
19 *16, 1998, the Commission shall submit to the Com-*
20 *mittee on Armed Services a final report setting forth*
21 *the activities, findings, and recommendations of the*
22 *Commission, including any recommendations for con-*
23 *gressional action and administrative action that the*
24 *Commission considers appropriate.*

25 (i) *POWERS.—*

1 (1) *HEARINGS, ET CETERA.*—*The Commission*
2 *may hold such hearings, sit and act at such times*
3 *and places, take such testimony, and receive such evi-*
4 *dence as the Commission considers advisable to carry*
5 *out its duties.*

6 (2) *INFORMATION FROM FEDERAL AGENCIES.*—
7 *The Commission may secure directly from the De-*
8 *partment of Defense and any other department or*
9 *agency of the Federal Government such information*
10 *as the Commission considers necessary to carry out*
11 *its duties. Upon the request of the chairman of the*
12 *Commission, the head of a department or agency shall*
13 *furnish the requested information expeditiously to the*
14 *Commission.*

15 (3) *POSTAL SERVICES.*— *The Commission may*
16 *use the United States mails in the same manner and*
17 *under the same conditions as other departments and*
18 *agencies of the Federal Government.*

19 (j) *ADMINISTRATIVE SUPPORT.*—*The Secretary of De-*
20 *fense shall, upon the request of the chairman of the Commis-*
21 *sion, furnish the Commission any administrative and sup-*
22 *port services that the Commission may require.*

23 (k) *COMMISSION PERSONNEL MATTERS.*—

24 (1) *COMPENSATION OF MEMBERS.*—*Each mem-*
25 *ber of the Commission may be compensated at a rate*

1 *equal to the daily equivalent of the annual rate of*
2 *basic pay prescribed for level IV of the Executive*
3 *Schedule under section 5315 of title 5, United States*
4 *Code, for each day (including travel time) during*
5 *which such member is engaged in performing the du-*
6 *ties of the Commission.*

7 (2) *TRAVEL ON MILITARY CONVEYANCES.*—*Mem-*
8 *bers and personnel of the Commission may travel on*
9 *aircraft, vehicles, or other conveyances of the Armed*
10 *Forces when travel is necessary in the performance of*
11 *a duty of the Commission except when the cost of*
12 *commercial transportation is less expensive.*

13 (3) *TRAVEL EXPENSES.*—*The members of the*
14 *Commission may be allowed travel expenses, includ-*
15 *ing per diem in lieu of subsistence, at rates author-*
16 *ized for employees of agencies under subchapter I of*
17 *chapter 57 of title 5, United States Code, while away*
18 *from their homes or regular places of business in the*
19 *performance of services for the Commission.*

20 (4) *STAFF.*—*The chairman of the Commission*
21 *may, without regard to civil service laws and regula-*
22 *tions, appoint and terminate an executive director*
23 *and up to three additional staff members as necessary*
24 *to enable the Commission to perform its duties. The*
25 *chairman of the Commission may fix the compensa-*

1 *tion of the executive director and other personnel*
2 *without regard to the provisions of chapter 51, and*
3 *subchapter III of chapter 53, of title 5, United States*
4 *Code, relating to classification of positions and Gen-*
5 *eral Schedule pay rates, except that the rate of pay*
6 *may not exceed the rate payable for level V of the ex-*
7 *ecutive schedule under section 5316 of such title.*

8 (5) *DETAIL OF GOVERNMENT EMPLOYEES.—*
9 *Upon the request of the chairman of the Commission,*
10 *the head of any department or agency of the Federal*
11 *Government may detail, without reimbursement, any*
12 *personnel of the department or agency to the Commis-*
13 *sion to assist in carrying out its duties. A detail of*
14 *an employee shall be without interruption or loss of*
15 *civil service status or privilege.*

16 (6) *TEMPORARY AND INTERMITTENT SERV-*
17 *ICES.—The chairman of the Commission may procure*
18 *temporary and intermittent services under section*
19 *3109(b) of title 5, United States Code, at rates for in-*
20 *dividuals that do not exceed the daily equivalent of*
21 *the annual rate of basic pay prescribed for level IV*
22 *of the Executive Schedule under section 5315 of such*
23 *title.*

1 (l) *TERMINATION.*—*The Commission shall terminate*
 2 *90 days after the date on which it submits the final report*
 3 *under subsection (h)(2).*

4 (m) *FUNDING.*—

5 (1) *FROM DEPARTMENT OF DEFENSE APPRO-*
 6 *PRIATIONS.*—*Upon the request of the chairman of the*
 7 *Commission, the Secretary of Defense shall make*
 8 *available to the Commission, out of funds appro-*
 9 *priated for the Department of Defense, such amounts*
 10 *as the Commission may require to carry out its du-*
 11 *ties.*

12 (2) *PERIOD OF AVAILABILITY.*—*Funds made*
 13 *available to the Commission shall remain available,*
 14 *without fiscal year limitation, until the date on*
 15 *which the Commission terminates.*

16 **SEC. 553. SEXUAL HARASSMENT INVESTIGATIONS AND RE-**
 17 **PORTS.**

18 (a) *INVESTIGATIONS.*—*Any commanding officer or of-*
 19 *ficer in charge of a unit, vessel, facility, or area who receives*
 20 *from a member of the command or a civilian employee*
 21 *under the supervision of the officer a complaint alleging*
 22 *sexual harassment by a member of the Armed Forces or a*
 23 *civilian employee of the Department of Defense shall, to the*
 24 *extent practicable—*

1 (1) *within 72 hours after receipt of the com-*
2 *plaint—*

3 (A) *forward the complaint or a detailed de-*
4 *scription of the allegation to the next superior of-*
5 *ficer in the chain of command who is authorized*
6 *to convene a general court-martial;*

7 (B) *commence, or cause the commencement*
8 *of, an investigation of the complaint; and*

9 (C) *advise the complainant of the com-*
10 *mencement of the investigation;*

11 (2) *ensure that the investigation of the complaint*
12 *is completed not later than 14 days after the inves-*
13 *tigation is commenced; and*

14 (3) *either—*

15 (A) *submit a final report on the results of*
16 *the investigation, including any action taken as*
17 *a result of the investigation, to the next superior*
18 *officer referred to in paragraph (1) within 20*
19 *days after the investigation is commenced; or*

20 (B) *submit a report on the progress made*
21 *in completing the investigation to the next supe-*
22 *rior officer referred to in paragraph (1) within*
23 *20 days after the investigation is commenced*
24 *and every 14 days thereafter until the investiga-*
25 *tion is completed and, upon completion of the in-*

1 *vestigation, then submit a final report on the re-*
2 *sults of the investigation, including any action*
3 *taken as a result of the investigation, to that*
4 *next superior officer.*

5 *(b) REPORTS.—(1) Not later than January 1 of each*
6 *of 1998 and 1999, each officer receiving any complaint for-*
7 *warded in accordance with subsection (a) during the pre-*
8 *ceding year shall submit to the Secretary of the military*
9 *department concerned a report on all such complaints and*
10 *the investigations of such complaints (including the results*
11 *of the investigations, in cases of investigations completed*
12 *during such preceding year).*

13 *(2)(A) Not later than March 1 of each of 1998 and*
14 *1999, each Secretary receiving a report under paragraph*
15 *(1) for a year shall submit to the Secretary of Defense a*
16 *report on all such reports so received.*

17 *(B) Not later than the April 1 following receipt of a*
18 *report for a year under subparagraph (A), the Secretary*
19 *of Defense shall transmit to Congress all such reports re-*
20 *ceived for the year under subparagraph (A) together with*
21 *the Secretary's assessment of each such report.*

22 *(c) SEXUAL HARASSMENT DEFINED.—In this section,*
23 *the term “sexual harassment” means—*

24 *(1) a form of sex discrimination that—*

1 (A) involves unwelcome sexual advances, re-
2 quests for sexual favors, and other verbal or
3 physical conduct of a sexual nature when—

4 (i) submission to such conduct is made
5 either explicitly or implicitly a term or con-
6 dition of a person's job, pay, or career;

7 (ii) submission to or rejection of such
8 conduct by a person is used as a basis for
9 career or employment decisions affecting
10 that person; or

11 (iii) such conduct has the purpose or
12 effect of unreasonably interfering with an
13 individual's work performance or creates an
14 intimidating, hostile, or offensive working
15 environment; and

16 (B) is so severe or pervasive that a reason-
17 able person would perceive, and the victim does
18 perceive, the work environment as hostile or of-
19 fensive;

20 (2) any use or condonation, by any person in a
21 supervisory or command position, of any form of sex-
22 ual behavior to control, influence, or affect the career,
23 pay, or job of a member of the Armed Forces or a ci-
24 vilian employee of the Department of Defense; and

1 (3) *any deliberate or repeated unwelcome verbal*
 2 *comment, gesture, or physical contact of a sexual na-*
 3 *ture in the workplace by any member of the Armed*
 4 *Forces or civilian employee of the Department of De-*
 5 *fense.*

6 **SEC. 554. REQUIREMENT FOR EXEMPLARY CONDUCT BY**
 7 **COMMANDING OFFICERS AND OTHER AU-**
 8 **THORITIES.**

9 (a) *ARMY.—(1) Chapter 345 of title 10, United States*
 10 *Code, is amended by adding at the end:*

11 **“§ 3583. Requirement of exemplary conduct**

12 *“All commanding officers and others in authority in*
 13 *the Army are required to show in themselves a good example*
 14 *of virtue, honor, patriotism, and subordination; to be vigi-*
 15 *lant in inspecting the conduct of all persons who are placed*
 16 *under their command; to guard against and suppress all*
 17 *dissolute and immoral practices, and to correct, according*
 18 *to the laws and regulations of the Army, all persons who*
 19 *are guilty of them; and to take all necessary and proper*
 20 *measures, under the laws, regulations, and customs of the*
 21 *Army, to promote and safeguard the morale, the physical*
 22 *well-being, and the general welfare of the officers and en-*
 23 *listed persons under their command or charge.”.*

24 (2) *The table of sections at the beginning of such chap-*
 25 *ter is amended by adding at the end the following:*

“3583. Requirement of exemplary conduct.”.

1 (b) *AIR FORCE*.—(1) Chapter 845 of title 10, United
2 States Code, is amended by adding at the end the following:

3 **“§ 8583. Requirement of exemplary conduct**

4 *“All commanding officers and others in authority in*
5 *the Air Force are required to show in themselves a good*
6 *example of virtue, honor, patriotism, and subordination; to*
7 *be vigilant in inspecting the conduct of all persons who are*
8 *placed under their command; to guard against and sup-*
9 *press all dissolute and immoral practices, and to correct,*
10 *according to the laws and regulations of the Air Force, all*
11 *persons who are guilty of them; and to take all necessary*
12 *and proper measures, under the laws, regulations, and cus-*
13 *toms of the Air Force, to promote and safeguard the morale,*
14 *the physical well-being, and the general welfare of the offi-*
15 *cers and enlisted persons under their command or charge.”.*

16 (2) The table of sections at the beginning of such chap-
17 ter is amended by adding at the end the following:

“8583. Requirement of exemplary conduct.”.

18 **SEC. 555. PARTICIPATION OF DEPARTMENT OF DEFENSE**
19 **PERSONNEL IN MANAGEMENT OF NON-FED-**
20 **ERAL ENTITIES.**

21 (a) *AUTHORITY*.—Chapter 53 of title 10, United States
22 Code, is amended by inserting after section 1060a the fol-
23 lowing new section:

1 **“§ 1060b. Participation in management of non-Federal**
 2 **entities: members of the armed forces; ci-**
 3 **vilian employees**

4 “(a) *AUTHORITY TO PERMIT PARTICIPATION.*—The
 5 Secretary concerned may authorize a member of the armed
 6 forces, a civilian officer or employee of the Department of
 7 Defense, or a civilian officer or civilian employee of the
 8 Coast Guard—

9 “(1) *to serve as a director, officer, or trustee of*
 10 *a military welfare society or other entity described in*
 11 *subsection (c); or*

12 “(2) *to participate in any other capacity in the*
 13 *management of such a society or entity.*

14 “(b) *COMPENSATION PROHIBITED.*—Compensation
 15 may not be accepted for service or participation authorized
 16 under subsection (a).

17 “(c) *COVERED ENTITIES.*—This section applies with
 18 respect to the following entities:

19 “(1) *MILITARY WELFARE SOCIETIES.*—The fol-
 20 lowing military welfare societies:

21 “(A) *The Army Emergency Relief.*

22 “(B) *The Air Force Aid Society.*

23 “(C) *The Navy-Marine Corps Relief Society.*

24 “(D) *The Coast Guard Mutual Assistance.*

25 “(2) *OTHER ENTITIES.*—Each of the following
 26 additional entities that is not operated for profit:

1 “(A) *Any athletic conference, or other en-*
 2 *tity, that regulates and supports the athletics*
 3 *programs of the United States Military Acad-*
 4 *emy, the United States Naval Academy, the*
 5 *United States Air Force Academy, or the United*
 6 *States Coast Guard Academy.*

7 “(B) *Any entity that regulates inter-*
 8 *national athletic competitions.*

9 “(C) *Any regional educational accrediting*
 10 *agency, or other entity, that accredits the acad-*
 11 *emies referred to in subparagraph (A) or accred-*
 12 *its any other school of the armed forces.*

13 “(D) *Any health care association, profes-*
 14 *sional society, or other entity that regulates and*
 15 *supports standards and policies applicable to the*
 16 *provision of health care by or for the Department*
 17 *of Defense.*

18 “(d) *SECRETARY OF DEFENSE AS SECRETARY CON-*
 19 *CERNED.—In this section, the term ‘Secretary concerned’*
 20 *includes the Secretary of Defense with respect to civilian*
 21 *officers and employees of the Department of Defense who*
 22 *are not officers or employees of a military department.”.*

23 “(b) *CLERICAL AMENDMENT.—The table of sections at*
 24 *the beginning of such chapter is amended by inserting after*
 25 *the item relating to section 1060a the following new item:*

“1060b. Participation in management of non-Federal entities: members of the armed forces; civilian employees.”.

1 **SEC. 556. TECHNICAL CORRECTION TO CROSS REFERENCE**
 2 **IN ROPMA PROVISION RELATING TO POSI-**
 3 **TION VACANCY PROMOTION.**

4 *Section 14317(d) of title 10, United States Code, is*
 5 *amended by striking out “section 14314” in the first sen-*
 6 *tence and inserting in lieu thereof “section 14315”.*

7 **SEC. 557. GRADE OF DEFENSE ATTACHE IN FRANCE.**

8 *The Secretary of Defense and the Chairman of the*
 9 *Joint Chiefs of Staff shall take actions appropriate to en-*
 10 *sure that each officer selected for assignment to the position*
 11 *of defense attache in France is an officer who holds, or is*
 12 *promotable to, the grade of brigadier general or, in the case*
 13 *of the Navy, rear admiral (lower half).*

14 **TITLE VI—COMPENSATION AND**
 15 **OTHER PERSONNEL BENEFITS**
 16 **Subtitle A—Pay**

17 **SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1998.**

18 *(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any*
 19 *adjustment required by section 1009 of title 37, United*
 20 *States Code, in elements of compensation of members of the*
 21 *uniformed services to become effective during fiscal year*
 22 *1998 shall not be made.*

1 (b) *INCREASE IN BASIC PAY.*—Effective on January
 2 1, 1998, the rates of basic pay of members of the uniformed
 3 services are increased by 2.8 percent.

4 ***Subtitle B—Subsistence, Housing,***
 5 ***and Other Allowances***

6 ***PART I—REFORM OF BASIC ALLOWANCE FOR***
 7 ***SUBSISTENCE***

8 ***SEC. 611. REVISED ENTITLEMENT AND RATES.***

9 (a) *UNIVERSAL ENTITLEMENT TO BAS EXCEPT DUR-*
 10 *ING BASIC TRAINING.*—

11 (1) *IN GENERAL.*—Section 402 of title 37, *Unit-*
 12 *ed States Code*, is amended by striking out subsections
 13 (b) and (c).

14 (2) *EXCEPTION.*—Subsection (a) of such section
 15 is amended by adding at the end the following: “How-
 16 ever, an enlisted member is not entitled to the basic
 17 allowance for subsistence during basic training.”.

18 (b) *RATES BASED ON FOOD COSTS.*—Such section, as
 19 amended by subsection (a), is further amended by inserting
 20 after subsection (a) the following new subsection (b):

21 “(b) *RATES OF BAS.*—(1) The monthly rate of basic
 22 allowance for subsistence in effect for an enlisted member
 23 for a year (beginning on January 1 of the year) shall be
 24 the amount that is halfway between the following amounts

1 *that are determined by the Secretary of Agriculture as of*
 2 *October 1 of the preceding year:*

3 “(A) *The amount equal to the monthly cost of a*
 4 *moderate-cost food plan for a male in the United*
 5 *States who is between 20 and 50 years of age.*

6 “(B) *The amount equal to the monthly cost of a*
 7 *liberal food plan for a male in the United States who*
 8 *is between 20 and 50 years of age.*

9 “(2) *The monthly rate of basic allowance for subsist-*
 10 *ence in effect for an officer for a year (beginning on Janu-*
 11 *ary 1 of the year) shall be the amount equal to the monthly*
 12 *rate of basic allowance for subsistence in effect for officers*
 13 *for the preceding year, increased by the same percentage*
 14 *by which the rate of basic allowance for subsistence for en-*
 15 *listed members for the preceding year is increased effective*
 16 *on such January 1.”.*

17 (c) *CONTINUATION OF ADVANCE PAYMENT AUTHOR-*
 18 *ITY.—Such section is further amended by inserting after*
 19 *subsection (b), as added by subsection (b) of this section,*
 20 *the following new subsection (c):*

21 “(c) *ADVANCE PAYMENT.—The allowance to an en-*
 22 *listed member may be paid in advance for a period of not*
 23 *more than three months.”.*

24 (d) *FLEXIBILITY TO MANAGE DEMAND FOR DINING*
 25 *AND MESSING SERVICES.—Such section is further amended*

1 *by striking out subsection (e) and inserting in lieu thereof*
 2 *the following new subsection (e):*

3 “(e) *POLICIES ON USE OF DINING AND MESSING FA-*
 4 *CILITIES.—The Secretary of Defense, in consultation with*
 5 *the Secretaries concerned, shall prescribe policies regarding*
 6 *use of dining and field messing facilities of the uniformed*
 7 *services.”.*

8 (e) *REGULATIONS.—Such section is further amended*
 9 *by adding after subsection (e), as added by subsection (d)*
 10 *of this section, the following:*

11 “(f) *REGULATIONS.—(1) The Secretary of Defense*
 12 *shall prescribe regulations for the administration of this*
 13 *section. Before prescribing the regulations, the Secretary*
 14 *shall consult with each Secretary concerned.*

15 “(2) *The regulations shall include the rates of basic*
 16 *allowance for subsistence.”.*

17 (f) *STYLISTIC AND CONFORMING AMENDMENTS.—*

18 (1) *SUBSECTION HEADINGS.—Such section is*
 19 *amended—*

20 (A) *in subsection (a), by inserting “ENTI-*
 21 *TLEMENT.—” after “(a)”;* and

22 (B) *in subsection (d), by inserting “COAST*
 23 *GUARD.—” after “(d)”.*

1 (2) *TRAVEL STATUS EXCEPTION TO ENTITLE-*
2 *MENT.*—Section 404 of title 37, United States Code,
3 *is amended—*

4 (A) *by striking out subsection (g); and*

5 (B) *by redesignating subsections (h), (i), (j),*
6 *and (k) as subsections (g), (h), (i), and (j), re-*
7 *spectively.*

8 **SEC. 612. TRANSITIONAL BASIC ALLOWANCE FOR SUBSIST-**
9 **ENCE.**

10 (a) *BAS TRANSITION PERIOD.*—For the purposes of
11 *this section, the BAS transition period is the period begin-*
12 *ning on the effective date of this part and ending on the*
13 *date that this section ceases to be effective under section*
14 *613(b).*

15 (b) *TRANSITIONAL AUTHORITY.*—Notwithstanding sec-
16 *tion 402 of title 37, United States Code (as amended by*
17 *section 611), during the BAS transition period—*

18 (1) *the basic allowance for subsistence shall not*
19 *be paid under that section for that period;*

20 (2) *a member of the uniformed services is enti-*
21 *tled to the basic allowance for subsistence only as pro-*
22 *vided in subsection (c);*

23 (3) *an enlisted member of the uniformed services*
24 *may be paid a partial basic allowance for subsistence*
25 *as provided in subsection (d); and*

1 (4) *the rates of the basic allowance for subsist-*
2 *ence are those determined under subsection (e).*

3 (c) *TRANSITIONAL ENTITLEMENT TO BAS.—*

4 (1) *ENLISTED MEMBERS.—*

5 (A) *TYPES OF ENTITLEMENT.—An enlisted*
6 *member is entitled to the basic allowance for sub-*
7 *sistence, on a daily basis, of one of the following*
8 *types—*

9 (i) *when rations in kind are not avail-*
10 *able;*

11 (ii) *when permission to mess sepa-*
12 *rately is granted; and*

13 (iii) *when assigned to duty under*
14 *emergency conditions where no messing fa-*
15 *cilities of the United States are available.*

16 (B) *OTHER ENTITLEMENT CIRCUM-*
17 *STANCES.—An enlisted member is entitled to the*
18 *allowance while on an authorized leave of ab-*
19 *sence, while confined in a hospital, or while per-*
20 *forming travel under orders away from the mem-*
21 *ber's designated post of duty other than field*
22 *duty or sea duty (as defined in regulations pre-*
23 *scribed by the Secretary of Defense). For pur-*
24 *poses of the preceding sentence, a member shall*
25 *not be considered to be performing travel under*

1 *orders away from his designated post of duty if*
2 *such member—*

3 *(i) is an enlisted member serving his*
4 *first tour of active duty;*

5 *(ii) has not actually reported to a per-*
6 *manent duty station pursuant to orders di-*
7 *recting such assignment; and*

8 *(iii) is not actually traveling between*
9 *stations pursuant to orders directing a*
10 *change of station.*

11 (C) *ADVANCE PAYMENT.—The allowance to*
12 *an enlisted member, when authorized, may be*
13 *paid in advance for a period of not more than*
14 *three months.*

15 (2) *OFFICERS.—An officer of a uniformed service*
16 *who is entitled to basic pay is, at all times, entitled*
17 *to the basic allowances for subsistence. An aviation*
18 *cadet of the Navy, Air Force, Marine Corps, or Coast*
19 *Guard is entitled to the same basic allowance for sub-*
20 *sistence as is provided for an officer of the Navy, Air*
21 *Force, Marine Corps, or Coast Guard, respectively.*

22 (d) *TRANSITIONAL AUTHORITY FOR PARTIAL BAS.—*

23 (1) *ENLISTED MEMBERS FURNISHED SUBSIST-*
24 *ENCE IN KIND.—The Secretary of Defense may pro-*
25 *vide in regulations for an enlisted member of a uni-*

1 *formed service to be paid a partial basic allowance*
2 *for subsistence when—*

3 *(A) rations in kind are available to the*
4 *member;*

5 *(B) the member is not granted permission*
6 *to mess separately; or*

7 *(C) the member is assigned to duty under*
8 *emergency conditions where messing facilities of*
9 *the United States are available.*

10 *(2) MONTHLY PAYMENT.—Any partial basic al-*
11 *lowance for subsistence authorized under paragraph*
12 *(1) shall be paid on a monthly basis.*

13 *(e) TRANSITIONAL RATES.—*

14 *(1) FULL BAS FOR OFFICERS.—The rate of basic*
15 *allowance for subsistence that is payable to officers of*
16 *the uniformed services for a year shall be the amount*
17 *that is equal to 101 percent of the rate of basic allow-*
18 *ance for subsistence that was payable to officers of the*
19 *uniformed services for the preceding year.*

20 *(2) FULL BAS FOR ENLISTED MEMBERS.—The*
21 *rate of basic allowance for subsistence that is payable*
22 *to an enlisted member of the uniformed services for a*
23 *year shall be the higher of—*

24 *(A) the amount that is equal to 101 percent*
25 *of the rate of basic allowance for subsistence that*

1 *was in effect for similarly situated enlisted mem-*
2 *bers of the uniformed services for the preceding*
3 *year; or*

4 *(B) the daily equivalent of what, except for*
5 *subsection (b), would otherwise be the monthly*
6 *rate of basic allowance for subsistence for en-*
7 *listed members under section 402(b)(1) of title*
8 *37, United States Code (as added by section*
9 *611(b)).*

10 *(3) PARTIAL BAS FOR ENLISTED MEMBERS.—The*
11 *rate of any partial basic allowance for subsistence*
12 *paid under subsection (d) for a member for a year*
13 *shall be equal to the lower of—*

14 *(A) the amount equal to the excess, if any,*
15 *of—*

16 *(i) the amount equal to the monthly*
17 *equivalent of the rate of basic allowance for*
18 *subsistence that was in effect for the preced-*
19 *ing year for enlisted members of the uni-*
20 *formed services above grade E-1 (when per-*
21 *mission to mess separately is granted), in-*
22 *creased by the same percent by which the*
23 *rates of basic pay for members of the uni-*
24 *formed services were increased for the year*

over those in effect for such preceding year,
over

(ii) the amount equal to 101 percent of
the monthly equivalent of the rate of basic
allowance for subsistence that was in effect
for the previous year for enlisted members of
the uniformed services above grade E-1
(when permission to mess separately is
granted); or

(B) the amount equal to the excess of—

(i) the amount that, except for sub-
section (b), would otherwise be the monthly
rate of basic allowance for subsistence for
enlisted members under section 402(b)(1) of
title 37, United States Code, over

(ii) the amount equal to the monthly
equivalent of the value of a daily ration, as
determined by the Under Secretary of De-
fense (Comptroller) as of October 1 of the
preceding year.

**SEC. 613. EFFECTIVE DATE AND TERMINATION OF TRANSI-
TIONAL AUTHORITY.**

(a) *EFFECTIVE DATE.*—This part and the amend-
ments made by section 611 shall take effect on January 1,
1998.

1 (b) *TERMINATION OF TRANSITIONAL PROVISIONS.*—
 2 Section 612 shall cease to be effective on the first day of
 3 the month immediately following the first month for which
 4 the monthly equivalent of the rate of basic allowance for
 5 subsistence payable to enlisted members of the uniformed
 6 services (when permission to mess separately is granted),
 7 as determined under subsection (e)(2) of such section, equals
 8 or exceeds the amount that, except for subsection (b) of such
 9 section, would otherwise be the monthly rate of basic allow-
 10 ance for subsistence for enlisted members under section
 11 402(b)(1) of title 37, United States Code.

12 **PART II—REFORM OF HOUSING AND RELATED**
 13 **ALLOWANCES**

14 **SEC. 616. ENTITLEMENT TO BASIC ALLOWANCE FOR HOUS-**
 15 **ING.**

16 (a) *REDESIGNATION OF BAQ.*—Section 403 of title 37,
 17 United States Code, is amended by striking out “basic al-
 18 lowance for quarters” each place it appears, except in sub-
 19 sections (f) and (m), and inserting in lieu thereof “basic
 20 allowance for housing”.

21 (b) *RATES.*—Subsection (a) of such section is amended
 22 by striking out “section 1009” and inserting in lieu thereof
 23 “section 403a”.

1 (c) *TEMPORARY HOUSING ALLOWANCE WHILE IN*
 2 *TRAVEL OR LEAVE STATUS.*—Subsection (f) of such section
 3 *is amended to read as follows:*

4 “(f) *TEMPORARY HOUSING ALLOWANCE WHILE IN*
 5 *TRAVEL OR LEAVE STATUS.*—A member of a uniformed
 6 service who is in pay grade above E-4 (four or more years
 7 of service) or above is entitled to a temporary housing al-
 8 lowance (at a rate determined under section 403a of this
 9 title) while the member is in a travel or leave status between
 10 permanent duty stations, including time granted as delay
 11 en route or proceed time, when the member is not assigned
 12 to quarters of the United States.”.

13 (d) *DETERMINATIONS NECESSARY FOR ADMINISTER-*
 14 *ING AUTHORITY FOR ALL MEMBERS.*—Subsection (h) of
 15 such section is amended by striking out “enlisted” each
 16 place it appears.

17 (e) *ENTITLEMENT OF MEMBERS NOT ENTITLED TO*
 18 *PAY.*—Subsection (i) of such section is amended by striking
 19 out “enlisted”.

20 (f) *TEMPORARY HOUSING AND ALLOWANCE FOR SUR-*
 21 *VIVORS OF ACTIVE DUTY MEMBERS.*—

22 (1) *CONTINUATION OF OCCUPANCY.*—Paragraph
 23 (1) of subsection (l) of such section is amended by
 24 striking out “in line of duty” and inserting in lieu
 25 thereof “on active duty”.

1 (2) *ALLOWANCE.*—Paragraph (2) of such sub-
2 section is amended to read as follows:

3 “(2)(A) *The Secretary concerned may pay a basic al-*
4 *lowance for housing (at the rate determined under section*
5 *403a of this title) to the dependents of a member of the uni-*
6 *formed services who dies while on active duty and whose*
7 *dependents—*

8 *“(i) are not occupying a housing facility under*
9 *the jurisdiction of a uniformed service on the date of*
10 *the member’s death;*

11 *“(ii) are occupying such housing on a rental*
12 *basis on such date; or*

13 *“(iii) vacate such housing sooner than 180 days*
14 *after the date of the member’s death.*

15 “(B) *The payment of the allowance under this sub-*
16 *section shall terminate 180 days after the date of the mem-*
17 *ber’s death.”.*

18 (g) *ENTITLEMENT OF MEMBER PAYING CHILD SUP-*
19 *PORT.*—Subsection (m) of such section is amended to read
20 as follows:

21 “(m) *MEMBERS PAYING CHILD SUPPORT.*—(1) *A*
22 *member of a uniformed service with dependents may not*
23 *be paid a basic allowance for housing at the with depend-*
24 *ents rate solely by reason of the payment of child support*
25 *by the member if—*

1 “(A) the member is assigned to a housing facility
2 under the jurisdiction of a uniformed service; or

3 “(B) the member is in a pay grade above E-4,
4 is assigned to sea duty, and elects not to occupy as-
5 signed quarters for unaccompanied personnel.

6 “(2) A member of a uniformed service assigned to
7 quarters of the United States or a housing facility under
8 the jurisdiction of a uniformed service who is not otherwise
9 authorized a basic allowance for housing and who pays
10 child support is entitled to the basic allowance for housing
11 differential (at the rate applicable under section 403a of
12 this title) to the members’ pay grade except for months for
13 which the amount payable for the child support is less than
14 the rate of the differential. Payment of a basic allowance
15 for housing differential does not affect any entitlement of
16 the member to a partial allowance for quarters under sub-
17 section (o).”.

18 (h) *REPLACEMENT OF VHA BY BASIC ALLOWANCE*
19 *FOR HOUSING.*—

20 (1) *MEMBERS NOT ACCOMPANIED BY DEPEND-*
21 *ENTS OUTSIDE CONUS.*—Such section is further
22 amended by adding at the end the following:

23 “(n) *MEMBERS NOT ACCOMPANIED BY DEPENDENTS*
24 *OUTSIDE CONUS.*—(1) A member of a uniformed service
25 with dependents who is assigned to an unaccompanied tour

1 of duty outside the continental United States is eligible for
2 a basic allowance for housing as provided in
3 paragraph (2).

4 “(2)(A) For any period during which the dependents
5 of a member referred to in paragraph (1) reside in the Unit-
6 ed States where, if the member were residing with them,
7 the member would be entitled to receive a basic allowance
8 for housing, the member is entitled to a basic allowance for
9 housing at the rate applicable under section 403a of this
10 title to the member’s pay grade and the location of the resi-
11 dence of the member’s dependents.

12 “(B) A member referred to in paragraph (1) may be
13 paid a basic allowance for housing at the rate applicable
14 under section 403a of this title to the members’s pay grade
15 and location.

16 “(3) Payment of a basic allowance for housing to a
17 member under paragraph (2)(B) shall be in addition to any
18 allowance or per diem to which the member otherwise may
19 be entitled under this title.”.

20 (2) MEMBERS NOT ACCOMPANIED BY DEPEND-
21 ENTS INSIDE CONUS.—Paragraph (2) of section
22 403a(a) of title 37, United States Code, is transferred
23 to the end of section 403 of such title and, as trans-
24 ferred, is amended—

1 (A) by striking out “(2)” and inserting in
 2 *lieu thereof* “(o) MEMBERS NOT ACCOMPANIED
 3 BY DEPENDENTS INSIDE CONUS.—”;

4 (B) by striking out “variable housing allow-
 5 ance” each place it appears and inserting in *lieu*
 6 thereof “basic allowance for housing”;

7 (C) by striking out “(under regulations pre-
 8 scribed under subsection (e))” in the matter fol-
 9 lowing subparagraph (B) and inserting in *lieu*
 10 thereof “(under regulations prescribed by the
 11 Secretary of Defense)”; and

12 (D) by redesignating subparagraphs (A)
 13 and (B) as paragraphs (1) and (2), respectively.

14 (3) REPEAL OF VHA ALLOWANCE.—Section 403a
 15 of title 37, United States Code, is repealed.

16 (i) MEMBERS WITHOUT DEPENDENTS.—Section 403
 17 of such title, as amended by subsection (f), is further amend-
 18 ed by adding at the end the following:

19 “(p) PARTIAL ALLOWANCE FOR MEMBERS WITHOUT
 20 DEPENDENTS.—A member of a uniformed service without
 21 dependents who is not entitled to receive a basic allowance
 22 for housing under subsection (b) or (c) is entitled to a par-
 23 tial allowance for quarters determined under section 403a
 24 of this title.”.

1 (j) *STYLISTIC AMENDMENTS.*—Section 403 of title 37,
 2 *United States Code*, as amended by this section, is further
 3 amended—

4 (1) in subsection (a), by striking out “(a)(1)”
 5 and inserting in lieu thereof “(a) *GENERAL ENTITLE-*
 6 *MENT.*—(1)”;

7 (2) in subsection (b), by striking out “(b)(1)”
 8 and inserting in lieu thereof “(b) *MEMBERS AS-*
 9 *SIGNED TO QUARTERS.*—(1)”;

10 (3) in subsection (c), by striking out “(c)(1)”
 11 and inserting in lieu thereof “(c) *INELIGIBILITY DUR-*
 12 *ING INITIAL FIELD DUTY OR SEA DUTY.*—(1)”;

13 (4) in subsection (d), by striking out “(d)(1)”
 14 and inserting in lieu thereof “(d) *PROHIBITED*
 15 *GROUND FOR DENIAL.*—(1)”;

16 (5) in subsection (e), by inserting “*RENTAL OF*
 17 *PUBLIC QUARTERS.*—” after “(e)”;

18 (6) in subsection (g), by inserting “*AVIATION CA-*
 19 *DETS.*—” after “(g)”;

20 (7) in subsection (h), by inserting “*NECESSARY*
 21 *DETERMINATIONS.*—” after “(h)”;

22 (8) in subsection (i), by inserting “*ENTITLE-*
 23 *MENT OF MEMBER NOT ENTITLED TO PAY.*—” after
 24 “(i)”;

1 (9) in subsection (j), by striking out “(j)(1)” and
 2 inserting in lieu thereof “(j) ADMINISTRATIVE AU-
 3 THORITY.—(1)”;

4 (10) in subsection (k), by inserting “PARKING
 5 FACILITIES NOT CONSIDERED QUARTERS.—” after
 6 “(k)”; and

7 (11) in subsection (l), by striking out “(l)(1)”
 8 and inserting in lieu thereof “(l) DEPENDENTS OF
 9 MEMBERS DYING ON ACTIVE DUTY.—(1)”.

10 (k) *SECTION HEADING.*—The heading of section 403
 11 of title 37, United States Code, is amended to read as fol-
 12 lows:

13 **“§403. Basic allowance for housing: eligibility”.**

14 **SEC. 617. RATES OF BASIC ALLOWANCE FOR HOUSING.**

15 Chapter 7 of title 37, United States Code, is amended
 16 by inserting after section 403 the following new section
 17 403a:

18 **“§403a. Basic allowance for housing: rates**

19 “(a) *RATES PRESCRIBED BY SECRETARY OF DE-*
 20 *FENSE.*—The Secretary of Defense shall prescribe monthly
 21 rates of basic allowance for housing payable under section
 22 403 of this title. The Secretary shall specify the rates, by
 23 pay grade and dependency status, for each geographic area
 24 defined in accordance with subsection (b).

1 “(b) *GEOGRAPHIC BASIS FOR RATES.*—(1) *The Sec-*
2 *retary shall define the areas within the United States and*
3 *the areas outside the United States for which rates of basic*
4 *allowance for housing are separately specified.*

5 “(2) *For each area within the United States that is*
6 *defined under paragraph (1), the Secretary shall determine*
7 *the costs of housing in that area that the Secretary considers*
8 *adequate for civilians residents of that area whose relevant*
9 *circumstances the Secretary considers as being comparable*
10 *to those of members of the uniformed services.*

11 “(3) *For each area outside the United States defined*
12 *under paragraph (1), the Secretary shall determine the costs*
13 *of housing in that area that the Secretary considers ade-*
14 *quate for members of the uniformed services.*

15 “(c) *RATES WITHIN THE UNITED STATES.*—(1) *Sub-*
16 *ject to paragraph (2), the monthly rate of basic allowance*
17 *for housing for members of the uniformed services of a par-*
18 *ticular grade and dependency status for an area within the*
19 *United States shall be the amount equal to the excess of—*

20 “(A) *the monthly cost of housing determined ap-*
21 *plicable for members of that grade and dependency*
22 *status for that area under subsection (b), over*

23 “(B) *the amount equal to 15 percent of the aver-*
24 *age of the monthly costs of housing determined appli-*
25 *cable for members of the uniformed services of that*

1 *grade and dependency status for all areas of the Unit-*
2 *ed States under subsection (b).*

3 “(2) *The rates of basic allowance for housing deter-*
4 *mined under paragraph (1) shall be reduced as necessary*
5 *to comply with subsection (g).*

6 “(d) *RATES OUTSIDE THE UNITED STATES.—The*
7 *monthly rate of basic allowance for housing for members*
8 *of the uniformed services of a particular grade and depend-*
9 *ency status for an area outside the United States shall be*
10 *an amount appropriate for members of the uniformed serv-*
11 *ices of that grade and dependency status for that area, as*
12 *determined by the Secretary on the basis of the costs of hous-*
13 *ing in that area.*

14 “(e) *ADJUSTMENTS WHEN RATES OF BASIC PAY IN-*
15 *CREASED.—The Secretary of Defense shall periodically re-*
16 *determine the housing costs for areas under subsection (b)*
17 *and adjust the rates of basic allowance for housing as ap-*
18 *propriate on the basis of the redetermination of costs. The*
19 *effective date of any adjustment in rates of basic allowance*
20 *for housing for an area as a result of such a redetermina-*
21 *tion shall be the same date as the effective date of the next*
22 *increase in rates of basic pay for members of the uniformed*
23 *services after the redetermination.*

24 “(f) *SAVINGS OF RATE.—The rate of basic allowance*
25 *for housing payable to a particular member for an area*

1 *within the United States may not be reduced during a con-*
 2 *tinuous period of eligibility of the member to receive a basic*
 3 *allowance for housing for that area by reason of—*

4 “(1) a general reduction of rates of basic allow-
 5 *ance for housing for members of the same grade and*
 6 *dependency status for the area taking effect during*
 7 *the period; or*

8 “(2) a promotion of the member during the pe-
 9 *riod.*

10 “(g) *FISCAL YEAR LIMITATION ON TOTAL ALLOW-*
 11 *ANCES PAID FOR HOUSING INSIDE THE UNITED STATES.—*

12 *(1) The total amount that may be paid for a fiscal year*
 13 *for the basic allowance for housing for areas within the*
 14 *United States by authorized members of the uniformed serv-*
 15 *ices by section 403 of this title is the product of—*

16 “(A) *the total amount authorized to be paid for*
 17 *the allowance for such areas for the preceding fiscal*
 18 *year (as adjusted under paragraph (2)); and*

19 “(B) *the fraction—*

20 “(i) *the numerator of which is the average*
 21 *of the costs of housing determined by the Sec-*
 22 *retary under subsection (b)(2) for the areas of the*
 23 *United States for June of the preceding fiscal*
 24 *year; and*

1 “(ii) the denominator of which is the aver-
2 age of the costs of housing determined by the Sec-
3 retary under subsection (b)(2) for the areas of the
4 United States for June of the fiscal year before
5 the preceding fiscal year.

6 “(2) In making a determination under paragraph (1)
7 for a fiscal year, the Secretary shall adjust the amount au-
8 thorized to be paid for the preceding fiscal year for the basic
9 allowance for housing to reflect changes (during the fiscal
10 year for which the determination is made) in the number,
11 grade distribution, and dependency status of members of the
12 uniformed services entitled to the basic allowance for hous-
13 ing from the number of such members during such preced-
14 ing fiscal year.

15 “(h) MEMBERS EN ROUTE BETWEEN PERMANENT
16 DUTY STATIONS.—The Secretary of Defense shall prescribe
17 in regulations the rate of the temporary housing allowance
18 to which a member is entitled under section 403(f) of this
19 title while the member is in a travel or leave status between
20 permanent duty stations.

21 “(i) SURVIVORS OF MEMBERS DYING ON ACTIVE
22 DUTY.— The rate of the basic allowance for housing pay-
23 able to dependents of a deceased member under section
24 403(l)(2) of this title shall be the rate that is payable for
25 members of the same grade and dependency status as the

1 *deceased member for the area where the dependents are re-*
 2 *siding.*

3 “(j) *MEMBERS PAYING CHILD SUPPORT.—(1) The*
 4 *basic allowance for housing differential to which a member*
 5 *is entitled under section 403(m)(2) of this title is the*
 6 *amount equal to the excess of—*

7 “(A) *the rate of the basic allowance for quarters*
 8 *(with dependents) for the member’s pay grade, as such*
 9 *rate was in effect on December 31, 1997, under sec-*
 10 *tion 403 of this title (as such section was in effect on*
 11 *such date), over*

12 “(B) *the rate of the basic allowance for quarters*
 13 *(without dependents) for the member’s pay grade, as*
 14 *such rate was in effect on December 31, 1997, under*
 15 *section 403 of this title (as such section was in effect*
 16 *on that date).*

17 “(2) *Whenever the rates of basic pay for members of*
 18 *the uniformed services are increased, the monthly amount*
 19 *of the basic allowance for housing differential shall be in-*
 20 *creased by the average percent increase in the rates of basic*
 21 *pay. The effective date of the increase shall be the same date*
 22 *as the effective date in the increase in the rates of basic*
 23 *pay.*

24 “(k) *PARTIAL ALLOWANCE FOR QUARTERS.—The rate*
 25 *of the partial allowance for quarters to which a member*

1 *without dependents is entitled under section 403(p) of this*
 2 *title is the partial rate of basic allowance for quarters for*
 3 *the member's pay grade as such partial rate was in effect*
 4 *on December 31, 1997, under section 1009(c)(2) of this title*
 5 *(as such section was in effect on such date).”.*

6 **SEC. 618. DISLOCATION ALLOWANCE.**

7 (a) *AMOUNT.*—Section 407 of title 37, United States
 8 Code, is amended—

9 (1) *in subsection (a), by striking out “equal to*
 10 *the basic allowance for quarters for two and one-half*
 11 *months as provided for the member's pay grade and*
 12 *dependency status in section 403 of this title” in the*
 13 *matter preceding paragraph (1) and inserting in lieu*
 14 *thereof “determined under subsection (g)”;*

15 (2) *in subsection (b), by striking out “equal to*
 16 *the basic allowance for quarters for two months as*
 17 *provided for a member's pay grade and dependency*
 18 *status in section 403 of this title” and inserting in*
 19 *lieu thereof “determined under subsection (g)”;* and

20 (3) *by adding at the end the following:*

21 “(g) *AMOUNT.*—(1) *The dislocation allowance payable*
 22 *to a member under subsection (a) shall be the amount equal*
 23 *to 160 percent of the monthly national average cost of hous-*
 24 *ing determined for members of the same grade and depend-*
 25 *ency status as the member.*

1 “(2) *The dislocation allowance payable to a member*
 2 *under subsection (b) shall be the amount equal to 130 per-*
 3 *cent of the monthly national average cost of housing deter-*
 4 *mined for members of the same grade and dependency sta-*
 5 *tus as the member.*

6 “(3) *In this section, the term ‘monthly national aver-*
 7 *age cost of housing’, with respect to members of a particular*
 8 *grade and dependency status, means the average of the*
 9 *monthly costs of housing that the Secretary determines ade-*
 10 *quate for members of that grade and dependency status for*
 11 *all areas in the United States under section 403a(b)(2) of*
 12 *this title.*”.

13 (b) *STYLISTIC AMENDMENTS.—Such section is amend-*
 14 *ed—*

15 (1) *in subsection (a), by inserting “FIRST AL-*
 16 *LOWANCE.—” after “(a)”;*

17 (2) *in subsection (b), by inserting “SECOND AL-*
 18 *LOWANCE.—” after “(b)”;*

19 (3) *in subsection (c), by inserting “ONE ALLOW-*
 20 *ANCE PER FISCAL YEAR.—” after “(c)”;*

21 (4) *in subsection (d), by inserting “NO ENTITLE-*
 22 *MENT FOR FIRST AND LAST MOVES.—” after “(d)”;*

23 (5) *in subsection (e), by inserting “WHEN MEM-*
 24 *BER WITH DEPENDENTS CONSIDERED MEMBER*
 25 *WITHOUT DEPENDENTS.—” after “(e)”;* and

1 (6) in subsection (f), by inserting “*PAYMENT IN*
2 *ADVANCE.—*” after “(f)”.

3 **SEC. 619. FAMILY SEPARATION AND STATION ALLOWANCES.**

4 (a) *FAMILY SEPARATION ALLOWANCE.—*

5 (1) *REPEAL OF AUTHORITY FOR ALLOWANCE*
6 *EQUAL TO BAQ.—*Section 427 of title 37, United
7 States Code, is amended by striking out subsection
8 (a).

9 (2) *CONFORMING AMENDMENTS.—*Subsection (b)
10 of such section is amended—

11 (A) by striking out “(b) *ADDITIONAL SEPA-*
12 *RATION ALLOWANCE.—*”;

13 (B) by redesignating paragraphs (1), (2),
14 (3), (4), and (5), as subsections (a), (b), (c), (d),
15 and (e), respectively;

16 (C) in subsection (a), as so redesignated—

17 (i) by inserting “*ENTITLEMENT.—*”
18 after “(a)”;

19 (ii) by striking out “, including sub-
20 section (a),”; and

21 (iii) by redesignating subparagraphs
22 (A), (B), (C), and (D) as paragraphs (1),
23 (2), (3), and (4), respectively;

24 (D) in subsection (b), as redesignated by
25 paragraph (2)—

1 (i) by inserting “*EFFECTIVE DATE*
2 *FOR SEPARATION DUE TO CRUISE OR TEM-*
3 *PORARY DUTY.—*” after “(b)”;

4 (ii) by striking out “subsection by vir-
5 *tue of duty described in subparagraph (B)*
6 *or (C) of paragraph (1)”* and inserting in
7 *lieu thereof “section by virtue of duty de-*
8 *scribed in paragraph (2) or (3) of sub-*
9 *section (a)”*;

10 (iii) by redesignating subparagraphs
11 *(A) and (B) as paragraphs (1) and (2), re-*
12 *spectively; and*

13 (iv) in paragraph (2), as so redesign-
14 *ated—*

15 (I) by striking out “subsection”
16 *and inserting in lieu thereof “section”;*
17 *and*

18 (II) by striking out “subpara-
19 *graphs”* and inserting in lieu thereof
20 “paragraphs”;

21 (E) in subsection (c), as redesignated by
22 *paragraph (2)—*

23 (i) by inserting “*ENTITLEMENT WHEN*
24 *NO RESIDENCE OR HOUSEHOLD MAIN-*

1 TAINED FOR DEPENDENTS.—” after “(c)”;

2 and

3 (ii) by striking out “subsection” and

4 inserting in lieu thereof “section”;

5 (F) in subsection (d), as redesignated by

6 paragraph (2)—

7 (i) by inserting “EFFECT OF ELEC-

8 TION OF UNACCOMPANIED TOUR.—” after

9 “(d)”;

10 (ii) by striking out “paragraph (1)(A)

11 of this subsection” and inserting in lieu

12 thereof “subsection (a)(1)”;

13 (G) in subsection (e), as redesignated by

14 paragraph (2)—

15 (i) by inserting “ENTITLEMENT WHILE

16 DEPENDENT ENTITLED TO BASIC PAY.—”

17 after “(e)”;

18 (ii) by striking out “paragraph

19 (1)(D)” each place it appears and inserting

20 in lieu thereof “subsection (a)(4)”.

21 (b) STATION ALLOWANCE.—

22 (1) REPEAL OF AUTHORITY.—Section 405 of title

23 37, United States Code, is amended by striking out

24 subsection (b).

1 (2) *CONFORMING AMENDMENT.*—*Such section is*
 2 *further amended by redesignating subsections (c) and*
 3 *(d) as subsections (b) and (c), respectively.*

4 **SEC. 620. OTHER CONFORMING AMENDMENTS.**

5 (a) *DEFINITION OF REGULAR MILITARY COMPENSA-*
 6 *TION.*—*Section 101(25) of title 37, United States Code, is*
 7 *amended by striking out “basic allowance for quarters (in-*
 8 *cluding any variable housing allowance or station allow-*
 9 *ance)” and inserting in lieu thereof “basic allowance for*
 10 *housing.”.*

11 (b) *ALLOWANCES WHILE PARTICIPATING IN INTER-*
 12 *NATIONAL SPORTS.*—*Section 420(c) of such title is amended*
 13 *by striking out “quarters” and inserting in lieu thereof*
 14 *“housing”.*

15 (c) *PAYMENTS TO MISSING PERSONS.*—*Section*
 16 *551(3)(D) of such title is amended by striking out “quar-*
 17 *ters” and inserting in lieu thereof “housing”.*

18 (d) *PAYMENT DATE.*—*Section 1014(a) of such title is*
 19 *amended by striking out “basic allowance for quarters” and*
 20 *inserting in lieu thereof “basic allowance for housing”.*

21 (e) *OCCUPANCY OF SUBSTANDARD FAMILY HOUS-*
 22 *ING.*—*Section 2830(a) of title 10, United States Code, is*
 23 *amended by striking out “basic allowance for quarters”*
 24 *each place it appears and inserting in lieu thereof “basic*
 25 *allowance for housing”.*

1 **SEC. 621. CLERICAL AMENDMENT.**

2 *The table of sections at the beginning of chapter 7 of*
 3 *title 37, United States Code, is amended by striking out*
 4 *the items relating to section 403 and 403a and inserting*
 5 *in lieu thereof the following:*

“403. Basic allowance for housing: eligibility.

“403a. Basic allowance for housing: rates.”.

6 **SEC. 622. EFFECTIVE DATE.**

7 *This part and the amendments made by this part shall*
 8 *take effect on January 1, 1998.*

9 **PART III—OTHER AMENDMENTS RELATING TO**
 10 **ALLOWANCES**

11 **SEC. 626. REVISION OF AUTHORITY TO ADJUST COMPENSA-**
 12 **TION NECESSITATED BY REFORM OF SUB-**
 13 **SISTENCE AND HOUSING ALLOWANCES.**

14 *(a) CONFORMING REPEAL OF AUTHORITY RELATING*
 15 *TO BAS AND BAQ.—*

16 *(1) IN GENERAL.—Section 1009 of title 37, Unit-*
 17 *ed States Code, is amended to read as follows:*

18 **“§ 1009. Adjustments of monthly basic pay**

19 *“(a) ADJUSTMENT REQUIRED.—Whenever the General*
 20 *Schedule of compensation for Federal classified employees*
 21 *as contained in section 5332 of title 5 is adjusted upward,*
 22 *the President shall immediately make an upward adjust-*
 23 *ment in the monthly basic pay authorized members of the*
 24 *uniformed services by section 203(a) of this title.*

1 “(b) *EFFECTIVENESS OF ADJUSTMENT.*—An adjust-
2 *ment under this section shall—*

3 “(1) *have the force and effect of law; and*

4 “(2) *carry the same effective date as that apply-*
5 *ing to the compensation adjustments provided Gen-*
6 *eral Schedule employees.*

7 “(c) *EQUAL PERCENTAGE INCREASE FOR ALL MEM-*
8 *BERS.*—Subject to subsection (d), an adjustment under this
9 *section shall provide all eligible members with an increase*
10 *in the monthly basic pay which is of the same percentage*
11 *as the overall average percentage increase in the General*
12 *Schedule rates of basic pay for civilian employees.*

13 “(d) *ALLOCATION OF INCREASE AMONG PAY GRADES*
14 *AND YEARS-OF-SERVICE.*—(1) *Subject to paragraph (2),*
15 *whenever the President determines such action to be in the*
16 *best interest of the Government, he may allocate the overall*
17 *percentage increase in the monthly basic pay under sub-*
18 *section (a) among such pay grade and years-of-service cat-*
19 *egories as he considers appropriate.*

20 “(2) *In making any allocation of an overall percentage*
21 *increase in basic pay under paragraph (1)—*

22 “(A) *the amount of the increase in basic pay for*
23 *any given pay grade and years-of-service category*
24 *after any allocation made under this subsection may*
25 *not be less than 75 percent of the amount of the in-*

1 crease in the monthly basic pay that would otherwise
 2 have been effective with respect to such pay grade and
 3 years-of-service category under subsection (c); and

4 “(B) the percentage increase in the monthly
 5 basic pay in the case of any member of the uniformed
 6 services with four years or less service may not exceed
 7 the overall percentage increase in the General Sched-
 8 ule rates of basic pay for civilian employees.

9 “(e) NOTICE OF ALLOCATIONS.—Whenever the Presi-
 10 dent plans to exercise his authority under subsection (d)
 11 with respect to any anticipated increase in the monthly
 12 basic pay of members of the uniformed services, he shall
 13 advise Congress, at the earliest practicable time prior to
 14 the effective date of such increase, regarding the proposed
 15 allocation of such increase.

16 “(f) QUADRENNIAL ASSESSMENT OF ALLOCATIONS.—
 17 The allocations of increases made under this section shall
 18 be assessed in conjunction with the quadrennial review of
 19 military compensation required by section 1008(b) of this
 20 title.”.

21 (2) CLERICAL AMENDMENT.—The item relating
 22 to such section in the table of sections at the begin-
 23 ning of chapter 19 of such title is amended to read
 24 as follows:

“1009. Adjustments of monthly basic pay.”.

1 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
 2 *section (a) shall take effect on January 1, 1998.*

3 **SEC. 627. DEADLINE FOR PAYMENT OF READY RESERVE**
 4 **MUSTER DUTY ALLOWANCE.**

5 *Section 433(c) of title 37, United States Code, is*
 6 *amended by striking out “and shall” in the first sentence*
 7 *and all that follows in that sentence and inserting in lieu*
 8 *thereof a period and the following: “The allowance shall be*
 9 *paid to the member before, on, or after the date on which*
 10 *the muster duty is performed, but not later than 30 days*
 11 *after that date.”.*

12 **Subtitle C—Bonuses and Special**
 13 **and Incentive Pays**

14 **SEC. 631. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND**
 15 **SPECIAL PAY AUTHORITIES FOR RESERVE**
 16 **FORCES.**

17 (a) *SPECIAL PAY FOR CRITICALLY SHORT WARTIME*
 18 *HEALTH SPECIALISTS.*—*Section 302g(f) of title 37, United*
 19 *States Code, is amended by striking out “September 30,*
 20 *1998” and inserting in lieu thereof “September 30, 1999”.*

21 (b) *SELECTED RESERVE REENLISTMENT BONUS.*—
 22 *Section 308b(f) of title 37, United States Code, is amended*
 23 *by striking out “September 30, 1998” and inserting in lieu*
 24 *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”.

22 (h) *REPAYMENT OF EDUCATION LOANS FOR CERTAIN*
23 *HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED*
24 *RESERVE.*—Section 16302(d) of title 10, United States

1 *Code, is amended by striking out “October 1, 1998” and*
 2 *inserting in lieu thereof “October 1, 1999”.*

3 **SEC. 632. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND**
 4 **SPECIAL PAY AUTHORITIES FOR NURSE OFFI-**
 5 **CER CANDIDATES, REGISTERED NURSES, AND**
 6 **NURSE ANESTHETISTS.**

7 *(a) NURSE OFFICER CANDIDATE ACCESSION PRO-*
 8 *GRAM.—Section 2130a(a)(1) of title 10, United States Code,*
 9 *is amended by striking out “September 30, 1998” and in-*
 10 *serting in lieu thereof “September 30, 1999”.*

11 *(b) ACCESSION BONUS FOR REGISTERED NURSES.—*
 12 *Section 302d(a)(1) of title 37, United States Code, is*
 13 *amended by striking out “September 30, 1998” and insert-*
 14 *ing in lieu thereof “September 30, 1999”.*

15 *(c) INCENTIVE SPECIAL PAY FOR NURSE ANES-*
 16 *THETISTS.—Section 302e(a)(1) of title 37, United States*
 17 *Code, is amended by striking out “September 30, 1998” and*
 18 *inserting in lieu thereof “September 30, 1999”.*

19 **SEC. 633. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
 20 **ING TO PAYMENT OF OTHER BONUSES AND**
 21 **SPECIAL PAYS.**

22 *(a) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—*
 23 *Section 308(g) 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 (b) *ENLISTMENT BONUSES FOR CRITICAL SKILLS.*—
 2 Sections 308a(c) and 308f(c) of title 37, United States Code,
 3 are each amended by striking out “September 30, 1998”
 4 and inserting in lieu thereof “September 30, 1999”.

5 (c) *SPECIAL PAY FOR NUCLEAR QUALIFIED OFFICERS*
 6 *EXTENDING PERIOD OF ACTIVE SERVICE.*—Section 312(e)
 7 of 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 (d) *NUCLEAR CAREER ACCESSION BONUS.*—Section
 11 312b(c) of title 37, United States Code, is amended by strik-
 12 ing out “September 30, 1998” and inserting in lieu thereof
 13 “September 30, 1999”.

14 (e) *NUCLEAR CAREER ANNUAL INCENTIVE BONUS.*—
 15 Section 312c(d) of title 37, United States Code, is amended
 16 by striking out “October 1, 1998” and inserting in lieu
 17 thereof “October 1, 1999”.

18 **SEC. 634. INCREASED AMOUNTS FOR AVIATION CAREER IN-**
 19 **CENTIVE PAY.**

20 (a) *AMOUNTS.*—The table in subsection (b)(1) of sec-
 21 tion 301a(b)(1) of title 37, United States Code, is amend-
 22 ed—

23 (1) by inserting at the end of phase I of the table
 24 the following:

“Over 14 840”;

25 and

1 (2) *by striking out phase II of the table and in-*
 2 *serting in lieu thereof the following:*

“PHASE II

<i>“Years of service as an officer:</i>	<i>“Monthly rate</i>
<i>“Over 22</i>	<i>\$585</i>
<i>“Over 23</i>	<i>495</i>
<i>“Over 24</i>	<i>385</i>
<i>“Over 25</i>	<i>250”.</i>

3 ***(b) EFFECTIVE DATE AND APPLICABILITY.—****The*
 4 *amendments made by subsection (a) shall take effect on Oc-*
 5 *tober 1, 1998, and shall apply with respect to months begin-*
 6 *ning on or after that date.*

7 ***SEC. 635. AVIATION CONTINUATION PAY.***

8 ***(a) EXTENSION OF AUTHORITY.—****Subsection (a) of sec-*
 9 *tion 301b of title 37, United States Code, is amended by*
 10 *striking out “1998” and inserting in lieu thereof “2005”.*

11 ***(b) BONUS AMOUNTS.—****Subsection (c) of such section*
 12 *is amended—*

13 ***(1) in paragraph (1), by striking out “\$12,000”***
 14 *and inserting in lieu thereof “\$25,000”; and*

15 ***(2) in paragraph (2), by striking out “\$6,000”***
 16 *and inserting in lieu thereof “\$12,000”.*

17 ***(c) DEFINITION OF AVIATION SPECIALTY.—****Subsection*
 18 ***(j)(2) of such section is amended by inserting “specific” be-***
 19 *fore “community”.*

20 ***(d) CONTENT OF ANNUAL REPORT.—****Subsection (i)(1)*
 21 *of such section is amended—*

1 (1) *by inserting “and” at the end of subpara-*
 2 *graph (A);*

3 (2) *by striking out the semicolon and “and” at*
 4 *the end of subparagraph (B) and inserting in lieu*
 5 *thereof a period; and*

6 (3) *by striking out subparagraph (C).*

7 (e) *EFFECTIVE DATES AND APPLICABILITY.—(1) Ex-*
 8 *cept as provided in paragraphs (1) and (2), the amend-*
 9 *ments made by this section shall take effect on the date of*
 10 *the enactment of this Act.*

11 (2) *The amendment made by subsection (b) shall take*
 12 *effect on October 1, 1997, and shall apply with respect to*
 13 *agreements accepted under subsection (a) of section 301b*
 14 *of title 37, United States Code, on or after that date.*

15 (3) *The amendment made by subsection (c) shall take*
 16 *effect as of October 1, 1996, and shall apply with respect*
 17 *to agreements accepted under subsection (a) of section 301b*
 18 *of title 37, United States Code, on or after that date.*

19 **SEC. 636. ELIGIBILITY OF DENTAL OFFICERS FOR THE**
 20 **MULTIYEAR RETENTION BONUS PROVIDED**
 21 **FOR MEDICAL OFFICERS.**

22 (a) *ADDITION OF DENTAL OFFICERS.—Section 301d*
 23 *of title 37, United States Code, is amended—*

24 (1) *in subsection (a)(1), by inserting “or dental”*
 25 *after “medical”; and*

1 (2) *in subsection (b)—*

2 (A) *in paragraph (1)—*

3 (i) *by inserting “or Dental Corps”*

4 *after “Medical Corps”; and*

5 (ii) *by inserting “or dental” after*

6 *“medical”; and*

7 (B) *in paragraph (3), by inserting “or den-*

8 *tal” after “medical”.*

9 (b) *CONFORMING AMENDMENT AND RELATED CLERI-*
10 *CAL AMENDMENT.—(1) The heading of such section is*
11 *amended to read as follows:*

12 **“§ 301d. Multiyear retention bonus: medical and den-**
13 **tal officers of the armed forces”.**

14 (2) *The item relating to such section in the table of*
15 *sections at the beginning of chapter 5 of title 37, United*
16 *States Code, is amended to read as follows:*

*“301d. Multiyear retention bonus: medical and dental officers of the armed
forces.”.*

17 (c) *EFFECTIVE DATE.—The amendments made by this*
18 *section shall take effect on October 1, 1997, and apply to*
19 *agreements accepted under section 301d of title 37, United*
20 *States Code, on or after that date.*

21 **SEC. 637. INCREASED SPECIAL PAY FOR DENTAL OFFICERS.**

22 (a) *VARIABLE SPECIAL PAY FOR OFFICERS BELOW*
23 *GRADE O–7.—Paragraph (2) of section 302b(a) of title 37,*
24 *United States Code, is amended by striking out subpara-*

1 *graphs (C), (D), (E), and (F), and inserting in lieu thereof*
 2 *the following:*

3 “(C) \$4,000 per year, if the officer has at least
 4 six but less than 8 years of creditable service.

5 “(D) \$12,000 per year, if the officer has at least
 6 8 but less than 12 years of creditable service.

7 “(E) \$10,000 per year, if the officer has at least
 8 12 but less than 14 years of creditable service.

9 “(F) \$9,000 per year, if the officer has at least
 10 14 but less than 18 years of creditable service.

11 “(G) \$8,000 per year, 18 or more years of cred-
 12 itable service.”.

13 (b) *VARIABLE SPECIAL PAY FOR OFFICERS ABOVE*
 14 *GRADE O-6.—Paragraph (3) of such section is amended*
 15 *by striking out “\$1,000” and inserting in lieu thereof*
 16 *“\$7,000”.*

17 (c) *ADDITIONAL SPECIAL PAY.—Paragraph (4) of such*
 18 *section is amended—*

19 (1) *in subparagraph (B), by striking out “14”*
 20 *and inserting in lieu thereof “10”; and*

21 (2) *by striking out subparagraphs (C) and (D)*
 22 *and inserting in lieu thereof the following:*

23 “(C) \$15,000 per year, if the officer has 10 or
 24 more years of creditable service.”.

1 (d) *EFFECTIVE DATE.*—*The amendments made by this*
 2 *section shall take effect on October 1, 1997, and shall apply*
 3 *with respect to months beginning on or after that date.*

4 **SEC. 638. MODIFICATION OF SELECTED RESERVE REEN-**
 5 **LISTMENT BONUS AUTHORITY.**

6 (a) *ELIGIBILITY OF MEMBERS WITH UP TO 14 YEARS*
 7 *OF TOTAL SERVICE.*—*Subsection (a) of section 308b of title*
 8 *37, United States Code, is amended by striking out “ten*
 9 *years” in paragraph (1) and inserting in lieu thereof “14*
 10 *years”.*

11 (b) *TWO-BONUS AUTHORITY FOR CONSECUTIVE 3-*
 12 *YEAR ENLISTMENTS.*—*Such subsection is further amend-*
 13 *ed—*

14 (1) *by redesignating paragraphs (1) and (2) as*
 15 *subparagraphs (A) and (B), respectively;*

16 (2) *by inserting “AUTHORITY AND ELIGIBILITY*
 17 *REQUIREMENTS.—(1)” after “(a)”;*

18 (3) *by striking out “a bonus as provided in sub-*
 19 *section (b)” before the period at the end and inserting*
 20 *in lieu thereof “a bonus or bonuses in accordance*
 21 *with this section”;* and

22 (4) *by adding at the end the following new para-*
 23 *graph (2):*

24 “(2) *If a person eligible to receive a bonus under this*
 25 *section by reason of an enlistment for a period of three years*

1 *so elects on or before the date of the enlistment, the Secretary*
2 *concerned may pay the person—*

3 *“(A) a bonus for that enlistment; and*

4 *“(B) an additional bonus for a later voluntary*
5 *extension of the enlistment, or a subsequent consecu-*
6 *tive enlistment, for a period of at least three years*
7 *if—*

8 *“(i) on the date of the expiration of the en-*
9 *listment for which the first bonus was paid, or*
10 *the date on which, but for an extension of the en-*
11 *listment, the enlistment would otherwise expire,*
12 *as the case may be, the person satisfies the eligi-*
13 *bility requirements set forth in paragraph (1)*
14 *and the eligibility requirements for reenlisting or*
15 *extending the enlistment; and*

16 *“(ii) the extension of the enlistment or the*
17 *subsequent consecutive enlistment, as the case*
18 *may be, is in a critical military skill designated*
19 *for such a bonus by the Secretary concerned.”.*

20 *(c) BONUS AMOUNTS.—Subsection (b) of such section*
21 *is amended to read as follows:*

22 *“(b) BONUS AMOUNTS.—(1) In the case of a member*
23 *who enlists for a period of six years, the bonus to be paid*
24 *under subsection (a) shall be a total amount not to exceed*
25 *\$5,000.*

1 “(2) *In the case of a member who enlists for a period*
 2 *of three years, the bonus to be paid under subsection (a)*
 3 *shall be as follows:*

4 “(A) *If the member does not make an election*
 5 *authorized under subsection (a)(2), the total amount*
 6 *of the bonus shall be an amount not to exceed \$2,500.*

7 “(B) *If the member makes an election under sub-*
 8 *section (a)(2) to be paid a bonus for the enlistment*
 9 *and an additional bonus for a later extension of the*
 10 *enlistment or for a subsequent consecutive enlist-*
 11 *ment—*

12 “(i) *the total amount of the first bonus shall*
 13 *be an amount not to exceed \$2,000; and*

14 “(ii) *the total amount of the additional*
 15 *bonus shall be an amount not to exceed \$2,500.”.*

16 (d) *DISBURSEMENT OF BONUS.—Subsection (c) of*
 17 *such section is amended to read as follows:*

18 “(c) *DISBURSEMENT OF BONUS.—(1) Any bonus pay-*
 19 *able under this section shall be disbursed in one initial pay-*
 20 *ment of an amount not to exceed one-half of the total*
 21 *amount of the bonus and subsequent periodic partial pay-*
 22 *ments of the balance of the bonus. The Secretary concerned*
 23 *shall prescribe the amount of each partial payment and the*
 24 *schedule for making the partial payments.*

1 “(2) *Payment of any additional bonus under sub-*
 2 *section (a)(2)(B) for an extension of an enlistment or a sub-*
 3 *sequent consecutive enlistment shall begin on or after the*
 4 *date referred to in clause (i) of that subsection.*”.

5 (e) *SUBSECTION HEADINGS.*—Such section is further
 6 *amended—*

7 (1) *in subsection (d), by inserting “REFUND FOR*
 8 *UNSATISFACTORY SERVICE.—” after “(d)”;*

9 (2) *in subsection (e), by inserting “REGULA-*
 10 *TIONS.—” after “(e)”;* and

11 (3) *in subsection (f), by inserting “TERMINATION*
 12 *OF AUTHORITY.—” after “(f)”.*

13 (f) *EFFECTIVE DATE.*—The amendments made by this
 14 *section shall take effect on October 1, 1997, and apply to*
 15 *enlistments in the Armed Forces on or after that date.*

16 **SEC. 639. MODIFICATION OF AUTHORITY TO PAY BONUSES**
 17 **FOR ENLISTMENTS BY PRIOR SERVICE PER-**
 18 **SONNEL IN CRITICAL SKILLS IN THE SE-**
 19 **LECTED RESERVE.**

20 (a) *REORGANIZATION OF SECTION.*—Section 308i of
 21 *title 37, United States Code, is amended—*

22 (1) *by redesignating subsections (e), (f), and (g)*
 23 *as paragraphs (2), (3), and (4), respectively, of sub-*
 24 *section (d);*

1 (2) by redesignating subsections (b), (c), (d), (h),
 2 and (i) as subsections (c), (e), (f), (g), and (h), respec-
 3 tively; and

4 (3) by redesignating paragraph (2) of subsection
 5 (a) as subsection (b) and in subsection (b), as so re-
 6 designated, by redesignating subparagraphs (A), (B),
 7 (C), and (D) as paragraphs (1), (2), (3), and (4), re-
 8 spectively.

9 (b) *TWO-BONUS AUTHORITY FOR CONSECUTIVE 3-*
 10 *YEAR ENLISTMENTS.*—Subsection (a) of such section is
 11 amended by inserting after paragraph (1) the following new
 12 paragraph (2):

13 “(2) If a person eligible to receive a bonus under this
 14 section by reason of an enlistment for a period of three years
 15 so elects on or before the date of the enlistment, the Secretary
 16 concerned may pay the person—

17 “(A) a bonus for that enlistment; and

18 “(B) an additional bonus for a later extension of
 19 the enlistment, or a subsequent consecutive enlistment,
 20 for a period of at least three years if—

21 “(i) on the date of the expiration of the en-
 22 listment for which the first bonus was paid, or
 23 the date on which, but for an extension of the en-
 24 listment, the enlistment would otherwise expire,
 25 the person satisfies the eligibility requirements

1 *set forth in subsection (b) and the eligibility re-*
 2 *quirements for reenlisting or extending the en-*
 3 *listment, as the case may be; and*

4 *“(ii) the extension of the enlistment or the*
 5 *subsequent consecutive enlistment, as the case*
 6 *may be, is in a critical military skill designated*
 7 *for such a bonus by the Secretary concerned.”.*

8 *(c) ELIGIBILITY OF FORMER MEMBERS WITH UP TO*
 9 *14 YEARS OF PRIOR SERVICE.—Subsection (b) of such sec-*
 10 *tion, as redesignated by subsection (a)(3), is amended by*
 11 *striking out “10 years” and inserting in lieu thereof “14*
 12 *years”.*

13 *(d) BONUS AMOUNTS.—Subsection (c) of such section,*
 14 *as redesignated by subsection (a)(2), is amended to read*
 15 *as follows:*

16 *“(c) BONUS AMOUNTS.—(1) In the case of a member*
 17 *who enlists for a period of six years, the bonus to be paid*
 18 *under subsection (a) shall be a total amount not to exceed*
 19 *\$5,000.*

20 *“(2) In the case of a member who enlists for a period*
 21 *of three years, the bonus to be paid under subsection (a)*
 22 *shall be as follows:*

23 *“(A) If the member does not make an election*
 24 *authorized under subsection (a)(2), the total amount*
 25 *of the bonus shall be an amount not to exceed \$2,500.*

1 “(B) If the member makes an election under sub-
 2 section (a)(2) to be paid a bonus for the enlistment
 3 and an additional bonus for a later extension of the
 4 enlistment or for a subsequent consecutive enlist-
 5 ment—

6 “(i) the total amount of the first bonus shall
 7 be an amount not to exceed \$2,000; and

8 “(ii) the total amount of the additional
 9 bonus shall be an amount not to exceed \$2,500.”.

10 (e) *DISBURSEMENT OF BONUS.*—Such section is
 11 amended by inserting after subsection (c), as redesignated
 12 by subsection (a)(2) and amended by subsection (d), the fol-
 13 lowing new subsection (d):

14 “(d) *DISBURSEMENT OF BONUS.*—(1) Any bonus pay-
 15 able under this section shall be disbursed in one initial pay-
 16 ment of an amount not to exceed one-half of the total
 17 amount of the bonus and subsequent periodic partial pay-
 18 ments of the balance of the bonus. The Secretary concerned
 19 shall prescribe the amount of each partial payment and the
 20 schedule for making the partial payments.

21 “(2) Payment of any additional bonus under sub-
 22 section (a)(2)(B) for an extension of an enlistment or a sub-
 23 sequent consecutive enlistment shall begin on or after the
 24 date referred to in clause (i) of that subsection.”.

1 (f) *CONFORMING AMENDMENTS.*—(1) *Subsection (a)(1)*
 2 *of such section is amended by striking out “paragraph (2)*
 3 *may be paid a bonus as prescribed in subsection (b)” and*
 4 *inserting in lieu thereof “subsection (b) may be paid a*
 5 *bonus or bonuses in accordance with this section”.*

6 (2) *Subsection (e) of such section, as redesignated by*
 7 *subsection (a)(2), is amended by striking out “may not be*
 8 *paid more than one bonus under this section and”.*

9 (3) *Subsection (f) of such section, as redesignated by*
 10 *subsection (a)(2), is amended—*

11 (A) *by inserting “REFUND FOR UNSATISFAC-*
 12 *TORY SERVICE.—(1)” after “(f)”;*

13 (B) *in paragraphs (2) and (4), as redesignated*
 14 *by subsection (a)(1), by striking out “subsection (d)”*
 15 *and inserting in lieu thereof “paragraph (1)”;* and

16 (C) *in paragraph (3), as redesignated by sub-*
 17 *section (a)(1)—*

18 (i) *by striking out “subsection (h)” and in-*
 19 *serting in lieu thereof “subsection (g)”;* and

20 (ii) *by striking out “subsection (d)” and in-*
 21 *serting in lieu thereof “paragraph (1)”.*

22 (g) *SUBSECTION HEADINGS.*—*Such section, as amend-*
 23 *ed by subsections (a) through (f), is further amended—*

24 (1) *in subsection (a), by inserting “AUTHOR-*
 25 *ITY.—” after “(a)”;*

1 (2) in subsection (b), by inserting “*ELIGI-*
2 *BILITY.—*” after “(b)”;

3 (3) in subsection (e), by inserting “*LIMITA-*
4 *TION.—*” after “(e)”;

5 (4) in subsection (g), by inserting “*REGULA-*
6 *TIONS.—*” after “(g)”; *and*

7 (5) in subsection (h), by inserting “*TERMI-*
8 *NATION OF AUTHORITY.—*” after “(h)”.

9 (h) *EFFECTIVE DATE.*—*The amendments made by this*
10 *section shall take effect on October 1, 1997, and apply to*
11 *enlistments in the Armed Forces on or after that date.*

12 **SEC. 640. INCREASED SPECIAL PAY AND BONUSES FOR NU-**
13 **CLEAR QUALIFIED OFFICERS.**

14 (a) *SPECIAL PAY FOR OFFICERS EXTENDING PERIOD*
15 *OF ACTIVE SERVICE.*—*Subsection (a) of section 312 of title*
16 *37, United States Code, is amended by striking out*
17 *“\$12,000” and inserting in lieu thereof “\$15,000”.*

18 (b) *NUCLEAR CAREER ACCESSION BONUS.*—*Sub-*
19 *section (a)(1) of section 312b of title 37, United States Code,*
20 *is amended by striking out “\$8,000” and inserting in lieu*
21 *thereof “\$10,000”.*

22 (c) *NUCLEAR CAREER ANNUAL INCENTIVE BO-*
23 *NUSES.*—*Section 312c of title 37, United States Code, is*
24 *amended—*

1 (1) in subsection (a)(1), by striking out
 2 “\$10,000” and inserting in lieu thereof “\$12,000”;
 3 and

4 (2) in subsection (b)(1), by striking out “\$4,500”
 5 and inserting in lieu thereof “\$5,500”.

6 (d) *EFFECTIVE DATE*.—(1) The amendments made by
 7 this section shall take effect on October 1, 1997.

8 (2) The amendments made by subsections (a) and (b)
 9 shall apply with respect to agreements accepted under sec-
 10 tions 312(a) and 312b(a), respectively, of title 37, United
 11 States Code, on or after the effective date of the amend-
 12 ments.

13 **SEC. 641. AUTHORITY TO PAY BONUSES IN LIEU OF SPE-**
 14 **CIAL PAY FOR ENLISTED MEMBERS EXTEND-**
 15 **ING DUTY AT DESIGNATED LOCATIONS OVER-**
 16 **SEAS.**

17 (a) *PAYMENT FLEXIBILITY*.—Section 314 of title 37,
 18 United States Code, is amended—

19 (1) in subsection (a), by striking out “at a rate”
 20 and all that follows through “Secretary concerned”;

21 (2) by redesignating subsection (b) as subsection
 22 (c); and

23 (3) by inserting after subsection (a) the following
 24 new subsection (b):

1 “(b) *PAYMENT SCHEDULE AND RATES.*—At the elec-
 2 tion of the Secretary concerned, the Secretary may pay the
 3 special pay to which a member is entitled under subsection
 4 (a)—

5 “(1) in monthly installments in an amount pre-
 6 scribed by the Secretary, but not to exceed \$80 each;
 7 or

8 “(2) as an annual bonus in an amount pre-
 9 scribed by the Secretary, but not to exceed \$2,000 per
 10 year.”.

11 (b) *PROHIBITION OF CONCURRENT RECEIPT WITH*
 12 *REST AND RECUPERATIVE ABSENCE OR TRANSPOR-*
 13 *TATION.*—Subsection (c) of such section, as redesignated by
 14 subsection (a)(2), is amended—

15 (1) by inserting “CONCURRENT RECEIPT OF
 16 *BENEFITS PROHIBITED.*—(1)” after “(c)”; and
 17 (2) by adding at the end the following:

18 “(2)(A) In the case of a member entitled to an annual
 19 bonus for a 12-month period under subsection (b)(2), the
 20 amount of the annual bonus shall be reduced by the percent
 21 determined by dividing 12 into the number of months in
 22 the period that the member is authorized rest and recuper-
 23 ative absence or transportation. For the purposes of the pre-
 24 ceding sentence, a member shall be treated as having been
 25 authorized rest and recuperative absence or transportation

1 *for a full month if rest and recuperative absence or trans-*
2 *portation is authorized for the member for any part of the*
3 *month.*

4 “(B) *The Secretary concerned shall recoup by collec-*
5 *tion from a member any amount of an annual bonus paid*
6 *under subsection (b)(2) to the member for a 12-month pe-*
7 *riod that exceeds the amount of the bonus to which the mem-*
8 *ber is entitled for the period by reason of an authorization*
9 *of rest and recuperative absence or transportation for the*
10 *member during that period that was not taken into account*
11 *in computing the amount of the entitlement.”.*

12 (c) *REPAYMENT.*—*Such section is further amended by*
13 *adding at the end the following:*

14 “(d) *REFUND FOR FAILURE TO COMPLETE TOUR OF*
15 *DUTY.*—(1) *A member who, having entered into a written*
16 *agreement to extend a tour of duty for a period under sub-*
17 *section (a), receives a bonus payment under subsection*
18 *(b)(2) for a 12-month period covered by the agreement and*
19 *ceases during that 12-month period to perform the agreed*
20 *tour of duty shall refund to the United States the unearned*
21 *portion of the bonus. The unearned portion of the bonus*
22 *is the amount by which the amount of the bonus paid to*
23 *the member exceeds the amount determined by multiplying*
24 *the amount of the bonus paid by the percent determined*

1 *by dividing 12 into the number of full months during which*
 2 *the member performed the duty in the 12-month period.*

3 “(2) *The Secretary concerned may waive the obligation*
 4 *of a member to reimburse the United States under para-*
 5 *graph (1) if the Secretary determines that conditions and*
 6 *circumstances warrant the waiver.*

7 “(e) *TREATMENT OF REIMBURSEMENT OBLIGA-*
 8 *TIONS.—(1) An obligation to reimburse the United States*
 9 *imposed under subsection (c)(2)(B) or (d) is for all purposes*
 10 *a debt owed to the United States.*

11 “(2) *A discharge in bankruptcy under title 11 that is*
 12 *entered less than 5 years after the termination of a written*
 13 *agreement entered into under subsection (a) does not dis-*
 14 *charge the member signing the agreement from a debt re-*
 15 *ferred to in paragraph (1). This paragraph applies to any*
 16 *case commenced under title 11 on or after October 1, 1997.”.*

17 “(d) *STYLISTIC AMENDMENT.—Subsection (a) of such*
 18 *section is amended by inserting “AUTHORITY.—” after*
 19 *“(a)”.*

20 “(e) *EFFECTIVE DATE.—The amendments made by this*
 21 *section shall take effect on October 1, 1997, and apply to*
 22 *agreements accepted under section 314 of title 37, United*
 23 *States Code, on or after that date.*

1 **SEC. 642. RESERVE AFFILIATION AGREEMENT BONUS FOR**
 2 **THE COAST GUARD.**

3 *Section 308e of title 37, United States Code, is amend-*
 4 *ed—*

5 *(1) in subsection (a), by striking out “Secretary*
 6 *of a military department” in the matter preceding*
 7 *paragraph (1) and inserting in lieu thereof “Sec-*
 8 *retary concerned”; and*

9 *(2) by adding at the end the following:*

10 *“(f) The authority in subsection (a) does not apply to*
 11 *the Secretary of Commerce and the Secretary of Health and*
 12 *Human Services.”.*

13 ***Subtitle D—Retired Pay, Survivor***
 14 ***Benefits, and Related Matters***

15 **SEC. 651. ONE-YEAR OPPORTUNITY TO DISCONTINUE PAR-**
 16 **TICIPATION IN SURVIVOR BENEFIT PLAN.**

17 *(a) ELECTION TO DISCONTINUE WITHIN ONE YEAR*
 18 *AFTER SECOND ANNIVERSARY OF COMMENCEMENT OF PAY-*
 19 *MENT OF RETIRED PAY.—(1) Subchapter II of chapter 73*
 20 *of title 10, United States Code, is amended by inserting*
 21 *after section 1448 the following:*

1 **“§ 1448a. Election to discontinue participation: one-**
2 **year opportunity after second anniversary**
3 **of commencement of payment of retired**
4 **pay**

5 “(a) *AUTHORITY.*—A participant in the Plan may,
6 subject to the provisions of this section, elect to discontinue
7 participation in the Plan at any time during the 1-year
8 period beginning on the second anniversary of the date on
9 which payment of retired pay to the participant com-
10 mences.

11 “(b) *CONCURRENCE OF SPOUSE.*—(1) A married par-
12 ticipant may not make an election under subsection (a)
13 without the concurrence of the participant’s spouse, except
14 that the participant may make such an election without
15 the concurrence of the person’s spouse if the person estab-
16 lishes to the satisfaction of the Secretary concerned that one
17 of the conditions described in section 1448(a)(3)(C) of this
18 title exists.

19 “(2) The concurrence of a spouse under paragraph (1)
20 shall be made in such written form and shall contain such
21 information as may be required under regulations pre-
22 scribed by the Secretary of Defense.

23 “(c) *LIMITATION ON ELECTION WHEN FORMER*
24 *SPOUSE COVERAGE IN EFFECT.*—The limitation set forth
25 in section 1450(f)(2) of this title shall apply to an election

1 *to discontinue participation in the Plan under subsection*
 2 *(a).*

3 “(d) *WITHDRAWAL OF ELECTION TO DISCONTINUE.*—
 4 *Section 1448(b)(1)(D) of this title shall apply to an election*
 5 *under subsection (a).*

6 “(e) *CONSEQUENCES OF DISCONTINUATION.*—*Section*
 7 *1448(b)(1)(E) of this title shall apply to an election under*
 8 *subsection (a).*

9 “(f) *NOTICE TO EFFECTED BENEFICIARIES.*—*The Sec-*
 10 *retary concerned shall notify any former spouse or other*
 11 *natural person previously designated under section 1448(b)*
 12 *of this title of any election to discontinue participation*
 13 *under subsection (a).*

14 “(g) *EFFECTIVE DATE OF ELECTION.*—*An election au-*
 15 *thorized under this section is effective as of the first day*
 16 *of the first calendar month following the month in which*
 17 *the election is received by the Secretary concerned.*

18 “(h) *INAPPLICABILITY OF IRREVOCABILITY PROVI-*
 19 *SIONS.*—*Paragraphs (4)(B) and (5)(C) of section 1448(a)*
 20 *of this title do not apply to prevent an election under sub-*
 21 *section (a).”.*

22 (2) *The table of sections at the beginning of such sub-*
 23 *chapter is amended by inserting after the item relating to*
 24 *section 1448 the following:*

“1448a. Election to discontinue participation: one-year opportunity after second anniversary of commencement of payment of retired pay.”.

1 (b) *TRANSITION PROVISION.*—*Notwithstanding the*
2 *limitation on the time for making an election under section*
3 *1448a of title 10, United States Code (as added by sub-*
4 *section (a)), that is specified in subsection (a) of such sec-*
5 *tion, a participant in the Survivor Benefit Plan under sub-*
6 *chapter II of chapter 73 of such title may make an election*
7 *in accordance with that section within one year after the*
8 *effective date of the section if the second anniversary of the*
9 *commencement of payment of retired pay to the participant*
10 *precedes that effective date.*

11 (c) *EFFECTIVE DATE.*—*Section 1448a of title 10,*
12 *United States Code, as added by subsection (a), shall take*
13 *effect 180 days after the date of the enactment of this Act.*

14 **SEC. 652. TIME FOR CHANGING SURVIVOR BENEFIT COV-**
15 **ERAGE FROM FORMER SPOUSE TO SPOUSE.**

16 *Section 1450(f)(1)(C) of title 10, United States Code,*
17 *is amended by adding at the end the following: “Notwith-*
18 *standing the preceding sentence, a change of election under*
19 *this subsection to provide an annuity to a spouse instead*
20 *of a former spouse may (subject to paragraph (2)) be made*
21 *at any time without regard to the time limitation in section*
22 *1448(a)(5)(B) of this title.”.*

1 **SEC. 653. PAID-UP COVERAGE UNDER SURVIVOR BENEFIT**
 2 **PLAN.**

3 *Section 1452 of title 10, United States Code, is amend-*
 4 *ed by adding at the end the following new subsection:*

5 “(j) *COVERAGE PAID UP AT 30 YEARS OR AGE 70.*—

6 *(1) Coverage of a survivor of a member under the Plan shall*
 7 *be considered paid up as of the end of the earlier of—*

8 “(A) *the 360th month in which the member’s re-*
 9 *tired pay has been reduced under this section; or*

10 “(B) *the month in which the member attains 70*
 11 *years of age.*

12 “(2) *The retired pay of a member shall not be reduced*
 13 *under this section to provide coverage of a survivor under*
 14 *the Plan after the month when the coverage is considered*
 15 *paid up under paragraph (1).”.*

16 **SEC. 654. ANNUITIES FOR CERTAIN MILITARY SURVIVING**
 17 **SPOUSES.**

18 *(a) SURVIVOR ANNUITY.—(1) The Secretary concerned*
 19 *shall pay an annuity to the qualified surviving spouse of*
 20 *each member of the uniformed services who—*

21 *(A) died before March 21, 1974, and was entitled*
 22 *to retired or retainer pay on the date of death; or*

23 *(B) was a member of a reserve component of the*
 24 *Armed Forces during the period beginning on Sep-*
 25 *tember 21, 1972, and ending on October 1, 1978, and*
 26 *at the time of his death would have been entitled to*

1 retired pay under chapter 67 of title 10, United
2 States Code (as in effect before December 1, 1994), but
3 for the fact that he was under 60 years of age.

4 (2) A qualified surviving spouse for purposes of this
5 section is a surviving spouse who has not remarried and
6 who is not eligible for an annuity under section 4 of Public
7 Law 92–425 (10 U.S.C. 1448 note).

8 (b) AMOUNT OF ANNUITY.—(1) An annuity under this
9 section shall be paid at the rate of \$165 per month, as ad-
10 justed from time to time under paragraph (3).

11 (2) An annuity paid to a surviving spouse under this
12 section shall be reduced by the amount of any dependency
13 and indemnity compensation (DIC) to which the surviving
14 spouse is entitled under section 1311(a) of title 38, United
15 States Code.

16 (3) Whenever after the date of the enactment of this
17 Act retired or retainer pay is increased under section
18 1401a(b)(2) of title 10, United States Code, each annuity
19 that is payable under this section shall be increased at the
20 same time and by the same total percent. The amount of
21 the increase shall be based on the amount of the monthly
22 annuity payable before any reduction under this section.

23 (c) APPLICATION REQUIRED.—No benefit shall be paid
24 to any person under this section unless an application for

1 *such benefit is filed with the Secretary concerned by or on*
2 *behalf of such person.*

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

4 (1) *The terms “uniformed services” and “Sec-*
5 *retary concerned” have the meanings given such terms*
6 *in section 101 of title 37, United States Code.*

7 (2) *The term “surviving spouse” has the mean-*
8 *ing given the terms “widow” and “widower” in para-*
9 *graphs (3) and (4) of section 1447 of title 10, United*
10 *States Code.*

11 (e) *PROSPECTIVE APPLICABILITY.—(1) Annuities*
12 *under this section shall be paid for months beginning after*
13 *the month in which this Act is enacted.*

14 (2) *No benefit shall accrue to any person by reason*
15 *of the enactment of this section for any period before the*
16 *first month that begins after the month in which this Act*
17 *is enacted.*

18 (f) *EXPIRATION OF AUTHORITY.—The authority to*
19 *pay annuities under this section shall expire on September*
20 *30, 2001.*

Subtitle E—Other Matters

***SEC. 661. ELIGIBILITY OF RESERVES FOR BENEFITS FOR
ILLNESS, INJURY, OR DEATH INCURRED OR
AGGRAVATED IN LINE OF DUTY.***

*(a) PAY AND ALLOWANCES.—(1) Section 204 of title
37, United States Code, is amended—*

*(A) in subsection (g)(1)(D), by inserting after
“while remaining overnight,” the following: “imme-
diately before the commencement of inactive-duty
training or”;* and

*(B) in subsection (h)(1)(D), by inserting after
“while remaining overnight,” the following: “imme-
diately before the commencement of inactive-duty
training or”.*

*(2) Section 206(a)(3)(C) of such title is amended by
inserting after “while remaining overnight,” the following:
“immediately before the commencement of inactive-duty
training or”.*

*(b) MEDICAL AND DENTAL CARE.—(1) Section
1074a(a)(3) of title 10, United States Code, is amended by
inserting after “while remaining overnight,” the following:
“immediately before the commencement of inactive-duty
training or”.*

*(2) Section 1076(a)(2) of title 10, United States Code,
is amended—*

1 (A) by striking out “or” at the end of subpara-
2 graph (A);

3 (B) by striking out the period at the end of sub-
4 paragraph (B)(ii) and inserting in lieu thereof “; or”;
5 and

6 (C) by adding at the end the following:

7 “(C) who incurs or aggravates an injury, illness,
8 or disease in the line of duty while serving on active
9 duty under a call or order to active duty for a period
10 of 30 days or less, if the call or order is modified to
11 extend the period of active duty of the member to be
12 more than 30 days.”.

13 (c) *ELIGIBILITY FOR DISABILITY RETIREMENT OR*
14 *SEPARATION.*—(1) Section 1204(2) of title 10, United
15 States Code, is amended to read as follows:

16 “(2) the disability is a result of an injury, ill-
17 ness, or disease incurred or aggravated—

18 “(A) in line of duty while performing active
19 duty or inactive-duty training;

20 “(B) while traveling directly to or from the
21 place at which such duty is performed; or

22 “(C) while remaining overnight, imme-
23 diately before the commencement of inactive-duty
24 training or between successive periods of inac-
25 tive-duty training, at or in the vicinity of the

1 *site of the inactive-duty training, if the site of*
 2 *the inactive-duty training is outside reasonable*
 3 *commuting distance of the member’s residence;”.*

4 (2) *Section 1206 of title 10, United States Code, is*
 5 *amended—*

6 (A) *by redesignating paragraphs (2), (3), and*
 7 *(4) as paragraphs (3), (4), and (5), respectively, and*

8 (B) *by inserting after paragraph (1) the follow-*
 9 *ing new paragraph:*

10 “(2) *the disability is a result of an injury, ill-*
 11 *ness, or disease incurred or aggravated—*

12 “(A) *in line of duty while performing active*
 13 *duty or inactive-duty training;*

14 “(B) *while traveling directly to or from the*
 15 *place at which such duty is performed; or*

16 “(C) *while remaining overnight, imme-*
 17 *diately before the commencement of inactive-duty*
 18 *training or between successive periods of inac-*
 19 *tive-duty training, at or in the vicinity of the*
 20 *site of the inactive-duty training, if the site of*
 21 *the inactive-duty training is outside reasonable*
 22 *commuting distance of the member’s residence;”.*

23 (d) *RECOVERY, CARE, AND DISPOSITION OF RE-*
 24 *MAINS.—Section 1481(a)(2)(D) of title 10, United States*
 25 *Code, is amended by inserting after “while remaining over-*

1 night,” the following: “immediately before the commence-
2 ment of inactive-duty training or”.

3 (e) CONFORMING AMENDMENTS AND RELATED CLERI-
4 CAL AMENDMENTS.—(1) The heading of section 1204 of title
5 10, United States Code, is amended to read as follows:

6 **“§ 1204. Members on active duty for 30 days or less or**
7 **on inactive-duty training: retirement”.**

8 (2) The heading of section 1206 of such title is amend-
9 ed to read as follows:

10 **“§ 1206. Members on active duty for 30 days or less or**
11 **on inactive-duty training: separation”.**

12 (3) The table of sections at the beginning of chapter
13 61 of such title is amended—

14 (A) by striking out the item relating to section
15 1204 and inserting in lieu thereof the following:

“1204. Members on active duty for 30 days or less or on inactive-duty training:
retirement.”;

16 and

17 (B) by striking out the item relating to section
18 1206 and inserting in lieu thereof the following:

“1206. Members on active duty for 30 days or less or on inactive-duty training:
separation.”.

19 (f) PROSPECTIVE APPLICABILITY.—No benefit shall ac-
20 crue under an amendment made by this section for any pe-
21 riod before the date of the enactment of this Act.

1 **SEC. 662. TRAVEL AND TRANSPORTATION ALLOWANCES**
2 **FOR DEPENDENTS BEFORE APPROVAL OF A**
3 **MEMBER'S COURT-MARTIAL SENTENCE.**

4 *Section 406(h)(2)(C) of title 37, United States Code,*
5 *is amended by inserting before the period at the end of the*
6 *matter following clause (iii) the following: “or action on*
7 *the sentence is pending under that section”.*

8 **SEC. 663. ELIGIBILITY OF MEMBERS OF THE UNIFORMED**
9 **SERVICES FOR REIMBURSEMENT OF ADOPTI-**
10 **ON EXPENSES.**

11 *(a) PUBLIC HEALTH SERVICE.—Section 221(a) of the*
12 *Public Health Service Act (42 U.S.C. 213a(a)) is amended*
13 *by adding at the end the following:*

14 *“(16) Section 1052, Reimbursement for adoption*
15 *expenses.”.*

16 *(b) NATIONAL OCEANIC AND ATMOSPHERIC ADMINIS-*
17 *TRATION.—Section 3(a) of the Act entitled “An Act to re-*
18 *vise, codify, and enact into law, title 10 of the United States*
19 *Code, entitled ‘Armed Forces’, and title 32 of the United*
20 *States Code, entitled ‘National Guard’”, approved August*
21 *10, 1956 (33 U.S.C. 857a(a)), is amended by adding at the*
22 *end the following:*

23 *“(16) Section 1052, Reimbursement for adoption*
24 *expenses.”.*

25 *(c) PROSPECTIVE APPLICABILITY.—The amendments*
26 *made by this section shall take effect on the date of the en-*

1 *actment of this Act and apply to adoptions completed on*
2 *or after such date.*

3 **SEC. 664. SUBSISTENCE OF MEMBERS OF THE ARMED**
4 **FORCES ABOVE THE POVERTY LEVEL.**

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

6 *(1) The morale and welfare of members of the*
7 *Armed Forces and their families are key components*
8 *of the readiness of the Armed Forces.*

9 *(2) Several studies have documented significant*
10 *instances of members of the Armed Forces and their*
11 *families relying on various forms of income support*
12 *under programs of the Federal Government, including*
13 *assistance under the Food Stamp Act of 1977 (7*
14 *U.S.C. 2012(o) and assistance under the special sup-*
15 *plemental nutrition program for women, infants, and*
16 *children under section 17 of the Child Nutrition Act*
17 *of 1966 (42 U.S.C. 1786).*

18 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
19 *that the Secretary of Defense should strive—*

20 *(1) to eliminate the need for members of the*
21 *Armed Forces and their families to subsist at, near,*
22 *or below the poverty level; and*

23 *(2) to improve the wellbeing and welfare of mem-*
24 *bers of the Armed Forces and their families by imple-*
25 *menting, and programming full funding for, pro-*

1 grams that have proven effective in elevating the
2 standard of living of members and their families sig-
3 nificantly above the poverty level.

4 (c) *STUDY REQUIRED.*—(1) *The Secretary of Defense*
5 *shall conduct a study of members of the Armed Forces and*
6 *their families who subsist at, near, or below the poverty*
7 *level.*

8 (2) *The study shall include the following:*

9 (A) *An analysis of potential solutions for miti-*
10 *gating or eliminating the need for members of the*
11 *Armed Forces and their families to subsist at, near,*
12 *or below the poverty level, including potential solu-*
13 *tions involving changes in the systems and rates of*
14 *basic allowance for subsistence, basic allowance for*
15 *quarters, and variable housing allowance.*

16 (B) *Identification of the populations most likely*
17 *to need income support under Federal Government*
18 *programs, including—*

19 (i) *the populations living in areas of the*
20 *United States where housing costs are notably*
21 *high;*

22 (ii) *the populations living outside the Unit-*
23 *ed States; and*

24 (iii) *the number of persons in each identi-*
25 *fied population.*

1 (C) *The desirability of increasing rates of basic*
2 *pay and allowances over a defined period of years by*
3 *a range of percentages that provides for higher per-*
4 *centage increases for lower ranking personnel than for*
5 *higher ranking personnel.*

6 (d) *IMPLEMENTATION OF DEPARTMENT OF DEFENSE*
7 *SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR PERSONNEL*
8 *OUTSIDE THE UNITED STATES.—(1) Section 1060a(b) of*
9 *title 10, United States Code, is amended to read as follows:*

10 “(b) *FEDERAL PAYMENTS AND COMMODITIES.—For*
11 *the purpose of obtaining Federal payments and commod-*
12 *ities in order to carry out the program referred to in sub-*
13 *section (a), the Secretary of Agriculture shall make avail-*
14 *able to the Secretary of Defense the same payments and*
15 *commodities as are made for the special supplemental food*
16 *program in the United States under section 17 of the Child*
17 *Nutrition Act of 1966 (42 U.S.C. 1786). Funds available*
18 *for the Department of Defense may be used for carrying*
19 *out the program under subsection (a).”.*

20 (2) *Not later than 90 days after the date of the enact-*
21 *ment of this Act, the Secretary of Defense shall submit to*
22 *Congress a report regarding the Secretary’s intentions re-*
23 *garding implementation of the program authorized under*
24 *section 1060a of title 10, United States Code, including any*
25 *plans to implement the program.*

1 **TITLE VII—HEALTH CARE**
 2 **PROVISIONS**

3 **Subtitle A—Health Care Services**

4 **SEC. 701. WAIVER OF DEDUCTIBLES, COPAYMENTS, AND AN-**
 5 **NUAL FEES FOR MEMBERS ASSIGNED TO CER-**
 6 **TAIN DUTY LOCATIONS FAR FROM SOURCES**
 7 **OF CARE.**

8 (a) *AUTHORITY.*—Chapter 55 of title 10, United States
 9 *Code, is amended by adding at the end the following:*

10 **“§ 1107. Waiver of deductibles, copayments, and an-**
 11 **nual fees for members assigned to certain**
 12 **duty locations far from sources of care**

13 “(a) *AUTHORITY.*—The administering Secretaries
 14 *shall prescribe in regulations—*

15 “(1) *authority for members of the armed forces*
 16 *referred to in subsection (b) to receive care under the*
 17 *Civilian Health and Medical Program of the Uni-*
 18 *formed Services; and*

19 “(2) *policies and procedures for waiving an obli-*
 20 *gation for such members to pay a deductible, copay-*
 21 *ment, or annual fee that would otherwise be applica-*
 22 *ble under that program for care provided to the mem-*
 23 *bers under the program.*

24 “(b) *ELIGIBILITY.*—The regulations may be applied to
 25 *a member of the uniformed services on active duty who—*

1 “(1) is assigned to—

2 “(A) permanent duty as a recruiter;

3 “(B) permanent duty at an educational in-
4 stitution to instruct, administer a program of
5 instruction, or provide administrative services in
6 support of a program of instruction for the Re-
7 serve Officers’ Training Corps;

8 “(C) permanent duty as a full-time adviser
9 to a unit of a reserve component of the armed
10 forces; or

11 “(D) any other permanent duty designated
12 by the administering Secretary concerned for
13 purposes of the regulations; and

14 “(2) pursuant to such assignment, resides at a
15 location that is more than 50 miles, or one hour of
16 driving time, from—

17 “(A) the nearest health care facility of the
18 uniformed services adequate to provide the need-
19 ed care under this chapter; and

20 “(B) the nearest source of the needed care
21 that is available to the member under the
22 TRICARE Prime plan.

23 “(c) *PAYMENT OF COSTS.—Deductibles, copayments,*
24 *and annual fees not payable by a member by reason of a*
25 *waiver granted under the regulations shall be paid out of*

1 *funds available to the Department of Defense for the defense*
2 *health program.*

3 “(d) *DEFINITIONS.—In this section:*

4 “(1) *The term ‘TRICARE Prime plan’ means a*
5 *plan under the TRICARE program that provides for*
6 *voluntary enrollment for health care to be furnished*
7 *in a manner similar to the manner in which health*
8 *care is furnished by health maintenance organiza-*
9 *tions.*

10 “(2) *The term ‘TRICARE program’ means the*
11 *managed health care program that is established by*
12 *the Secretary of Defense under the authority of this*
13 *chapter, principally section 1097 of this title, and in-*
14 *cludes the competitive selection of contractors to fi-*
15 *nancially underwrite the delivery of health care serv-*
16 *ices under the Civilian Health and Medical Program*
17 *of the Uniformed Services.’.*

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:*

*“1107. Waiver of deductibles, copayments, and annual fees for members assigned
to certain duty locations far from sources of care.”.*

1 **SEC. 702. PAYMENT FOR EMERGENCY HEALTH CARE OVER-**
2 **SEAS FOR MILITARY AND CIVILIAN PERSON-**
3 **NEL OF THE ON-SITE INSPECTION AGENCY.**

4 (a) *PAYMENT OF COSTS.*—*The Secretary of Defense*
5 *may pay the costs of any emergency health care that—*

6 (1) *is needed by a member of the Armed Forces,*
7 *civilian employee of the Department of Defense, or ci-*
8 *vilian employee of a contractor while the person is*
9 *performing temporary or permanent duty with the*
10 *On-Site Inspection Agency outside the United States;*
11 *and*

12 (2) *is furnished to such person during fiscal year*
13 *1998 by a source outside the United States.*

14 (b) *FUNDING.*—*Funds authorized to be appropriated*
15 *for the expenses of the On-Site Inspection Agency for fiscal*
16 *year 1998 by this Act shall be available to cover payments*
17 *for emergency health care under subsection (a).*

18 **SEC. 703. DISCLOSURES OF CAUTIONARY INFORMATION ON**
19 **PRESCRIPTION MEDICATIONS.**

20 (a) *REQUIREMENT FOR REGULATIONS.*—*Not later*
21 *than 180 days after the date of the enactment of this Act,*
22 *the administering Secretaries referred to in section 1073(3)*
23 *of title 10, United States Code, shall prescribe regulations*
24 *that require each source dispensing a prescription medica-*
25 *tion to a person under chapter 55 of such title to furnish*

1 *to that person, with the medication, written cautionary in-*
2 *formation on the medication.*

3 *(b) INFORMATION TO BE DISCLOSED.—Information*
4 *required to be disclosed about a medication under the regu-*
5 *lations shall include appropriate cautions about usage of*
6 *the medication, including possible side effects and poten-*
7 *tially hazardous interactions with foods.*

8 *(c) FORM OF INFORMATION.—The regulations shall re-*
9 *quire that information be furnished in a form that, to the*
10 *maximum extent practicable, is easily read and understood.*

11 *(d) COVERED SOURCES.—The regulations shall apply*
12 *to the following:*

13 *(1) Pharmacies and any other dispensers of pre-*
14 *scription medications in medical facilities of the uni-*
15 *formed services.*

16 *(2) Sources of prescription medications under*
17 *any mail order pharmaceuticals program provided by*
18 *any of the administering Secretaries under chapter 55*
19 *of title 10, United States Code.*

20 *(3) Pharmacies paid under the Civilian Health*
21 *and Medical Program of the Uniformed Services (in-*
22 *cluding the TRICARE program).*

23 *(4) Pharmacies, and any other pharmaceutical*
24 *dispensers, of designated providers referred to in sec-*
25 *tion 721(5) of the National Defense Authorization Act*

1 *for Fiscal Year 1997 (Public Law 104–201; 110 Stat.*
2 *2593; 10 U.S.C. 1073 note).*

3 **SEC. 704. HEALTH CARE SERVICES FOR CERTAIN RESERVES**
4 **WHO SERVED IN SOUTHWEST ASIA DURING**
5 **THE PERSIAN GULF WAR.**

6 (a) *REQUIREMENT.*—A member of the Armed Forces
7 described in subsection (b) shall be entitled to medical and
8 dental care under chapter 55 of title 10, United States Code,
9 for a symptom or illness described in subsection (b)(2) to
10 the same extent and under the same conditions (other than
11 the requirement to be on active duty) as is a member of
12 a uniformed service who is entitled under section 1074(a)
13 of such title to medical and dental care under such chapter.
14 The Secretary shall provide such care free of charge to the
15 member.

16 (b) *COVERED MEMBERS.*—Subsection (a) applies to
17 any member of a reserve component of the Armed Forces
18 who—

19 (1) *is a Persian Gulf veteran;*

20 (2) *registers a symptom or illness in the Persian*
21 *Gulf War Veterans Health Surveillance System of the*
22 *Department of Defense that is presumed under section*
23 *721(d) of the National Defense Authorization Act for*
24 *Fiscal Year 1995 (Public Law 103–337; 108 Stat.*

1 2805; 10 U.S.C. 1074 note) to be a result of such serv-
 2 ice; and

3 (3) is not otherwise entitled to medical and den-
 4 tal care under section 1074(a) of title 10, United
 5 States Code.

6 (c) *DEFINITION.*—In this section, the term “Persian
 7 Gulf veteran” has the same meaning as in section 721(i)
 8 of the National Defense Authorization Act for Fiscal Year
 9 1995 (Public Law 103–337; 108 Stat. 2807; 10 U.S.C. 1074
 10 note).

11 **SEC. 705. COLLECTION OF DENTAL INSURANCE PREMIUMS.**

12 (a) *SELECTED RESERVE DENTAL INSURANCE.*—Para-
 13 graph (3) of section 1076b(b) of title 10, United States Code,
 14 is amended to read as follows:

15 “(3) The Secretary of Defense shall establish proce-
 16 dures for the collection of the member’s share of the pre-
 17 mium for coverage by the dental insurance plan. To the
 18 extent that the Secretary determines practicable, a mem-
 19 ber’s share may be deducted and withheld from the basic
 20 pay payable to the member for inactive duty training and
 21 from the basic pay payable to the member for active duty.”.

22 (b) *RETIREE DENTAL INSURANCE.*—Paragraph (2) of
 23 section 1076c(c) of title 10, United States Code, is amended
 24 by striking out “(2) The amount of the premiums” and in-
 25 serting in lieu thereof “(2) The Secretary of Defense shall

1 *establish procedures for the collection of the premiums*
 2 *charged for coverage by the dental insurance plan. To the*
 3 *extent that the Secretary determines practicable, the pre-*
 4 *miums”.*

5 **SEC. 706. DENTAL INSURANCE PLAN COVERAGE FOR RETIR-**
 6 **EES OF UNIFORMED SERVICE IN THE PUBLIC**
 7 **HEALTH SERVICE AND NOAA.**

8 *(a) OFFICIALS RESPONSIBLE.—Subsection (a) of sec-*
 9 *tion 1076c of title 10, United States Code, is amended by*
 10 *striking out “Secretary of Defense” and inserting in lieu*
 11 *thereof “administering Secretaries”.*

12 *(b) ELIGIBILITY.—Subsection (b)(1) of such section is*
 13 *amended by striking out “Armed Forces” and inserting in*
 14 *lieu thereof “uniformed services”.*

15 **SEC. 707. PROSTHETIC DEVICES FOR DEPENDENTS.**

16 *(a) EXPANDED AUTHORITY.—Section 1077(a) of title*
 17 *10, United States Code, is amended by adding at the end*
 18 *the following:*

19 *“(15) Artificial limbs, voice prostheses, and arti-*
 20 *ficial eyes.*

21 *“(16) Any prosthetic device not named in para-*
 22 *graph (15) that is determined under regulations pre-*
 23 *scribed by the Secretary of Defense to be necessary be-*
 24 *cause of one or more significant impairments result-*
 25 *ing from trauma, congenital anomaly, or disease.”.*

1 (b) *CONFORMING AMENDMENT.*—Paragraph (2) of sub-
2 section (b) of such section is amended to read as follows:

3 “(2) *Hearing aids, orthopedic footwear, and*
4 *spectacles, except that such items may be sold, at the*
5 *cost to the United States, to dependents outside the*
6 *United States and at stations inside the United*
7 *States where adequate civilian facilities are unavail-*
8 *able.*”.

9 **SEC. 708. SENSE OF CONGRESS REGARDING QUALITY**
10 **HEALTH CARE FOR RETIREES.**

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

12 (1) *Many retired military personnel believe that*
13 *they were promised lifetime health care in exchange*
14 *for 20 or more years of service.*

15 (2) *Military retirees are the only Federal Gov-*
16 *ernment personnel who have been prevented from*
17 *using their employer-provided health care at or after*
18 *65 years of age.*

19 (3) *Military health care has become increasingly*
20 *difficult to obtain for military retirees as the Depart-*
21 *ment of Defense reduces its health care infrastructure.*

22 (4) *Military retirees deserve to have a health care*
23 *program at least comparable with that of retirees*
24 *from civilian employment by the Federal Government.*

1 (5) *The availability of quality, lifetime health*
 2 *care is a critical recruiting incentive for the Armed*
 3 *Forces.*

4 (6) *Quality health care is a critical aspect of the*
 5 *quality of life of the men and women serving in the*
 6 *Armed Forces.*

7 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
 8 *that—*

9 (1) *the United States has incurred a moral obli-*
 10 *gation to provide health care to retirees from service*
 11 *in the Armed Forces;*

12 (2) *it is, therefore, necessary to provide quality,*
 13 *affordable health care to such retirees; and*

14 (3) *Congress and the President should take steps*
 15 *to address the problems associated with health care for*
 16 *such retirees within two years after the date of the en-*
 17 *actment of this Act.*

18 **SEC. 709. CHIROPRACTIC HEALTH CARE DEMONSTRATION**
 19 **PROGRAM.**

20 (a) *TWO-YEAR EXTENSION.—Subsection (b) of section*
 21 *731 of the National Defense Authorization Act for Fiscal*
 22 *Year 1995 (Public Law 103–337; 108 Stat. 2809; 10 U.S.C.*
 23 *1092 note) is amended by striking out “1997” and inserting*
 24 *in lieu thereof “1999”.*

1 (b) *EXPANSION TO AT LEAST THREE ADDITIONAL*
2 *TREATMENT FACILITIES.*—*Subsection (a)(2) of such section*
3 *is amended by striking out “not less than 10” and inserting*
4 *in lieu thereof “the National Naval Medical Center, the*
5 *Walter Reed Army Medical Center, and not less than 11*
6 *other”*

7 (c) *REPORTS.*—*Subsection (c) of such section is*
8 *amended—*

9 (1) *in paragraph (1), by striking out “Commit-*
10 *tees on Armed Services of the Senate and” and insert-*
11 *ing in lieu thereof “Committee on Armed Services of*
12 *the Senate and the Committee on National Security*
13 *of”;*

14 (2) *by redesignating paragraph (3) as para-*
15 *graph (4);*

16 (3) *by inserting after paragraph (2) the follow-*
17 *ing new paragraph (3):*

18 “(3)(A) *Not later than January 30, 1998, the Sec-*
19 *retary of Defense shall submit to the committees referred*
20 *to in paragraph (1) a report that identifies the additional*
21 *treatment facilities designated to furnish chiropractic care*
22 *under the program that were not so designated before the*
23 *report required by paragraph (1) was prepared, together*
24 *with the plan for the conduct of the program at the addi-*
25 *tional treatment facilities.*

1 “(B) Not later than May 1, 1998, the Secretary of De-
2 fense shall modify the plan for evaluating the program sub-
3 mitted pursuant to paragraph (2) in order to provide for
4 the evaluation of the program at all of the designated treat-
5 ment facilities, including the treatment facilities referred
6 to in subparagraph (B).”; and

7 (4) in paragraph (4), as redesignated by paragraph
8 (2), by striking out “The Secretary” and inserting in lieu
9 thereof “Not later than May 1, 2000, the Secretary”.

10 **SEC. 710. AUTHORITY FOR AGREEMENT FOR USE OF MEDI-**
11 **CAL RESOURCE FACILITY, ALAMAGORDO,**
12 **NEW MEXICO.**

13 (a) *AUTHORITY.*—The Secretary of the Air Force may
14 enter into an agreement with Gerald Champion Hospital,
15 Alamagordo, New Mexico (in this section referred to as the
16 “Hospital”), providing for the Secretary to furnish health
17 care services to eligible individuals in a medical resource
18 facility in Alamagordo, New Mexico, that is constructed,
19 in part, using funds provided by the Secretary under the
20 agreement.

21 (b) *CONTENT OF AGREEMENT.*—Any agreement en-
22 tered into under subsection (a) shall, at a minimum, specify
23 the following:

1 (1) *The relationship between the Hospital and*
2 *the Secretary in the provision of health care services*
3 *to eligible individuals in the facility, including—*

4 (A) *whether or not the Secretary and the*
5 *Hospital is to use and administer the facility*
6 *jointly or independently; and*

7 (B) *under what circumstances the Hospital*
8 *is to act as a provider of health care services*
9 *under the TRICARE managed care program.*

10 (2) *Matters relating to the administration of the*
11 *agreement, including—*

12 (A) *the duration of the agreement;*

13 (B) *the rights and obligations of the Sec-*
14 *retary and the Hospital under the agreement, in-*
15 *cluding any contracting or grievance procedures*
16 *applicable under the agreement;*

17 (C) *the types of care to be provided to eligi-*
18 *ble individuals under the agreement, including*
19 *the cost to the Department of the Air Force of*
20 *providing the care to eligible individuals during*
21 *the term of the agreement;*

22 (D) *the access of Air Force medical person-*
23 *nel to the facility under the agreement;*

1 (E) the rights and responsibilities of the
2 Secretary and the Hospital upon termination of
3 the agreement; and

4 (F) any other matters jointly identified by
5 the Secretary and the Hospital.

6 (3) The nature of the arrangement between the
7 Secretary and the Hospital with respect to the owner-
8 ship of the facility and any property under the agree-
9 ment, including—

10 (A) the nature of that arrangement while
11 the agreement is in force;

12 (B) the nature of that arrangement upon
13 termination of the agreement; and

14 (C) any requirement for reimbursement of
15 the Secretary by the Hospital as a result of the
16 arrangement upon termination of the agreement.

17 (4) The amount of the funds available under sub-
18 section (c) that the Secretary is to contribute for the
19 construction and equipping of the facility.

20 (5) Any conditions or restrictions relating to the
21 construction, equipping, or use of the facility.

22 (c) AVAILABILITY OF FUNDS FOR CONSTRUCTION AND
23 EQUIPPING OF FACILITY.—Of the amount authorized to be
24 appropriated by section 301(21), not more than \$7,000,000
25 may be available for the contribution of the Secretary re-

1 *ferred to in subsection (b)(4) to the construction and equip-*
 2 *ping of the facility described in subsection (a).*

3 (d) *NOTICE AND WAIT.*—*The Secretary may not enter*
 4 *into the agreement authorized by subsection (a) until 90*
 5 *days after the Secretary submits to the congressional defense*
 6 *committees a report describing the agreement. The report*
 7 *shall set forth the memorandum of agreement under sub-*
 8 *section (b), the results of a cost-benefit analysis conducted*
 9 *by the Secretary with respect to the agreement, and such*
 10 *other information with respect to the agreement as the Sec-*
 11 *retary considers appropriate.*

12 (e) *ELIGIBLE INDIVIDUAL DEFINED.*—*In this section,*
 13 *the term “eligible individual” means any individual eligi-*
 14 *ble for medical and dental care under chapter 55 of title*
 15 *10, United States Code, including any individual entitled*
 16 *to such care under section 1074(a) of that title.*

17 **SEC. 711. STUDY CONCERNING THE PROVISION OF COM-**
 18 **PARATIVE INFORMATION.**

19 (a) *STUDY.*—*The Secretary of Defense shall conduct a*
 20 *study concerning the provision of the information described*
 21 *in subsection (b) to beneficiaries under the TRICARE pro-*
 22 *gram established under the authority of chapter 55 of title*
 23 *10, United States Code, and prepare and submit to the ap-*
 24 *propriate committees of Congress a report concerning such*
 25 *study.*

1 (b) *PROVISION OF COMPARATIVE INFORMATION.*—In-
2 formation described in this subsection, with respect to a
3 managed care entity that contracts with the Secretary of
4 Defense to provide medical assistance under the program
5 described in subsection (a), shall include the following:

6 (1) *BENEFITS.*—The benefits covered by the en-
7 tity involved, including—

8 (A) covered items and services beyond those
9 provided under a traditional fee-for-service pro-
10 gram;

11 (B) any beneficiary cost sharing; and

12 (C) any maximum limitations on out-of-
13 pocket expenses.

14 (2) *PREMIUMS.*—The net monthly premium, if
15 any, under the entity.

16 (3) *SERVICE AREA.*—The service area of the en-
17 tity.

18 (4) *QUALITY AND PERFORMANCE.*—To the extent
19 available, quality and performance indicators for the
20 benefits under the entity (and how they compare to
21 such indicators under the traditional fee-for-service
22 programs in the area involved), including—

23 (A) disenrollment rates for enrollees electing
24 to receive benefits through the entity for the pre-
25 vious 2 years (excluding disenrollment due to

1 *death or moving outside the service area of the*
2 *entity);*

3 *(B) information on enrollee satisfaction;*

4 *(C) information on health process and out-*
5 *comes;*

6 *(D) grievance procedures;*

7 *(E) the extent to which an enrollee may se-*
8 *lect the health care provider of their choice, in-*
9 *cluding health care providers within the network*
10 *of the entity and out-of-network health care pro-*
11 *viders (if the entity covers out-of-network items*
12 *and services); and*

13 *(F) an indication of enrollee exposure to*
14 *balance billing and the restrictions on coverage*
15 *of items and services provided to such enrollee by*
16 *an out-of-network health care provider.*

17 (5) *SUPPLEMENTAL BENEFITS OPTIONS.—Wheth-*
18 *er the entity offers optional supplemental benefits and*
19 *the terms and conditions (including premiums) for*
20 *such coverage.*

21 (6) *PHYSICIAN COMPENSATION.—An overall sum-*
22 *mary description as to the method of compensation of*
23 *participating physicians.*

***Subtitle B—Uniformed Services
Treatment Facilities***

***SEC. 731. IMPLEMENTATION OF DESIGNATED PROVIDER
AGREEMENTS FOR UNIFORMED SERVICES
TREATMENT FACILITIES.***

*(a) COMMENCEMENT OF HEALTH CARE SERVICES
UNDER AGREEMENT.—Subsection (c) of section 722 of the
National Defense Authorization Act for fiscal year 1997
(Public Law 104–201; 10 U.S.C. 1073 note) is amended—*

*(1) by redesignating paragraphs (1) and (2) as
subparagraphs (A) and (B);*

(2) by inserting “(1)” before “Unless”; and

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

*“(2) The Secretary may modify the effective date
established under paragraph (1) for an agreement to
permit a transition period of not more than six
months between the date on which the agreement is
executed by the parties and the date on which the des-
ignated provider commences the delivery of health
care services under the agreement.”.*

*(b) TEMPORARY CONTINUATION OF EXISTING PARTICI-
PATION AGREEMENTS.—Subsection (d) of such section is
amended by inserting before the period at the end the follow-*

1 ing: “, including any transitional period provided by the
2 Secretary under paragraph (2) of such subsection”.

3 (c) *ARBITRATION*.—Subsection (c) of such section is
4 further amended by adding at the end the following new
5 paragraph:

6 “(3) In the case of a designated provider whose
7 service area has a managed care support contract im-
8 plemented under the *TRICARE* program as of Sep-
9 tember 23, 1996, the Secretary and the designated
10 provider shall submit to binding arbitration if the
11 agreement has not been executed by October 1, 1997.
12 The arbitrator, mutually agreed upon by the Sec-
13 retary and the designated provider, shall be selected
14 from the American Arbitration Association. The arbi-
15 trator shall develop an agreement that shall be exe-
16 cuted by the Secretary and the designated provider by
17 January 1, 1998. Notwithstanding paragraph (1), the
18 effective date for such agreement shall be not more
19 than six months after the date on which the agree-
20 ment is executed.”.

21 (d) *CONTRACTING OUT OF PRIMARY CARE SERV-*
22 *ICES*.—Subsection (f)(2) of such section is amended by in-
23 serting at the end the following new sentence: “Such limita-
24 tion on contracting out primary care services shall only
25 apply to contracting out to a health maintenance organiza-

1 tion, or to a licensed insurer that is not controlled directly
 2 or indirectly by the designated provider, except in the case
 3 of primary care contracts between a designated provider
 4 and a contractor in force as of September 23, 1996. Subject
 5 to the overall enrollment restriction under section 724 and
 6 limited to the historical service area of the designated pro-
 7 vider, professional service agreements or independent con-
 8 tractor agreements with primary care physicians or groups
 9 of primary care physicians, however organized, and em-
 10 ployment agreements with such physicians shall not be con-
 11 sidered to be the type of contracts that are subject to the
 12 limitation of this subsection, so long as the designated pro-
 13 vider itself remains at risk under its agreement with the
 14 Secretary in the provision of services by any such con-
 15 tracted physicians or groups of physicians.”.

16 (e) *UNIFORM BENEFIT*.—Section 723(b) of the Na-
 17 tional Defense Authorization Act for fiscal year 1997 (Pub-
 18 lic Law 104–201; 10 U.S.C. 1073 note) is amended—

19 (1) in subsection (1), by inserting before the pe-
 20 riod at the end the following: “, subject to any modi-
 21 fication to the effective date the Secretary may pro-
 22 vide pursuant to section 722(c)(2)”, and

23 (2) in subsection (2), by inserting before the pe-
 24 riod at the end the following: “, or the effective date

1 of agreements negotiated pursuant to section
2 722(c)(3)’’.

3 **SEC. 732. LIMITATION ON TOTAL PAYMENTS.**

4 Section 726(b) of the National Defense Authorization
5 Act for fiscal year 1997 (Public Law 104–201; 10 U.S.C.
6 1073 note) is amended by adding at the end the following
7 new sentence: “In establishing the ceiling rate for enrollees
8 with the designated providers who are also eligible for the
9 Civilian Health and Medical Program of the Uniformed
10 Services, the Secretary of Defense shall take into account
11 the health status of the enrollees.”.

12 **SEC. 733. CONTINUED ACQUISITION OF REDUCED-COST**
13 **DRUGS.**

14 Section 722 of the National Defense Authorization Act
15 for fiscal year 1997 (Public Law 104–201; 10 U.S.C. 1073
16 note) is amended by adding at the end the following new
17 subsection:

18 “(g) **CONTINUED ACQUISITION OF REDUCED-COST**
19 **DRUGS.**—A designated provider shall be treated as part of
20 the Department of Defense for purposes of section 8126 of
21 title 38, United States Code, in connection with the provi-
22 sion by the designated provider of health care services to
23 covered beneficiaries pursuant to the participation agree-
24 ment of the designated provider under section 718(c) of the
25 National Defense Authorization Act for fiscal year 1991

1 *(Public Law 101–510; 42 U.S.C. 248c note) or pursuant*
2 *to the agreement entered into under subsection (b).”.*

3 ***Subtitle C—Persian Gulf Illnesses***

4 ***SEC. 751. DEFINITIONS.***

5 *For purposes of this subtitle:*

6 *(1) The term “Gulf War illness” means any one*
7 *of the complex of illnesses and symptoms that might*
8 *have been contracted by members of the Armed Forces*
9 *as a result of service in the Southwest Asia theater of*
10 *operations during the Persian Gulf War.*

11 *(2) The term “Persian Gulf War” has the mean-*
12 *ing given that term in section 101 of title 38, United*
13 *States Code.*

14 *(3) The term “Persian Gulf veteran” means an*
15 *individual who served on active duty in the Armed*
16 *Forces in the Southwest Asia theater of operations*
17 *during the Persian Gulf War.*

18 *(4) The term “contingency operation” has the*
19 *meaning given that term in section 101(a) of title 10,*
20 *United States Code, and includes a humanitarian op-*
21 *eration, peacekeeping operation, or similar operation.*

22 ***SEC. 752. PLAN FOR HEALTH CARE SERVICES FOR PERSIAN*** 23 ***GULF VETERANS.***

24 *(a) PLAN REQUIRED.—The Secretary of Defense and*
25 *the Secretary of Veterans Affairs, acting jointly, shall pre-*

1 *pare a plan to provide appropriate health care to Persian*
2 *Gulf veterans (and their dependents) who suffer from a Gulf*
3 *War illness.*

4 (b) *CONTENT OF PLAN.*—*In preparing the plan, the*
5 *Secretaries shall—*

6 (1) *use the presumptions of service connection*
7 *and illness specified in paragraphs (1) and (2) of sec-*
8 *tion 721(d) of the National Defense Authorization Act*
9 *for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C.*
10 *1074 note) to determine the Persian Gulf veterans*
11 *(and the dependents of Persian Gulf veterans) who*
12 *should be covered by the plan;*

13 (2) *consider the need and methods available to*
14 *provide health care services to Persian Gulf veterans*
15 *who are no longer on active duty in the Armed*
16 *Forces, such as Persian Gulf veterans who are mem-*
17 *bers of the reserve components and Persian Gulf veter-*
18 *ans who have been separated from the Armed Forces;*
19 *and*

20 (3) *estimate the costs to the Government of pro-*
21 *viding full or partial health care services under the*
22 *plan to covered Persian Gulf veterans (and their cov-*
23 *ered dependents).*

24 (c) *FOLLOWUP TREATMENT.*—*The plan required by*
25 *subsection (a) shall specifically address the measures to be*

1 *used to monitor the quality, appropriateness, and effective-*
 2 *ness of, and patient satisfaction with, health care services*
 3 *provided to Persian Gulf veterans after their initial medical*
 4 *examination as part of registration in the Persian Gulf*
 5 *War Veterans Health Registry or the Comprehensive Clini-*
 6 *cal Evaluation Program.*

7 (d) *SUBMISSION OF PLAN.*—Not later than March 15,
 8 1998, the Secretaries shall submit to Congress the plan re-
 9 quired by subsection (a).

10 **SEC. 753. IMPROVED MEDICAL TRACKING SYSTEM FOR**
 11 **MEMBERS DEPLOYED OVERSEAS IN CONTIN-**
 12 **GENCY OR COMBAT OPERATIONS.**

13 (a) *SYSTEM REQUIRED.*—Chapter 55 of title 10, *Unit-*
 14 *ed States Code*, is amended by inserting after section 1074d
 15 the following new section:

16 **“§1074e. Medical tracking system for members de-**
 17 **ployed overseas**

18 “(a) *SYSTEM REQUIRED.*—The Secretary of Defense
 19 shall establish a system to assess the medical condition of
 20 members of the armed forces (including members of the re-
 21 serve components) who are deployed outside the United
 22 States or its territories or possessions as part of a contin-
 23 gency operation (including a humanitarian operation,
 24 peacekeeping operation, or similar operation) or combat op-
 25 eration.

1 “(b) *ELEMENTS OF SYSTEM.*—*The system shall in-*
2 *clude the use of predeployment medical examinations and*
3 *postdeployment medical examinations (including an assess-*
4 *ment of mental health and the drawing of blood samples)*
5 *to accurately record the medical condition of members before*
6 *their deployment and any changes in their medical condi-*
7 *tion during the course of their deployment. The*
8 *postdeployment examination shall be conducted when the*
9 *member is redeployed or otherwise leaves an area in which*
10 *the system is in operation (or as soon as possible thereafter).*

11 “(c) *RECORDKEEPING.*—*The Secretary of Defense shall*
12 *submit to Congress not later than March 15, 1998, a plan*
13 *to ensure that the results of all medical examinations con-*
14 *ducted under the system, records of all health care services*
15 *(including immunizations) received by members described*
16 *in subsection (a) in anticipation of their deployment or*
17 *during the course of their deployment, and records of events*
18 *occurring in the deployment area that may affect the health*
19 *of such members shall be retained and maintained in a cen-*
20 *tralized location or locations to improve future access to the*
21 *records. The report shall include a schedule for implementa-*
22 *tion of the plan completion within 2 years of enactment.*

23 “(d) *QUALITY ASSURANCE.*—*The Secretary of Defense*
24 *shall establish a quality assurance program to evaluate the*
25 *success of the system in ensuring that members described*

1 *in subsection (a) receive predeployment medical examina-*
 2 *tions and postdeployment medical examinations and that*
 3 *the recordkeeping requirements are met.”.*

4 (b) *CLERICAL AMENDMENT.—The table of sections at*
 5 *the beginning of such chapter is amended by inserting after*
 6 *the item relating to section 1074d the following new item:*

“1074e. Medical tracking system for members deployed overseas.”.

7 **SEC. 754. REPORT ON PLANS TO TRACK LOCATION OF MEM-**
 8 **BERS IN A THEATER OF OPERATIONS.**

9 *Not later than March 1, 1998, the Secretary of Defense*
 10 *shall submit to Congress a report containing a plan for col-*
 11 *lecting and maintaining information regarding the daily*
 12 *location of units of the Armed Forces, and to the extent*
 13 *practicable individual members of such units, serving in*
 14 *a theater of operations during a contingency operation or*
 15 *combat operation.*

16 **SEC. 755. REPORT ON PLANS TO IMPROVE DETECTION AND**
 17 **MONITORING OF CHEMICAL, BIOLOGICAL,**
 18 **AND ENVIRONMENTAL HAZARDS IN A THEA-**
 19 **TER OF OPERATIONS.**

20 *Not later than March 1, 1998, the Secretary of Defense*
 21 *shall submit to Congress a report containing a plan regard-*
 22 *ing the deployment, in a theater of operations during a con-*
 23 *tingency operation or combat operation, of a specialized*
 24 *unit of the Armed Forces with the capability and expertise*
 25 *to detect and monitor the presence of chemical hazards, bio-*

1 *logical hazards, and environmental hazards to which mem-*
 2 *bers of the Armed Forces may be exposed.*

3 **SEC. 756. NOTICE OF USE OF DRUGS UNAPPROVED FOR**
 4 **THEIR INTENDED USAGE.**

5 *(a) NOTICE REQUIREMENTS.—Chapter 55 of title 10,*
 6 *United States Code, is amended by adding at the end the*
 7 *following new section:*

8 **“§ 1107. Notice of use of investigational new drugs**

9 *“(a) NOTICE REQUIRED.—(1) Whenever the Secretary*
 10 *of Defense requests or requires a member of the armed forces*
 11 *to receive a drug unapproved for its intended use, the Sec-*
 12 *retary shall provide the member with notice containing the*
 13 *information specified in subsection (d).*

14 *“(2) The Secretary shall also ensure that medical care*
 15 *providers who administer a drug unapproved for its in-*
 16 *tended use or who are likely to treat members who receive*
 17 *such a drug receive the information required to be provided*
 18 *under paragraphs (3) and (4) of subsection (d).*

19 *“(b) TIME FOR NOTICE.—The notice required to be*
 20 *provided to a member under subsection (a)(1) shall be pro-*
 21 *vided before the drug is first administered to the member,*
 22 *if practicable, but in no case later than 30 days after the*
 23 *drug is first administered to the member.*

24 *“(c) FORM OF NOTICE.—The notice required under*
 25 *subsection (a)(1) shall be provided in writing unless the*

1 *Secretary of Defense determines that the use of written no-*
2 *tice is impractical because of the number of members receiv-*
3 *ing the unapproved drug, time constraints, or similar rea-*
4 *sons. If the Secretary provides notice under subsection*
5 *(a)(1) in a form other than in writing, the Secretary shall*
6 *submit to Congress a report describing the notification*
7 *method used and the reasons for the use of the alternative*
8 *method.*

9 “(d) *CONTENT OF NOTICE.*—*The notice required under*
10 *subsection (a)(1) shall include the following:*

11 “(1) *Clear notice that the drug being adminis-*
12 *tered has not been approved for its intended usage.*

13 “(2) *The reasons why the unapproved drug is*
14 *being administered.*

15 “(3) *Information regarding the possible side ef-*
16 *fects of the unapproved drug, including any known*
17 *side effects possible as a result of the interaction of the*
18 *drug with other drugs or treatments being adminis-*
19 *tered to the members receiving the drug.*

20 “(4) *Such other information that, as a condition*
21 *for authorizing the use of the unapproved drug, the*
22 *Secretary of Health and Human Services may re-*
23 *quire to be disclosed.*

24 “(e) *RECORDS OF USE.*—*The Secretary of Defense*
25 *shall ensure that the medical records of members accurately*

1 *document the receipt by members of any investigational*
 2 *new drug and the notice required by subsection (d).*

3 “(f) *DEFINITION.*—*In this section, the term ‘investiga-*
 4 *tional new drug’ means a drug covered by section 505(i)*
 5 *of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.*
 6 *355(i)).’.*”

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

“1107. *Notice of use of drugs unapproved for their intended usage.*”.

10 ***SEC. 757. REPORT ON EFFECTIVENESS OF RESEARCH EF-***
 11 ***FORTS REGARDING GULF WAR ILLNESSES.***

12 *Not later than March 1, 1998, the Secretary of Defense*
 13 *shall submit to Congress a report evaluating the effective-*
 14 *ness of medical research initiatives regarding Gulf War ill-*
 15 *nesses. The report shall address the following:*

16 (1) *The type and effectiveness of previous re-*
 17 *search efforts, including the activities undertaken pur-*
 18 *suant to section 743 of the National Defense Author-*
 19 *ization Act for Fiscal Year 1997 (Public Law 104–*
 20 *201; 10 U.S.C. 1074 note), section 722 of the National*
 21 *Defense Authorization Act for Fiscal Year 1995 (Pub-*
 22 *lic Law 103–337; 10 U.S.C. 1074 note), and sections*
 23 *270 and 271 of the National Defense Authorization*
 24 *Act for Fiscal Year 1994 (Public Law 103–160; 107*
 25 *Stat. 1613).*

1 (2) *Recommendations regarding additional re-*
2 *search regarding Gulf War illnesses, including re-*
3 *search regarding the nature and causes of Gulf War*
4 *illnesses and appropriate treatments for such illnesses.*

5 (3) *The adequacy of Federal funding and the*
6 *need for additional funding for medical research ini-*
7 *tiatives regarding Gulf War illnesses.*

8 **SEC. 758. PERSIAN GULF ILLNESS CLINICAL TRIALS PRO-**
9 **GRAM.**

10 (a) *FINDINGS.—Congress finds the following:*

11 (1) *There are many ongoing studies that inves-*
12 *tigate risk factors which may be associated with the*
13 *health problems experienced by Persian Gulf veterans;*
14 *however, there have been no studies that examine*
15 *health outcomes and the effectiveness of the treatment*
16 *received by such veterans.*

17 (2) *The medical literature and testimony pre-*
18 *sented in hearings on Gulf War illnesses indicate that*
19 *there are therapies, such as cognitive behavioral ther-*
20 *apy, that have been effective in treating patients with*
21 *symptoms similar to those seen in many Persian Gulf*
22 *veterans.*

23 (b) *ESTABLISHMENT OF PROGRAM.—The Secretary of*
24 *Defense and the Secretary of Veterans Affairs, acting joint-*
25 *ly, shall establish a program of cooperative clinical trials*

1 *at multiple sites to assess the effectiveness of protocols for*
 2 *treating Persian Gulf veterans who suffer from ill-defined*
 3 *or undiagnosed conditions. Such protocols shall include a*
 4 *multidisciplinary treatment model, of which cognitive be-*
 5 *havioral therapy is a component.*

6 (c) *FUNDING.*—*Of the amount authorized to be appro-*
 7 *priated in section 201(1), the sum of \$4,500,000 shall be*
 8 *available for program element 62787A (medical technology)*
 9 *in the budget of the Department of Defense for fiscal year*
 10 *1998 to carry out the clinical trials program established*
 11 *pursuant to subsection (b).*

12 ***TITLE VIII—ACQUISITION POL-***
 13 ***ICY, ACQUISITION MANAGE-***
 14 ***MENT, AND RELATED MAT-***
 15 ***TERS***

16 ***Subtitle A—Amendments to General***
 17 ***Contracting Authorities, Proce-***
 18 ***dures, and Limitations***

19 ***SEC. 801. STREAMLINED APPROVAL REQUIREMENTS FOR***
 20 ***CONTRACTS UNDER INTERNATIONAL AGREE-***
 21 ***MENTS.***

22 *Section 2304(f)(2)(E) of title 10, United States Code,*
 23 *is amended by striking out “and such document is approved*
 24 *by the competition advocate for the procuring activity”.*

1 **SEC. 802. RESTRICTION ON UNDEFINITIZED CONTRACT AC-**
 2 **TIONS.**

3 (a) *APPLICABILITY OF WAIVER AUTHORITY TO HU-*
 4 *MANITARIAN OR PEACEKEEPING OPERATIONS.*—Section
 5 2326(b)(4) of title 10, United States Code, is amended to
 6 read as follows:

7 “(4) The head of an agency may waive the provisions
 8 of this subsection with respect to a contract of that agency
 9 if that head of an agency determines that the waiver is nec-
 10 essary in order to support any of the following operations:

11 “(A) A contingency operation.

12 “(B) A humanitarian or peacekeeping oper-
 13 ation.”.

14 (b) *HUMANITARIAN OR PEACEKEEPING OPERATION*
 15 *DEFINED.*—Section 2302(7) of such title is amended—

16 (1) by striking out “(7)(A)” and inserting in
 17 lieu thereof “(7)”; and

18 (2) by striking out “(B) In subparagraph (A),
 19 the” and inserting in lieu thereof “(8) The”.

20 **SEC. 803. EXPANSION OF AUTHORITY TO CROSS FISCAL**
 21 **YEARS TO ALL SEVERABLE SERVICE CON-**
 22 **TRACTS NOT EXCEEDING A YEAR.**

23 (a) *EXPANDED AUTHORITY.*—Section 2410a of title
 24 10, United States Code, is amended to read as follows:

1 **“§2410a. Severable service contracts for periods cross-**
 2 **ing fiscal years**

3 “(a) *AUTHORITY.*—*The Secretary of Defense or the*
 4 *Secretary of a military department may enter into a con-*
 5 *tract for procurement of severable services for a period that*
 6 *begins in one fiscal year and ends in the next fiscal year*
 7 *if (without regard to any option to extend the period of*
 8 *the contract) the contract period does not exceed one year.*

9 “(b) *OBLIGATION OF FUNDS.*—*Funds made available*
 10 *for a fiscal year may be obligated for the total amount of*
 11 *a contract entered into under the authority of subsection*
 12 *(a).”.*

13 (b) *CLERICAL AMENDMENT.*—*The item relating to*
 14 *such section in the table of sections at the beginning of chap-*
 15 *ter 141 of such title is amended to read as follows:*

 “2410a. *Severable service contracts for periods crossing fiscal years.*”.

16 **SEC. 804. LIMITATION ON ALLOWABILITY OF COMPENSA-**
 17 **TION FOR CERTAIN CONTRACTOR PERSON-**
 18 **NEL.**

19 (a) *CERTAIN COMPENSATION NOT ALLOWABLE AS*
 20 *COSTS UNDER DEFENSE CONTRACTS.*—(1) *Subsection*
 21 *(e)(1) of section 2324 of title 10, United States Code, is*
 22 *amended by adding at the end the following:*

23 “(P) *Costs of compensation of senior executives*
 24 *of contractors for a fiscal year, to the extent that such*
 25 *compensation exceeds the benchmark compensation*

1 *amount determined applicable for the fiscal year by*
2 *the Administrator for Federal Procurement Policy*
3 *under section 39 of the Office of Federal Procurement*
4 *Policy Act (41 U.S.C. 435).”.*

5 *(2) Subsection (l) of such section is amended by adding*
6 *at the end the following:*

7 *“(4) The term ‘compensation’, for a fiscal year,*
8 *means the total amount of wages, salary, bonuses and*
9 *deferred compensation for the fiscal year, whether*
10 *paid, earned, or otherwise accruing, as recorded in an*
11 *employer’s cost accounting records for the fiscal year.*

12 *“(5) The term ‘senior executive’, with respect to*
13 *a contractor, means—*

14 *“(A) the chief executive officer of the con-*
15 *tractor or any individual acting in a similar ca-*
16 *capacity for the contractor;*

17 *“(B) the five most highly compensated em-*
18 *ployees in management positions of the contrac-*
19 *tor other than the chief executive officer; and*

20 *“(C) in the case of a contractor that has*
21 *components managed by personnel who report on*
22 *the operations of the components directly to offi-*
23 *cers of the contractor, the five most highly com-*
24 *pensated individuals in management positions*
25 *at each such component.”.*

1 (b) *CERTAIN COMPENSATION NOT ALLOWABLE AS*
2 *COSTS UNDER NON-DEFENSE CONTRACTS.*—(1) *Subsection*
3 *(e)(1) of section 306 of the Federal Property and Adminis-*
4 *trative Services Act of 1949 (41 U.S.C. 256) is amended*
5 *by adding at the end the following:*

6 “(P) *Costs of compensation of senior executives*
7 *of contractors for a fiscal year, to the extent that such*
8 *compensation exceeds the benchmark compensation*
9 *amount determined applicable for the fiscal year by*
10 *the Administrator for Federal Procurement Policy*
11 *under section 39 of the Office of Federal Procurement*
12 *Policy Act (41 U.S.C. 435).”.*

13 (2) *Such section is further amended by adding at the*
14 *end the following:*

15 “(m) *OTHER DEFINITIONS.*—*In this section:*

16 “(1) *The term ‘compensation’, for a fiscal year,*
17 *means the total amount of wages, salary, bonuses and*
18 *deferred compensation for the fiscal year, whether*
19 *paid, earned, or otherwise accruing, as recorded in an*
20 *employer’s cost accounting records for the fiscal year.*

21 “(2) *The term ‘senior executive’, with respect to*
22 *a contractor, means—*

23 “(A) *the chief executive officer of the con-*
24 *tractor or any individual acting in a similar ca-*
25 *capacity for the contractor;*

1 “(B) the five most highly compensated em-
 2 ployees in management positions of the contrac-
 3 tor other than the chief executive officer; and

4 “(C) in the case of a contractor that has
 5 components managed by personnel who report on
 6 the operations of the components directly to offi-
 7 cers of the contractor, the five most highly com-
 8 pensated individuals in management positions
 9 at each such component.”.

10 (c) *LEVELS OF COMPENSATION NOT ALLOWABLE.*—(1)
 11 *The Office of Federal Procurement Policy Act (41 U.S.C.*
 12 *401 et seq.) is amended by adding at the end the following:*

13 **“SEC. 39. LEVELS OF COMPENSATION OF CERTAIN CON-**
 14 **TRACTOR PERSONNEL NOT ALLOWABLE AS**
 15 **COSTS UNDER CERTAIN CONTRACTS.**

16 “(a) *DETERMINATION REQUIRED.*—For purposes of
 17 section 2324(e)(1)(P) of title 10, United States Code, and
 18 section 306(e)(1)(P) of the Federal Property and Adminis-
 19 trative Services Act of 1949 (41 U.S.C. 256(e)(1)(P)), the
 20 Administrator shall review commercially available surveys
 21 of executive compensation and, on the basis of the results
 22 of the review, determine a benchmark compensation amount
 23 to apply for each fiscal year. In making determinations
 24 under this subsection the Administrator shall consult with
 25 the Director of the Defense Contract Audit Agency and such

1 *other officials of executive agencies as the Administrator*
2 *considers appropriate.*

3 “(b) *BENCHMARK COMPENSATION AMOUNT.—The*
4 *benchmark compensation amount applicable for a fiscal*
5 *year is the median amount of the compensation provided*
6 *for all senior executives of all benchmark corporations for*
7 *the most recent year for which data is available at the time*
8 *the determination under subsection (a) is made.*

9 “(c) *DEFINITIONS.—In this section:*

10 “(1) *The term ‘compensation’, for a year, means*
11 *the total amount of wages, salary, bonuses and de-*
12 *ferred compensation for the year, whether paid,*
13 *earned, or otherwise accruing, as recorded in an em-*
14 *ployer’s cost accounting records for the year.*

15 “(2) *The term ‘senior executive’, with respect to*
16 *a corporation, means—*

17 “(A) *the chief executive officer of the cor-*
18 *poration or any individual acting in a similar*
19 *capacity for the corporation;*

20 “(B) *the five most highly compensated em-*
21 *ployees in management positions of the corpora-*
22 *tion other than the chief executive officer; and*

23 “(C) *in the case of a corporation that has*
24 *components managed by personnel who report on*
25 *the operations of the components directly to offi-*

1 *cers of the corporation, the five most highly com-*
 2 *pensated individuals in management positions*
 3 *at each such component.*

4 “(3) *The term ‘benchmark corporation’, with re-*
 5 *spect to a year, means a publicly-owned United*
 6 *States corporation that has annual sales in excess of*
 7 *\$50,000,000 for the year.*

8 “(4) *The term ‘publicly-owned United States cor-*
 9 *poration’ means a corporation organized under the*
 10 *laws of a State of the United States, the District of*
 11 *Columbia, the Commonwealth of Puerto Rico, or a*
 12 *possession of the United States the voting stock of*
 13 *which is publicly traded.”.*

14 (2) *The table of sections in section 1(b) of such Act*
 15 *is amended by adding at the end the following:*

“Sec. 39. Levels of compensation of certain contractor personnel not allowable as costs under certain contracts.”.

16 (d) *REGULATIONS.—Regulations implementing the*
 17 *amendments made by this section shall be published in the*
 18 *Federal Register not later than the effective date of the*
 19 *amendments under subsection (e).*

20 (e) *EFFECTIVE DATE.—(1) The amendments made by*
 21 *this section shall take effect on the date that is 90 days after*
 22 *the date of the enactment of this Act and shall apply with*
 23 *respect to payments that become due from the United States*

1 *after that date under covered contracts entered into before,*
 2 *on, or after that date.*

3 (2) *In paragraph (1), the term “covered contract” has*
 4 *the meaning given such term in section 2324(l) of title 10,*
 5 *United States Code, and section 306(l) of the Federal Prop-*
 6 *erty and Administrative Services Act of 1949 (41 U.S.C.*
 7 *256(l)).*

8 **SEC. 805. INCREASED PRICE LIMITATION ON PURCHASES**
 9 **OF RIGHT-HAND DRIVE VEHICLES.**

10 *Section 2253(a)(2) of title 10, United States Code, is*
 11 *amended by striking out “\$12,000” and inserting in lieu*
 12 *thereof “\$30,000”.*

13 **SEC. 806. CONVERSION OF DEFENSE CAPABILITY PRESER-**
 14 **VATION AUTHORITY TO NAVY SHIPBUILDING**
 15 **CAPABILITY PRESERVATION AUTHORITY.**

16 (a) *AUTHORITY OF SECRETARY OF THE NAVY.—Sec-*
 17 *tion 808 of the National Defense Authorization Act for Fis-*
 18 *cal Year 1996 (Public Law 104–106; 110 Stat. 393; 10*
 19 *U.S.C. 2501) is amended—*

20 (1) *in subsection (a), by striking out “Secretary*
 21 *of Defense” and inserting in lieu thereof “Secretary*
 22 *of the Navy”; and*

23 (2) *in subsection (b)(2), by striking out “Sec-*
 24 *retary of Defense if the Secretary of Defense” and in-*

1 serting in lieu thereof “Secretary of the Navy if the
2 Secretary”.

3 (b) NAME OF AGREEMENTS.—Subsection (a) of such
4 section is amended—

5 (1) by striking out “DEFENSE CAPABILITY
6 PRESERVATION AGREEMENT.—” and inserting in lieu
7 thereof “SHIPBUILDING CAPABILITY PRESERVATION
8 AGREEMENT.—”; and

9 (2) by striking out “‘defense capability preserva-
10 tion agreement’” and inserting in lieu thereof “‘ship-
11 building capability preservation agreement’”.

12 (c) SCOPE OF AUTHORITY.—(1) The first sentence of
13 subsection (a) of such section is amended—

14 (A) by striking out “defense contractor” and in-
15 serting in lieu thereof “shipbuilder”; and

16 (B) by adding at the end the following “to the
17 shipbuilder under a Navy contract for the construc-
18 tion of a ship”.

19 (2) Subsection (b)(1)(A) of such section is amended by
20 striking out “defense contract” and inserting in lieu thereof
21 “contract for the construction of a ship for the Navy”.

22 (d) MAXIMUM AMOUNT OF ALLOCABLE INDIRECT
23 COSTS.—Subsection (b)(1)(C) of such section is amended—

24 (1) by striking out “in any year of” and insert-
25 ing in lieu thereof “covered by”; and

1 (2) *by striking out “that year” and inserting in*
2 *lieu thereof “the period covered by the agreement”.*

3 (e) *APPLICABILITY.—Such section is further amended*
4 *by striking out subsections (c), (d), and (e) and inserting*
5 *in lieu thereof the following:*

6 “(c) *APPLICABILITY.—(1) An agreement entered into*
7 *with a shipbuilder under subsection (a) shall apply to each*
8 *of the following Navy contracts with the shipbuilder:*

9 “(A) *A contract that is in effect on the date on*
10 *which the agreement is entered into.*

11 “(B) *A contract that is awarded during the term*
12 *of the agreement.*

13 “(2) *In a shipbuilding capability preservation agree-*
14 *ment applicable to a shipbuilder, the Secretary may agree*
15 *to apply the cost reimbursement rules set forth in subsection*
16 *(b) to allocations of indirect costs to private sector work*
17 *performed by the shipbuilder only with respect to costs that*
18 *the shipbuilder incurred on or after the date of the enact-*
19 *ment of the National Defense Authorization Act for Fiscal*
20 *Year 1998 under a contract between the shipbuilder and*
21 *a private sector customer of the shipbuilder that became ef-*
22 *fective on or after January 26, 1996.”.*

23 (f) *IMPLEMENTATION AND REPORT.—Such section is*
24 *further amended adding at the end the following:*

1 “(d) *IMPLEMENTATION.*—Not later than 30 days after
 2 the date of the enactment of the National Defense Authoriza-
 3 tion Act for Fiscal Year 1998, the Secretary of the Navy
 4 shall establish application procedures and procedures for
 5 expeditious consideration of shipbuilding capability preser-
 6 vation agreements as authorized by this section.

7 “(e) *REPORT.*—Not later than February 15, 1998, the
 8 Secretary of the Navy shall submit to the congressional de-
 9 fense committees a report on applications for shipbuilding
 10 capability preservation agreements. The report shall con-
 11 tain the number of the applications received, the number
 12 of the applications approved, and a discussion of the rea-
 13 sons for disapproval of any applications disapproved.”.

14 “(g) *SECTION HEADING.*—The heading for such section
 15 is amended by striking out “**DEFENSE**” and inserting in
 16 lieu thereof “**CERTAIN**”.

17 **SEC. 807. ELIMINATION OF CERTIFICATION REQUIREMENT**
 18 **FOR GRANTS.**

19 Section 5153 of the Drug-Free Workplace Act of 1988
 20 (Public Law 100–690; 102 Stat. 4306; 41 U.S.C. 702) is
 21 amended—

22 (1) in subsection (a)—

23 (A) in paragraph (1), by striking out “has
 24 certified to the granting agency that it will” and
 25 inserting in lieu thereof “agrees to”; and

1 (B) in paragraph (2), by striking out “cer-
 2 tifies to the agency” and inserting in lieu thereof
 3 “agrees”; and
 4 (2) in subsection (b)(1)—
 5 (A) by striking out subparagraph (A);
 6 (B) by redesignating subparagraphs (B)
 7 and (C) as subparagraphs (A) and (B), respec-
 8 tively; and
 9 (C) in subparagraph (A), as so redesign-
 10 ated, by striking out “such certification by fail-
 11 ing to carry out”.

12 **SEC. 808. REPEAL OF LIMITATION ON ADJUSTMENT OF**
 13 **SHIPBUILDING CONTRACTS.**

14 (a) *REPEAL.*—(1) Section 2405 of title 10, United
 15 States Code, is repealed.

16 (2) The table of sections at the beginning of chapter
 17 141 of such title is amended by striking out the item relat-
 18 ing to section 2405.

19 (b) *APPLICABILITY.*—(1) Except as provided in para-
 20 graph (2), the amendments made by subsection (a) shall
 21 apply to claims, requests for equitable adjustment, and de-
 22 mands for payment under shipbuilding contracts that have
 23 been or are submitted before, on, or after the date of the
 24 enactment of this Act.

1 (2) *Section 2405 of title 10, United States Code, as*
2 *in effect immediately before the date of the enactment of*
3 *this Act, shall continue to apply to a contractor's claim,*
4 *request for equitable adjustment, or demand for payment*
5 *under a shipbuilding contract that was submitted before*
6 *such date if—*

7 (A) *a contracting officer denied the claim, re-*
8 *quest, or demand, and the period for appealing the*
9 *decision to a court or board under the Contract Dis-*
10 *putes Act of 1978 expired before such date;*

11 (B) *a court or board of contract appeals consid-*
12 *ering the claim, request, or demand (including any*
13 *appeal of a decision of a contracting officer to deny*
14 *or dismiss the claim, request, or demand) denied the*
15 *claim, request, or demand (or the appeal), and the ac-*
16 *tion of the court or board became final and*
17 *unappealable before such date; or*

18 (C) *the contractor released or releases the claim,*
19 *request, or demand.*

1 **SEC. 809. BLANKET WAIVER OF CERTAIN DOMESTIC**
2 **SOURCE REQUIREMENTS FOR FOREIGN**
3 **COUNTRIES WITH CERTAIN COOPERATIVE OR**
4 **RECIPROCAL RELATIONSHIPS WITH THE**
5 **UNITED STATES.**

6 (a) *AUTHORITY.*—(1) *Section 2534 of title 10, United*
7 *States Code, is amended by adding at the end the following:*

8 “(i) *WAIVER GENERALLY APPLICABLE TO A COUN-*
9 *TRY.*—*The Secretary of Defense shall waive the limitation*
10 *in subsection (a) with respect to a foreign country generally*
11 *if the Secretary determines that the application of the limi-*
12 *tation with respect to that country would impede coopera-*
13 *tive programs entered into between the Department of De-*
14 *fense and the foreign country, or would impede the recip-*
15 *rocal procurement of defense items entered into under sec-*
16 *tion 2531 of this title, and the country does not discrimi-*
17 *nate against defense items produced in the United States*
18 *to a greater degree than the United States discriminates*
19 *against defense items produced in that country.”.*

20 (2) *The amendment made by paragraph (1) shall*
21 *apply with respect to—*

22 (A) *contracts entered into on or after the date of*
23 *the enactment of this Act; and*

24 (B) *options for the procurement of items that are*
25 *exercised after such date under contracts that are en-*
26 *tered into before such date if those option prices are*

1 *adjusted for any reason other than the application of*
 2 *a waiver granted under subsection (i) of section 2534*
 3 *of title 10, United States Code (as added by para-*
 4 *graph (1)).*

5 **(b) CONFORMING AMENDMENT.**—*The heading of sub-*
 6 *section (d) of such section is amended by inserting “FOR*
 7 *PARTICULAR PROCUREMENTS” after “WAIVER AUTHOR-*
 8 *ITY”.*

9 ***Subtitle B—Contract Provisions***

10 ***SEC. 811. CONTRACTOR GUARANTEES OF MAJOR SYSTEMS.***

11 **(a) REVISION OF REQUIREMENT.**—*Section 2403 of*
 12 *title 10, United States Code, is amended to read as follows:*

13 ***“§2403. Major systems: contractor guarantees***

14 ***“(a) GUARANTEE REQUIRED.***—*In any case in which*
 15 *the head of an agency determines that it is appropriate and*
 16 *cost effective to do so in entering into a contract for the*
 17 *production of a major system, the head of an agency shall,*
 18 *except as provided in subsection (b), require the prime con-*
 19 *tractor to provide the United States with a written guaran-*
 20 *tee that—*

21 ***“(1) the item provided under the contract will***
 22 *conform to the design and manufacturing require-*
 23 *ments specifically delineated in the production con-*
 24 *tract (or in any amendment to that contract);*

1 “(2) the item provided under the contract will be
2 free from all defects in materials and workmanship at
3 the time it is delivered to the United States;

4 “(3) the item provided under the contract will
5 conform to the essential performance requirements of
6 the item as specifically delineated in the production
7 contract (or in any amendment to that contract); and

8 “(4) if the item provided under the contract fails
9 to meet a guarantee required under paragraph (1),
10 (2), or (3), the contractor will, at the election of the
11 Secretary of Defense or as otherwise provided in the
12 contract—

13 “(A) promptly take such corrective action
14 as may be necessary to correct the failure at no
15 additional cost to the United States; or

16 “(B) pay costs reasonably incurred by the
17 United States in taking such corrective action.

18 “(b) *EXCEPTION.*—The head of an agency may not re-
19 quire a prime contractor under subsection (a) to provide
20 a guarantee for a major system, or for a component of a
21 major system, that is furnished by the United States.

22 “(c) *DEFINITIONS.*—In this section:

23 “(1) The term ‘prime contractor’ means a party
24 that enters into an agreement directly with the Unit-
25 ed States to furnish part or all of a major system.

1 “(2) The term ‘design and manufacturing re-
 2 quirements’ means structural and engineering plans
 3 and manufacturing particulars, including precise
 4 measurements, tolerances, materials, and finished
 5 product tests for the major system being produced.

6 “(3) The term ‘essential performance require-
 7 ments’, with respect to a major system, means the op-
 8 erating capabilities or maintenance and reliability
 9 characteristics of the system that are determined by
 10 the Secretary of Defense to be necessary for the system
 11 to fulfill the military requirement for which the sys-
 12 tem is designed.

13 “(4) The term ‘component’ means any constitu-
 14 ent element of a major system.

15 “(5) The term ‘head of an agency’ has the mean-
 16 ing given that term in section 2302 of this title.”.

17 (b) CLERICAL AMENDMENT.—The item relating to
 18 such section in the table of sections at the beginning of chap-
 19 ter 141 of such title is amended to read as follows:

 “2403. Major systems: contractor guarantees.”.

20 **SEC. 812. VESTING OF TITLE IN THE UNITED STATES**
 21 **UNDER CONTRACTS PAID UNDER PROGRESS**
 22 **PAYMENT ARRANGEMENTS OR SIMILAR AR-**
 23 **RANGEMENTS.**

24 Section 2307 of title 10, United States Code, is amend-
 25 ed—

1 (1) by redesignating subsection (h) as subsection
2 (i); and

3 (2) by inserting after subsection (g) the following
4 new subsection (h):

5 “(h) *VESTING OF TITLE IN THE UNITED STATES.—*
6 *If a contract paid by a method authorized under subsection*
7 *(a)(1) provides for title to property to vest in the United*
8 *States, the title to the property shall vest in accordance with*
9 *the terms of the contract, regardless of any security interest*
10 *in the property that is asserted before or after the contract*
11 *is entered into.”.*

12 ***Subtitle C—Acquisition Assistance***
13 ***Programs***

14 ***SEC. 821. PROCUREMENT TECHNICAL ASSISTANCE PRO-***
15 ***GRAMS.***

16 (a) *FUNDING.—Of the amount authorized to be appro-*
17 *priated under section 301(5), \$12,000,000 shall be available*
18 *for carrying out the provisions of chapter 142 of title 10,*
19 *United States Code.*

20 (b) *SPECIFIC PROGRAMS.—Of the amounts made*
21 *available pursuant to subsection (a), \$600,000 shall be*
22 *available for fiscal year 1998 for the purpose of carrying*
23 *out programs sponsored by eligible entities referred to in*
24 *subparagraph (D) of section 2411(1) of title 10, United*
25 *States Code, that provide procurement technical assistance*

1 *in distressed areas referred to in subparagraph (B) of sec-*
 2 *tion 2411(2) of such title. If there is an insufficient number*
 3 *of satisfactory proposals for cooperative agreements in such*
 4 *distressed areas to allow effective use of the funds made*
 5 *available in accordance with this subsection in such areas,*
 6 *the funds shall be allocated among the Defense Contract Ad-*
 7 *ministration Services regions in accordance with section*
 8 *2415 of such title.*

9 **SEC. 822. ONE-YEAR EXTENSION OF PILOT MENTOR-PRO-**
 10 **TEGE PROGRAM.**

11 *Section 831(j) of the National Defense Authorization*
 12 *Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amend-*
 13 *ed—*

14 *(1) in paragraph (1), by striking out “1998”*
 15 *and inserting in lieu thereof “1999”;*

16 *(2) in paragraph (2), by striking out “1999”*
 17 *and inserting in lieu thereof “2000”; and*

18 *(3) in paragraph (3), by striking out “1999”*
 19 *and inserting in lieu thereof “2000”.*

20 **SEC. 823. TEST PROGRAM FOR NEGOTIATION OF COM-**
 21 **PREHENSIVE SUBCONTRACTING PLANS.**

22 *(a) CONTENT OF SUBCONTRACTING PLANS.—Sub-*
 23 *section (b)(2) of section 834 of the National Defense Author-*
 24 *ization Act for Fiscal Years 1990 and 1991 (Public Law*
 25 *101–189; 15 U.S.C. 637 note) is amended—*

4 (3) by redesignating subparagraph (B) as sub-
5 paragraph (A) and by striking out the period at the
6 end of such subparagraph and inserting in lieu there-
7 of “; and”; and

9 “(B) shall cover each Department of Defense con-
10 tract that is entered into by the contractor and each
11 subcontract that is entered into by the contractor as
12 the subcontractor under a Department of Defense con-
13 tract.”.

18 *SEC. 824. PRICE PREFERENCE FOR SMALL AND DISADVAN-*
19 *TAGED BUSINESSES.*

20 *Section 2323(e)(3) of title 10, United States Code, is*
21 *amended by—*

23 (2) inserting “, except as provided in (B),” after
24 “the head of an agency may” in the first sentence;
25 and

1 (3) adding at the end the following:

2 “(B) The Secretary of Defense may not exercise the au-
3 thority under subparagraph (A) to enter into a contract
4 for a price exceeding fair market cost in any fiscal year
5 following a fiscal year in which the Department of Defense
6 attained the 5 percent goal required by subsection (a).”.

7 **Subtitle D—Administrative**
8 **Provisions**

9 **SEC. 831. RETENTION OF EXPIRED FUNDS DURING THE**
10 **PENDENCY OF CONTRACT LITIGATION.**

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

14 **“§2410m. Retention of amounts collected from con-**
15 **tractor during the pendency of contract**
16 **dispute**

17 “(a) *RETENTION OF FUNDS.*—Notwithstanding sec-
18 tions 1552(a) and 3302(b) of title 31, any amount, includ-
19 ing interest, collected from a contractor as a result of a
20 claim made by an executive agency under the Contract Dis-
21 putes Act of 1978 (41 U.S.C. 601 et seq.), shall remain
22 available in accordance with this section to pay—

23 “(1) any settlement of the claim by the parties;

24 “(2) any judgment rendered in the contractor’s
25 favor on an appeal of the decision on that claim to

1 *the Armed Services Board of Contract Appeals under*
2 *section 7 of such Act (41 U.S.C. 606); or*

3 “(3) *any judgment rendered in the contractor’s*
4 *favor in an action on that claim in a court of the*
5 *United States.*

6 “(b) *PERIOD OF AVAILABILITY.—(1) The period of*
7 *availability of an amount under subsection (a), in connec-*
8 *tion with a claim—*

9 “(A) *expires 180 days after the expiration of the*
10 *period for bringing an action on that claim in the*
11 *United States Court of Federal Claims under section*
12 *10(a) of the Contract Disputes Act of 1978 (41 U.S.C.*
13 *609(a)) if, within that 180-day period—*

14 “(i) *no appeal on the claim is commenced*
15 *at the Armed Services Board of Contract Appeals*
16 *under section 7 of the Contract Disputes Act of*
17 *1978; and*

18 “(ii) *no action on the claim is commenced*
19 *in a court of the United States; or*

20 “(B) *if not expiring under subparagraph (A), ex-*
21 *pires—*

22 “(i) *in the case of a settlement of the claim,*
23 *180 days after the date of the settlement; or*

24 “(ii) *in the case of a judgment rendered on*
25 *the claim in an appeal to the Armed Services*

1 *Board of Contract Appeals under section 7 of the*
2 *Contract Disputes Act of 1978 or an action in*
3 *a court of the United States, 180 days after the*
4 *date on which the judgment becomes final and*
5 *not appealable.*

6 “(2) While available under this section, an amount
7 may be obligated or expended only for the purpose described
8 in subsection (a).

9 “(3) Upon the expiration of the period of availability
10 of an amount under paragraph (1), the amount shall be
11 deposited in the Treasury as miscellaneous receipts.

12 “(c) *REPORTING REQUIREMENT.*—Each year, the
13 Under Secretary of Defense (Comptroller) shall submit to
14 Congress a report on the amounts, if any, that are available
15 for obligation pursuant to this section. The report shall in-
16 clude, at a minimum, the following:

17 “(1) The total amount available for obligation.

18 “(2) The total amount collected from contractors
19 during the year preceding the year in which the re-
20 port is submitted.

21 “(3) The total amount disbursed in such preced-
22 ing year and a description of the purpose for each
23 disbursement.

24 “(4) The total amount returned to the Treasury
25 in such preceding year.”.

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of chapter 141 of title 10, United States Code,*
 3 *is amended by adding at the end the following new item:*

“2410m. Retention of amounts collected from contractor during the pendency of contract dispute.”.

4 **SEC. 832. PROTECTION OF CERTAIN INFORMATION FROM**
 5 **DISCLOSURE.**

6 *Section 2371 of title 10, United States Code, is amend-*
 7 *ed by inserting after subsection (h) the following:*

8 “(i) *PROTECTION OF CERTAIN INFORMATION FROM*
 9 *DISCLOSURE.*—(1) *Disclosure of information described in*
 10 *paragraph (2) is not required, and may not be compelled,*
 11 *under section 552 of title 5 for five years after the date on*
 12 *which the information is received by the Department of De-*
 13 *fense.*

14 “(2)(A) *Paragraph (1) applies to information de-*
 15 *scribed in subparagraph (B) that is in the records of the*
 16 *Department of Defense if the information was submitted to*
 17 *the department in a competitive or noncompetitive process*
 18 *having the potential for resulting in an award, to the party*
 19 *submitting the information, of a cooperative agreement that*
 20 *includes a clause described in subsection (d) or another*
 21 *transaction authorized under subsection (a).*

22 “(B) *The information referred to in subparagraph (A)*
 23 *is the following:*

1 “(i) A proposal, proposal abstract, and support-
2 ing documents.

3 “(ii) A business plan submitted on a confidential
4 basis.

5 “(iii) Technical information submitted on a con-
6 fidential basis.”.

7 **SEC. 833. CONTENT OF LIMITED SELECTED ACQUISITION**
8 **REPORTS.**

9 Section 2432(h)(2) of title 10, United States Code, is
10 amended—

11 (1) by striking out subparagraph (D); and

12 (2) by redesignating subparagraphs (E) and (F)
13 as subparagraphs (D) and (E), respectively.

14 **SEC. 834. UNIT COST REPORTS.**

15 (a) *IMMEDIATE REPORT REQUIRED ONLY FOR PRE-*
16 *VIOUSLY UNREPORTED INCREASED COSTS.*—Subsection (c)
17 of section 2433 of title 10, United States Code, is amended
18 by striking out “during the current fiscal year (other than
19 the last quarterly unit cost report under subsection (b) for
20 the preceding fiscal year)” in the matter following para-
21 graph (3).

22 (b) *IMMEDIATE REPORT NOT REQUIRED FOR COST*
23 *VARIANCES OR SCHEDULE VARIANCES OF MAJOR CON-*
24 *TRACTS.*—Subsection (c) of such section is further amend-
25 ed—

1 (1) *by inserting “or” at the end of paragraph*

2 (1);

3 (2) *by striking out “or” at the end of paragraph*

4 (2); and

5 (3) *by striking out paragraph (3).*

6 (c) *CONGRESSIONAL NOTIFICATION OF INCREASED*
 7 *COST NOT CONDITIONED ON DISCOVERY SINCE BEGINNING*
 8 *OF FISCAL YEAR.*—*Subsection (d)(3) of such section is*
 9 *amended by striking out “(for the first time since the begin-*
 10 *ning of the current fiscal year)” in the first sentence.*

11 **SEC. 835. CENTRAL DEPARTMENT OF DEFENSE POINT OF**
 12 **CONTACT FOR CONTRACTING INFORMATION.**

13 (a) *DESIGNATION OF OFFICIAL.*—*The Under Secretary*
 14 *of Defense for Acquisition and Technology shall designate*
 15 *an official within the Office of the Under Secretary of De-*
 16 *fense for Acquisition and Technology to serve as a central*
 17 *point of contact for persons seeking information described*
 18 *in subsection (b).*

19 (b) *AVAILABLE INFORMATION.*—*Upon request, the offi-*
 20 *cial designated under subsection (a) shall provide informa-*
 21 *tion on the following:*

22 (1) *How and where to submit unsolicited propos-*
 23 *als for research, development, test, and evaluation or*
 24 *for furnishing property or services to the Department*
 25 *of Defense.*

1 (2) *Department of Defense solicitations for offers*
 2 *that are open for response and the procedures for re-*
 3 *sponding to the solicitations.*

4 (3) *Procedures for being included on any list of*
 5 *approved suppliers used by the Department of De-*
 6 *fense.*

7 (c) *AVAILABILITY OF INFORMATION.—The official des-*
 8 *ignated under subsection (a) shall use a variety of means*
 9 *for making the information described in subsection (b) read-*
 10 *ily available to potential contractors for the Department of*
 11 *Defense. The means shall include the establishment of one*
 12 *or more toll-free automated telephone lines, posting of infor-*
 13 *mation about the services of the official on generally acces-*
 14 *sible computer communications networks, and advertising.*

15 ***Subtitle E—Other Matters***

16 ***SEC. 841. DEFENSE BUSINESS COMBINATIONS.***

17 (a) *EXTENSION OF REQUIREMENT FOR REPORTS ON*
 18 *PAYMENT OF RESTRUCTURING COSTS.—Section 818(e) of*
 19 *the National Defense Authorization Act for Fiscal Year*
 20 *1995 (Public Law 103–337; 108 Stat. 1821; 10 U.S.C. 2324*
 21 *note) is amended by striking out “1995, 1996, and 1997”*
 22 *and inserting in lieu thereof “1997, 1998, and 1999”.*

23 (b) *SECRETARY OF DEFENSE REPORTS.—Not later*
 24 *than March 1 in each of the years 1998, 1999, and 2000,*
 25 *the Secretary of Defense shall submit to the congressional*

1 *defense committees a report on effects on competition result-*
2 *ing from any business combinations of major defense con-*
3 *tractors that took place during the year preceding the year*
4 *of the report. The report shall include, for each business*
5 *combination reviewed by the Department pursuant to De-*
6 *partment of Defense Directive 5000.62, the following:*

7 *(1) An assessment of any potentially adverse ef-*
8 *fects that the business combination could have on*
9 *competition for Department of Defense contracts (in-*
10 *cluding potential horizontal effects, vertical effects,*
11 *and organizational conflicts of interest), the national*
12 *technology and industrial base, or innovation in the*
13 *defense industry.*

14 *(2) The actions taken to mitigate the potentially*
15 *adverse effects.*

16 *(c) GAO REPORTS.—(1) Not later than December 1,*
17 *1997, the Comptroller General shall—*

18 *(A) in consultation with appropriate officials in*
19 *the Department of Defense—*

20 *(i) identify major market areas adversely*
21 *affected by business combinations of defense con-*
22 *tractors since January 1, 1990; and*

23 *(ii) develop a methodology for determining*
24 *the beneficial impact of business combinations of*

1 *defense contractors on the prices paid on par-*
2 *ticular defense contracts; and*

3 *(B) submit to the congressional defense commit-*
4 *tees a report describing, for each major market area*
5 *identified pursuant to subparagraph (A)(i), the*
6 *changes in numbers of businesses competing for major*
7 *defense contracts since January 1, 1990.*

8 *(2) Not later than December 1, 1998, the Comptroller*
9 *General shall submit to the congressional defense committees*
10 *a report containing the following:*

11 *(A) Updated information on—*

12 *(i) restructuring costs of business combina-*
13 *tions paid by the Department of Defense pursu-*
14 *ant to certifications under section 818 of the Na-*
15 *tional Defense Authorization Act for Fiscal Year*
16 *1995, and*

17 *(ii) savings realized by the Department of*
18 *Defense as a result of the business combinations*
19 *for which the payment of restructuring costs was*
20 *so certified.*

21 *(B) An assessment of the beneficial impact of*
22 *business combinations of defense contractors on the*
23 *prices paid on a meaningful sample of defense con-*
24 *tracts, determined in accordance with the methodol-*
25 *ogy developed pursuant to paragraph (1)(A)(ii).*

1 (C) *Any recommendations that the Comptroller*
 2 *General considers appropriate.*

3 (d) *BUSINESS COMBINATION DEFINED.*—*In this sec-*
 4 *tion, the term “business combination” has the meaning*
 5 *given that term in section 818(f) of the National Defense*
 6 *Authorization Act for Fiscal Year 1995 (108 Stat. 2822;*
 7 *10 U.S.C. 2324 note).*

8 **SEC. 842. LEASE OF NONEXCESS PROPERTY OF DEFENSE**
 9 **AGENCIES.**

10 (a) *AUTHORITY.*—*Chapter 159 of title 10, United*
 11 *States Code, is amended by inserting after section 2667 the*
 12 *following:*

13 **“§2667a. Leases: non-excess property of Defense Agen-**
 14 **cies**

15 “(a) *AUTHORITY.*—*Whenever the Director of a Defense*
 16 *Agency considers it advantageous to the United States, he*
 17 *may lease to such lessee and upon such terms as he considers*
 18 *will promote the national defense or to be in the public in-*
 19 *terest, personal property that is—*

20 “(1) *under the control of the Defense Agency;*

21 “(2) *not for the time needed for public use; and*

22 “(3) *not excess property, as defined by section 3*
 23 *of the Federal Property and Administrative Services*
 24 *Act of 1949 (40 U.S.C. 472).*

1 “(b) *LIMITATION, TERMS, AND CONDITIONS.*—A lease
2 under subsection (a)—

3 “(1) may not be for more than five years unless
4 the Director of the Defense Agency concerned deter-
5 mines that a lease for a longer period will promote
6 the national defense or be in the public interest;

7 “(2) may give the lessee the first right to buy the
8 property if the lease is revoked to allow the United
9 States to sell the property under any other provision
10 of law;

11 “(3) shall permit the Director to revoke the lease
12 at any time, unless he determines that the omission
13 of such a provision will promote the national defense
14 or be in the public interest; and

15 “(4) may provide, notwithstanding any other
16 provision of law, for the improvement, maintenance,
17 protection, repair, restoration, or replacement by the
18 lessee, of the property leased as the payment of part
19 or all of the consideration for the lease.

20 “(c) *DISPOSITION OF MONEY RENT.*—Money rentals
21 received pursuant to leases entered into by the Director of
22 a Defense Agency under subsection (a) shall be deposited
23 in a special account in the Treasury established for such
24 Defense Agency. Amounts in a Defense Agency’s special ac-
25 count shall be available, to the extent provided in appro-

1 *priations Acts, solely for the maintenance, repair, restora-*
 2 *tion, or replacement of the leased property.”.*

3 (b) *CONFORMING AMENDMENT.*—*The heading of sec-*
 4 *tion 2667 of such title is amended to read as follows:*

5 **“§2667. Leases: non-excess property of military de-**
 6 **partments”.**

7 (c) *CLERICAL AMENDMENT.*—*The table of sections at*
 8 *the beginning of chapter 159 of such title is amended by*
 9 *striking out the item relating to section 2667 and inserting*
 10 *in lieu thereof the following:*

“2667. Leases: non-excess property of military departments.

“2667a. Leases: non-excess property of Defense Agencies.”.

11 **SEC. 843. PROMOTION RATE FOR OFFICERS IN AN ACQUISI-**
 12 **TION CORPS.**

13 (a) *REVIEW OF ACQUISITION CORPS PROMOTION SE-*
 14 *LECTIONS.*—*Upon the approval of the President or his des-*
 15 *ignee of the report of a selection board convened under sec-*
 16 *tion 611(a) of title 10, United States Code, which consid-*
 17 *ered members of an Acquisition Corps of a military depart-*
 18 *ment for promotion to a grade above O–4, the Secretary*
 19 *of the military department shall submit a copy of the report*
 20 *to the Under Secretary of Defense for Acquisition and Tech-*
 21 *nology for review.*

22 (b) *REPORTING REQUIREMENT.*—*Not later than Janu-*
 23 *ary 31 of each year, the Under Secretary of Defense for Ac-*
 24 *quisition and Technology shall submit to the Committee on*

1 *Armed Services of the Senate and the Committee on Na-*
 2 *tional Security of the House of Representatives a report*
 3 *containing the Under Secretary's assessment of the extent*
 4 *to which each military department is complying with the*
 5 *requirement set forth in section 1731(b) of title 10, United*
 6 *States Code.*

7 (c) *TERMINATION OF REQUIREMENTS.—This section*
 8 *shall cease to be effective on October 1, 2000.*

9 **SEC. 844. USE OF ELECTRONIC COMMERCE IN FEDERAL**
 10 **PROCUREMENT.**

11 (a) *POLICY.—Section 30 of the Office of Federal Pro-*
 12 *curement Policy Act (41 U.S.C. 426) is amended to read*
 13 *as follows:*

14 **“SEC. 30. USE OF ELECTRONIC COMMERCE IN FEDERAL**
 15 **PROCUREMENT.**

16 “(a) *IN GENERAL.—The head of each executive agency,*
 17 *after consulting with the Administrator, shall establish,*
 18 *maintain, and use, to the maximum extent that is prac-*
 19 *ticable and cost-effective, procedures and processes that em-*
 20 *ploy electronic commerce in the conduct and administration*
 21 *of its procurement system.*

22 “(b) *APPLICABLE STANDARDS.—In conducting elec-*
 23 *tronic commerce, the head of an agency shall apply nation-*
 24 *ally and internationally recognized standards that broaden*

1 interoperability and ease the electronic interchange of infor-
2 mation.

3 “(c) *AGENCY PROCEDURES.*—The head of each execu-
4 tive agency shall ensure that systems, technologies, proce-
5 dures, and processes established pursuant to this section—

6 “(1) are implemented with uniformity through-
7 out the agency, to the extent practicable;

8 “(2) facilitate access to Federal Government pro-
9 curement opportunities, including opportunities for
10 small business concerns, socially and economically
11 disadvantaged small business concerns, and business
12 concerns owned predominantly by women; and

13 “(3) ensure that any notice of agency require-
14 ments or agency solicitation for contract opportuni-
15 ties is provided in a form that allows convenient and
16 universal user access through a single, government-
17 wide point of entry.

18 “(d) *IMPLEMENTATION.*—The Administrator shall, in
19 carrying out the requirements of this section—

20 “(1) issue policies to promote, to the maximum
21 extent practicable, uniform implementation of this
22 section by executive agencies, with due regard for dif-
23 ferences in program requirements among agencies
24 that may require departures from uniform procedures

1 *and processes in appropriate cases, when warranted*
2 *because of the agency mission;*

3 “(2) *ensure that the head of each executive agen-*
4 *cy complies with the requirements of subsection (c)*
5 *with respect to the agency systems, technologies, pro-*
6 *cedures, and processes established pursuant to this*
7 *section; and*

8 “(3) *consult with the heads of appropriate Fed-*
9 *eral agencies with applicable technical and functional*
10 *expertise, including the Office of Information and*
11 *Regulatory Affairs, the National Institute of Stand-*
12 *ards and Technology, the General Services Adminis-*
13 *tration, and the Department of Defense.*

14 “(e) *ELECTRONIC COMMERCE DEFINED.—For the pur-*
15 *poses of this section, the term ‘electronic commerce’ means*
16 *electronic techniques for accomplishing business trans-*
17 *actions, including electronic mail or messaging, World*
18 *Wide Web technology, electronic bulletin boards, purchase*
19 *cards, electronic funds transfers, and electronic data inter-*
20 *change.”.*

21 “(b) *REPEAL OF REQUIREMENTS FOR IMPLEMENTATION*
22 *OF FACNET CAPABILITY.—Section 30A of the Office of*
23 *Federal Procurement Policy Act (41 U.S.C. 426a) is re-*
24 *pealed.*

1 (c) *REPEAL OF REQUIREMENT FOR GAO REPORT.*—
 2 *Section 9004 of the Federal Acquisition Streamlining Act*
 3 *of 1994 (41 U.S.C. 426a note) is repealed.*

4 (d) *REPEAL OF CONDITION FOR USE OF SIMPLIFIED*
 5 *ACQUISITION PROCEDURES.*—*Section 31 of the Office of*
 6 *Federal Procurement Policy Act (41 U.S.C. 427) is amend-*
 7 *ed—*

8 (1) *by striking out subsection (e); and*

9 (2) *by redesignating subsections (f) and (g) as*
 10 *subsections (e) and (f), respectively.*

11 (e) *AMENDMENTS TO PROCUREMENT NOTICE RE-*
 12 *QUIREMENTS.*—(1) *Section 8(g)(1) of the Small Business*
 13 *Act (15 U.S.C. 637(g)(1)) is amended—*

14 (A) *by striking out subparagraphs (A) and (B);*

15 (B) *by redesignating subparagraphs (C), (D),*
 16 *(E), (F), (G), and (H) as subparagraphs (B), (C),*
 17 *(D), (E), (F), and (G), respectively; and*

18 (C) *by inserting before subparagraph (B), as so*
 19 *redesignated, the following new subparagraph (A):*

20 “(A) *the proposed procurement is for an amount*
 21 *not greater than the simplified acquisition threshold*
 22 *and is to be conducted by—*

23 “(i) *using widespread electronic public no-*
 24 *tice of the solicitation in a form that allows con-*

1 *venient and universal user access through a sin-*
2 *gle, governmentwide point of entry; and*

3 “(ii) *permitting the public to respond to the*
4 *solicitation electronically.*”.

5 (2) *Section 18(c)(1) of the Office of Federal Procure-*
6 *ment Policy Act (41 U.S.C. 416(c)(1)) is amended—*

7 (A) *by striking out subparagraphs (A) and (B);*

8 (B) *by redesignating subparagraphs (C), (D),*
9 *(E), (F), (G), and (H) as subparagraphs (B), (C),*
10 *(D), (E), (F), and (G), respectively; and*

11 (C) *by inserting before subparagraph (B), as so*
12 *redesignated, the following new subparagraph (A):*

13 “(A) *the proposed procurement is for an amount*
14 *not greater than the simplified acquisition threshold*
15 *and is to be conducted by—*

16 “(i) *using widespread electronic public no-*
17 *tice of the solicitation in a form that allows con-*
18 *venient and universal user access through a sin-*
19 *gle, governmentwide point of entry; and*

20 “(ii) *permitting the public to respond to the*
21 *solicitation electronically.*”.

22 (3) *The amendments made by paragraphs (1) and (2)*
23 *shall be implemented in a manner consistent with any ap-*
24 *plicable international agreements.*

1 (f) *CONFORMING AND TECHNICAL AMENDMENTS.—*(1)
 2 *Section 5061 of the Federal Acquisition Streamlining Act*
 3 *of 1994 (41 U.S.C. 413 note) is amended—*

4 (A) *in subsection (c)(4)—*

5 (i) *by striking out “the Federal acquisition*
 6 *computer network (‘FACNET’)” and inserting in*
 7 *lieu thereof “the electronic commerce”; and*

8 (ii) *by striking out “(as added by section*
 9 *9001)”*; and

10 (B) *in subsection (e)(9)(A), by striking out “, or*
 11 *by dissemination through FACNET,”.*

12 (2) *Section 5401 of the Clinger-Cohen Act of 1996 (di-*
 13 *visions D and E of Public Law 104–106; 40 U.S.C. 1501)*
 14 *is amended—*

15 (A) *in subsection (a)—*

16 (i) *by striking out “through the Federal Ac-*
 17 *quisition Computer Network (in this section re-*
 18 *ferred to as ‘FACNET’)”*; and

19 (ii) *by striking out the last sentence;*

20 (B) *in subsection (b)—*

21 (i) *by striking out “ADDITIONAL FACNET*
 22 *FUNCTIONS.—” and all that follows through “(41*
 23 *U.S.C. 426(b)), the FACNET architecture” and*
 24 *inserting in lieu thereof “FUNCTIONS.—(1) The*

1 *system for providing on-line computer access”;*

2 *and*

3 *(ii) in paragraph (2), by striking out “The*

4 *FACNET architecture” and inserting in lieu*

5 *there for “The system for providing on-line com-*

6 *puter access”;*

7 *(C) in subsection (c)(1), by striking out “the*

8 *FACNET architecture” and inserting in lieu thereof*

9 *“the system for providing on-line computer access”;*

10 *and*

11 *(D) by striking out subsection (d).*

12 (3)(A) *Section 2302c of title 10, United States Code,*

13 *is amended to read as follows:*

14 **“§2302c. Implementation of electronic commerce ca-**

15 **pability**

16 “(a) *IMPLEMENTATION OF ELECTRONIC COMMERCE*

17 *CAPABILITY.—(1) The head of each agency named in para-*

18 *graphs (1), (5) and (6) shall implement the electronic com-*

19 *merce capability required by section 30 of the Office of Fed-*

20 *eral Procurement Policy Act (41 U.S.C. 426).*

21 “(2) *The Secretary of Defense shall act through the*

22 *Under Secretary of Defense for Acquisition and Technology*

23 *to implement the capability within the Department of De-*

24 *fense.*

1 “(3) *In implementing the electronic commerce capabil-*
 2 *ity pursuant to paragraph (1), the head of an agency re-*
 3 *ferred to in paragraph (1) shall consult with the Adminis-*
 4 *trator for Federal Procurement Policy.*

5 “(b) *DESIGNATION OF AGENCY OFFICIAL.—The head*
 6 *of each agency named in paragraph (5) or (6) of section*
 7 *2303 of this title shall designate a program manager to im-*
 8 *plement the electronic commerce capability for that agency.*
 9 *The program manager shall report directly to an official*
 10 *at a level not lower than the senior procurement executive*
 11 *designated for the agency under section 16(3) of the Office*
 12 *of Federal Procurement Policy Act (41 U.S.C. 414(3)).”.*

13 (B) *Section 2304(g)(4) of such title 10 is amended by*
 14 *striking out “31(g)” and inserting in lieu thereof “31(f)”.*

15 (4)(A) *Section 302C of the Federal Property and Ad-*
 16 *ministrative Services Act of 1949 (41 U.S.C. 252c) is*
 17 *amended to read as follows:*

18 **“SEC. 302C. IMPLEMENTATION OF ELECTRONIC COMMERCE**
 19 **CAPABILITY.**

20 “(a) *IMPLEMENTATION OF ELECTRONIC COMMERCE*
 21 *CAPABILITY.—(1) The head of each executive agency shall*
 22 *implement the electronic commerce capability required by*
 23 *section 30 of the Office of Federal Procurement Policy Act*
 24 *(41 U.S.C. 426).*

1 “(2) *In implementing the electronic commerce capabil-*
2 *ity pursuant to paragraph (1), the head of an executive*
3 *agency shall consult with the Administrator for Federal*
4 *Procurement Policy.*

5 “(b) *DESIGNATION OF AGENCY OFFICIAL.—The head*
6 *of each executive agency shall designate a program manager*
7 *to implement the electronic commerce capability for that*
8 *agency. The program manager shall report directly to an*
9 *official at a level not lower than the senior procurement*
10 *executive designated for the executive agency under section*
11 *16(3) of the Office of Federal Procurement Policy Act (41*
12 *U.S.C. 414(3)).”.*

13 “(B) *Section 303(g)(5) of the Federal Property and Ad-*
14 *ministrative Services Act (41 U.S.C. 253(g)(5)) is amended*
15 *by striking out “31(g)” and inserting in lieu thereof*
16 *“31(f)”.*

17 “(h) *EFFECTIVE DATE.—(1) Except as provided in*
18 *paragraph (2), the amendments made by this section shall*
19 *take effect 180 days after the date of the enactment of this*
20 *Act.*

21 “(2) *The repeal made by subsection (c) of this section*
22 *shall take effect on the date of the enactment of this Act.*

1 **SEC. 845. CONFORMANCE OF POLICY ON PERFORMANCE**
 2 **BASED MANAGEMENT OF CIVILIAN ACQUISITION PROGRAMS WITH POLICY ESTABLISHED**
 3 **FOR DEFENSE ACQUISITION PROGRAMS.**

5 (a) *PERFORMANCE GOALS.*—Section 313(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 263(a)) is amended to read as follows:

8 “(a) *CONGRESSIONAL POLICY.*—It is the policy of Congress that the head of each executive agency should achieve, on average, 90 percent of the cost, performance, and schedule goals established for major acquisition programs of the agency.”.

13 (b) *CONFORMING AMENDMENT TO REPORTING REQUIREMENT.*—Section 6(k) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(k)) is amended by inserting “regarding major acquisitions that is” in the first sentence after “policy”.

18 **SEC. 846. MODIFICATION OF PROCESS REQUIREMENTS FOR**
 19 **THE SOLUTIONS-BASED CONTACTING PILOT**
 20 **PROGRAM.**

21 (a) *SOURCE SELECTION.*—Paragraph (9) of section 5312(c) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 40 U.S.C. 1492(c)) is amended—

24 (1) in subparagraph (A), by striking out “, and ranking of alternative sources,” and inserting in lieu thereof “or sources,”;

1 (2) in subparagraph (B)—

2 (A) in the matter preceding clause (i), by
3 inserting “(or a longer period, if approved by the
4 Administrator)” after “30 to 60 days”;

5 (B) in clause (i), by inserting “or sources”
6 after “source”; and

7 (C) in clause (ii), by striking out “that
8 source” and inserting in lieu thereof “the source
9 whose offer is determined to be most advan-
10 tageous to the Government”; and

11 (3) in subparagraph (C), by striking out “with
12 alternative sources (in the order ranked)”.

13 (b) *TIME MANAGEMENT DISCIPLINE.*—Paragraph (12)
14 of such section is amended by inserting before the period
15 at the end the following: “, except that the Administrator
16 may approve the application of a longer standard period”.

17 **SEC. 847. TWO-YEAR EXTENSION OF APPLICABILITY OF FUL-**
18 **FILLMENT STANDARDS FOR DEFENSE ACQUI-**
19 **SITION WORKFORCE TRAINING REQUIRE-**
20 **MENTS.**

21 Section 812(c)(2) of the National Defense Authoriza-
22 tion Act for Fiscal Year 1993 (Public Law 102-484; 106
23 Stat. 2451; 10 U.S.C. 1723 note) is amended by striking
24 out “October 1, 1997” and inserting in lieu thereof “October
25 1, 1999”.

1 **SEC. 848. DEPARTMENT OF DEFENSE AND FEDERAL PRISON**
2 **INDUSTRIES JOINT STUDY.**

3 (a) *STUDY OF EXISTING PROCUREMENT PROCE-*
4 *DURES.—The Department of Defense and Federal Prison*
5 *Industries shall conduct jointly a study of existing procure-*
6 *ment procedures, regulations, and statutes which now gov-*
7 *ern procurement transactions between the Department of*
8 *Defense and Federal Prison Industries.*

9 (b) *FINDINGS.—A report describing the findings of the*
10 *study and containing recommendations on the means to im-*
11 *prove the efficiency and reduce the cost of such transactions*
12 *shall be submitted to the United States Senate Committees*
13 *on Armed Services and the Judiciary no later than 180*
14 *days after the date of enactment of this Act.*

15 **TITLE IX—DEPARTMENT OF DE-**
16 **FENSE ORGANIZATION AND**
17 **MANAGEMENT**

18 **SEC. 901. PRINCIPAL DUTY OF ASSISTANT SECRETARY OF**
19 **DEFENSE FOR SPECIAL OPERATIONS AND**
20 **LOW INTENSITY CONFLICT.**

21 *Section 138(b)(4) of title 10, United States Code, is*
22 *amended by striking out “of special operations activities*
23 *(as defined in section 167(j) of this title) and” and insert-*
24 *ing in lieu thereof “of the performance of the responsibilities*
25 *of the commander of the special operations command under*

1 subsections (e)(4) and (f) of section 167 of this title and
2 of”.

3 **SEC. 902. PROFESSIONAL MILITARY EDUCATION SCHOOLS.**

4 (a) *COMPONENT INSTITUTIONS OF THE NATIONAL DE-*
5 *FENSE UNIVERSITY.*—(1) Chapter 108 of title 10, United
6 States Code, is amended by adding at the end the following:

7 **“§2165. National Defense University**

8 “(a) *IN GENERAL.*—There is a National Defense Uni-
9 versity in the Department of Defense.

10 “(b) *COMPONENT INSTITUTIONS.*—The university in-
11 cludes the following institutions:

12 “(1) *The National War College.*

13 “(2) *The Industrial College of the Armed Forces.*

14 “(3) *The Armed Forces Staff College.*

15 “(4) *The Institute for National Strategic Stud-*
16 *ies.*

17 “(5) *The Information Resources Management*
18 *College.*”.

19 (2) The table of sections at the beginning of such chap-
20 ter is amended by adding at the end the following:

“2165. *National Defense University.*”.

21 (b) *MARINE CORPS UNIVERSITY AS PROFESSIONAL*
22 *MILITARY EDUCATION SCHOOL.*—Subsection (d) of section
23 2162 of such title is amended to read as follows:

1 “(d) *PROFESSIONAL MILITARY EDUCATION*
 2 *SCHOOLS.—This section applies to the following profes-*
 3 *sional military education schools:*

4 “(1) *The National Defense University.*

5 “(2) *The Army War College.*

6 “(3) *The College of Naval Warfare.*

7 “(4) *The Air War College.*

8 “(5) *The United States Army Command and*
 9 *General Staff College.*

10 “(6) *The College of Naval Command and Staff.*

11 “(7) *The Air Command and Staff College.*

12 “(8) *The Marine Corps University.”.*

13 (c) *REPEAL OF DUPLICATIVE DEFINITION.—Section*
 14 *1595(d) of title 10, United States Code, is amended—*

15 (1) *in paragraph (1), by striking out “(1)”;* and

16 (2) *by striking out paragraph (2).*

17 **SEC. 903. USE OF CINC INITIATIVE FUND FOR FORCE PRO-**
 18 **TECTION.**

19 Section 166a(b) of title 10, United States Code, is
 20 amended by adding at the end the following:

21 “(9) *Force protection.”.*

22 **SEC. 904. TRANSFER OF TIARA PROGRAMS.**

23 (a) *TRANSFER OF FUNCTIONS.—The Secretary of De-*
 24 *fense shall transfer—*

1 (1) *the responsibilities of the Tactical Intel-*
2 *ligence and Related Activities (TIARA) aggregation*
3 *for the conduct of programs referred to in subsection*
4 *(b) to officials of elements of the military departments*
5 *not in the intelligence community; and*

6 (2) *the funds available within the Tactical Intel-*
7 *ligence and Related Activities aggregation for such*
8 *programs to accounts of the military departments*
9 *that are available for non-intelligence programs of the*
10 *military departments.*

11 (b) *COVERED PROGRAMS.*—*Subsection (a) applies to*
12 *the following programs:*

13 (1) *Targeting or target acquisition programs, in-*
14 *cluding the Joint Surveillance and Target Attack*
15 *Radar System, and the Advanced Deployable System.*

16 (2) *Tactical Warning and Attack Assessment*
17 *programs, including the Defense Support Program,*
18 *the Space-Based Infrared Program, and early warn-*
19 *ing radars.*

20 (3) *Tactical communications systems, including*
21 *the Joint Tactical Terminal.*

22 (c) *INTELLIGENCE COMMUNITY DEFINED.*—*In this sec-*
23 *tion, the term “intelligence community” has the meaning*
24 *given the term in section 3 of the National Security Act*
25 *of 1947 (50 U.S.C. 401a).*

1 **SEC. 905. SENIOR REPRESENTATIVE OF THE NATIONAL**
2 **GUARD BUREAU.**

3 (a) *ESTABLISHMENT.*—(1) Chapter 1011 of title 10,
4 United States Code, is amended by adding at the end the
5 following:

6 **“§ 10509. Senior Representative of the National Guard**
7 **Bureau**

8 “(a) *APPOINTMENT.*—There is a Senior Representative
9 of the National Guard Bureau who is appointed by the
10 President, by and with the advice and consent of the Senate.
11 Subject to subsection (b), the appointment shall be made
12 from officers of the Army National Guard of the United
13 States or the Air National Guard of the United States
14 who—

15 “(1) are recommended for such appointment by
16 their respective Governors or, in the case of the Dis-
17 trict of Columbia, the commanding general of the Dis-
18 trict of Columbia National Guard; and

19 “(2) meet the same eligibility requirements that
20 are set forth for the Chief of the National Guard Bu-
21 reau in paragraphs (2) and (3) of section 10502(a)
22 of this title.

23 “(b) *ROTATION OF OFFICE.*—An officer of the Army
24 National Guard may be succeeded as Senior Representative
25 of the National Guard Bureau only by an officer of the Air
26 National Guard, and an officer of the Air National Guard

1 *may be succeeded as Senior Representative of the National*
 2 *Guard Bureau only by an officer of the Army National*
 3 *Guard. An officer may not be reappointed to a consecutive*
 4 *term as Senior Representative of the National Guard Bu-*
 5 *reau.*

6 “(c) *TERM OF OFFICE.*—*An officer appointed as Sen-*
 7 *ior Representative of the National Guard Bureau serves at*
 8 *the pleasure of the President for a term of four years. An*
 9 *officer may not hold that office after becoming 64 years of*
 10 *age. While holding the office, the Senior Representative of*
 11 *the National Guard Bureau may not be removed from the*
 12 *reserve active-status list, or from an active status, under*
 13 *any provision of law that otherwise would require such re-*
 14 *moval due to completion of a specified number of years of*
 15 *service or a specified number of years of service in grade.*

16 “(d) *GRADE.*—*The Senior Representative of the Na-*
 17 *tional Guard Bureau shall be appointed to serve in the*
 18 *grade of general.”.*

19 (2) *The table of sections at the beginning of such chap-*
 20 *ter is amended by adding at the end the following:*

“10509. Senior Representative of the National Guard Bureau.”.

21 (b) *MEMBER OF JOINT CHIEFS OF STAFF.*—*Section*
 22 *151(a) of title 10, United States Code, is amended by add-*
 23 *ing at the end the following:*

24 “(7) *The Senior Representative of the National*
 25 *Guard Bureau.”.*

1 (c) *ADJUSTMENT OF RESPONSIBILITIES OF CHIEF OF*
 2 *THE NATIONAL GUARD BUREAU.*—(1) *Section 10502 of title*
 3 *10, United States Code, is amended by inserting “, and to*
 4 *the Senior Representative of the National Guard Bureau,”*
 5 *after “Chief of Staff of the Air Force,”.*

6 (2) *Section 10504(a) of such title is amended in the*
 7 *second sentence by inserting “, and in consultation with*
 8 *the Senior Representative of the National Guard Bureau,”*
 9 *after “Secretary of the Air Force”.*

10 (d) *EFFECTIVE DATE.*—*The amendments made by this*
 11 *section shall take effect on January 1, 1998.*

12 **SEC. 906. CENTER FOR HEMISPHERIC DEFENSE STUDIES.**

13 (a) *INSTITUTION OF THE NATIONAL DEFENSE UNI-*
 14 *VERSITY.*—*Subsection (a) of section 2165 of title 10, United*
 15 *States Code, as added by section 902, is amended by adding*
 16 *at the end the following:*

17 “(6) *The Center for Hemispheric Defense Stud-*
 18 *ies.”.*

19 (b) *CIVILIAN FACULTY MEMBERS.*—*Section 1595 of*
 20 *title 10, United States Code, is amended by adding at the*
 21 *end the following:*

22 “(g) *APPLICATION TO DIRECTOR AND DEPUTY DIREC-*
 23 *TOR AT CENTER FOR HEMISPHERIC DEFENSE STUDIES.*—
 24 *In the case of the Center for Hemispheric Defense Studies,*

1 *this section also applies with respect to the Director and*
2 *the Deputy Director.”.*

3 ***TITLE X—GENERAL PROVISIONS***

4 ***Subtitle A—Financial Matters***

5 ***SEC. 1001. TRANSFER AUTHORITY.***

6 *(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1)*
7 *Upon determination by the Secretary of Defense that such*
8 *action is necessary in the national interest, the Secretary*
9 *may transfer amounts of authorizations made available to*
10 *the Department of Defense in this division for fiscal year*
11 *1998 between any such authorizations for that fiscal year*
12 *(or any subdivisions thereof). Amounts of authorizations so*
13 *transferred shall be merged with and be available for the*
14 *same purposes as the authorization to which transferred.*

15 *(2) The total amount of authorizations that the Sec-*
16 *retary of Defense may transfer under the authority of this*
17 *section may not exceed \$2,500,000,000.*

18 *(b) LIMITATIONS.—The authority provided by this sec-*
19 *tion to transfer authorizations—*

20 *(1) may only be used to provide authority for*
21 *items that have a higher priority than the items from*
22 *which authority is transferred; and*

23 *(2) may not be used to provide authority for an*
24 *item that has been denied authorization by Congress.*

1 (c) *EFFECT ON AUTHORIZATION AMOUNTS.*—A trans-
 2 fer made from one account to another under the authority
 3 of this section shall be deemed to increase the amount au-
 4 thorized for the account to which the amount is transferred
 5 by an amount equal to the amount transferred.

6 (d) *NOTICE TO CONGRESS.*—The Secretary shall
 7 promptly notify Congress of each transfer made under sub-
 8 section (a).

9 **SEC. 1002. AUTHORITY FOR OBLIGATION OF CERTAIN UN-**
 10 **AUTHORIZED FISCAL YEAR 1997 DEFENSE AP-**
 11 **PROPRIATIONS.**

12 (a) *AUTHORITY.*—The amounts described in subsection
 13 (b) may be obligated and expended for programs, projects,
 14 and activities of the Department of Defense in accordance
 15 with fiscal year 1997 defense appropriations.

16 (b) *COVERED AMOUNTS.*—The amounts referred to in
 17 subsection (a) are the amounts provided for programs,
 18 projects, and activities of the Department of Defense in fis-
 19 cal year 1997 defense appropriations that are in excess of
 20 the amounts provided for such programs, projects, and ac-
 21 tivities in fiscal year 1997 defense authorizations.

22 (c) *DEFINITIONS.*—For the purposes of this section:

23 (1) *FISCAL YEAR 1997 DEFENSE APPROPRIA-*
 24 *TIONS.*—The term “fiscal year 1997 defense appro-
 25 priations” means amounts appropriated or otherwise

1 *made available to the Department of Defense for fiscal*
 2 *year 1997 in the Department of Defense Appropria-*
 3 *tions Act, 1997 (section 101(b) of Public Law 104–*
 4 *208).*

5 (2) *FISCAL YEAR 1997 DEFENSE AUTHORIZA-*
 6 *TIONS.—The term “fiscal year 1997 defense author-*
 7 *izations” means amounts authorized to be appro-*
 8 *priated for the Department of Defense for fiscal year*
 9 *1997 in the National Defense Authorization Act for*
 10 *Fiscal Year 1997 (Public Law 104–201).*

11 **SEC. 1003. AUTHORIZATION OF PRIOR EMERGENCY SUPPLE-**
 12 **MENTAL APPROPRIATIONS FOR FISCAL YEAR**
 13 **1997.**

14 *Amounts authorized to be appropriated to the Depart-*
 15 *ment of Defense for fiscal year 1997 in the National Defense*
 16 *Authorization Act for Fiscal Year 1997 (Public Law 104–*
 17 *201) are hereby adjusted, with respect to any such author-*
 18 *ized amount, by the amount by which appropriations pur-*
 19 *suant to such authorization were increased (by a supple-*
 20 *mental appropriation) or decreased (by a rescission), or*
 21 *both, in the 1997 Emergency Supplemental Appropriations*
 22 *Act for Recovery from Natural Disasters, and for Overseas*
 23 *Peacekeeping Efforts, Including Those in Bosnia (Public*
 24 *Law 105–18).*

1 **SEC. 1004. INCREASED TRANSFER AUTHORITY FOR FISCAL**
2 **YEAR 1996 AUTHORIZATIONS.**

3 *Section 1001(a) of the National Defense Authorization*
4 *Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat.*
5 *414) is amended by striking out “\$2,000,000,000” and in-*
6 *serting in lieu thereof “\$3,100,000,000”.*

7 **SEC. 1005. BIENNIAL FINANCIAL MANAGEMENT STRATEGIC**
8 **PLAN.**

9 *(a) BIENNIAL PLAN.—(1) Chapter 23 of title 10, Unit-*
10 *ed States Code, is amended by adding at the end the follow-*
11 *ing:*

12 **“§483. Biennial financial management strategic plan**

13 *“(a) PLAN REQUIRED.—Not later than September 30*
14 *of each even-numbered year, the Secretary of Defense shall*
15 *submit to Congress a strategic plan to improve the financial*
16 *management within the Department of Defense. The strate-*
17 *gic plan shall address all aspects of financial management*
18 *within the Department of Defense, including the finance*
19 *systems, accounting systems, and feeder systems that sup-*
20 *port financial functions.*

21 *“(b) DEFINITIONS.—In this section, the term ‘feeder*
22 *system’ means an automated or manual system that pro-*
23 *vides input to a financial management or accounting sys-*
24 *tem.”.*

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

“483. Biennial financial management strategic plan.”.

3 (b) *FIRST SUBMISSION.—The Secretary of Defense*
4 *shall submit the first financial management strategic plan*
5 *under section 483 of title 10, United States Code (as added*
6 *by subsection (a)), not later than September 30, 1998.*

7 (c) *CONTENT OF FIRST PLAN.—(1) At a minimum,*
8 *the first financial management strategic plan shall include*
9 *the following:*

10 (A) *The costs and benefits of integrating the fi-*
11 *nance and accounting systems of the Department of*
12 *Defense, and the feasibility of doing so.*

13 (B) *Problems with the accuracy of data included*
14 *in the finance systems, accounting systems, or feeder*
15 *systems that support financial functions of the De-*
16 *partment of Defense and the actions that can be taken*
17 *to address the problems.*

18 (C) *Weaknesses in the internal controls of the*
19 *systems and the actions that can be taken to address*
20 *the weaknesses.*

21 (D) *Actions that can be taken to eliminate nega-*
22 *tive unliquidated obligations, unmatched disburse-*
23 *ments, and in-transit disbursements, and to avoid*
24 *such disbursements in the future.*

1 (E) *The status of the efforts being undertaken in*
2 *the department to consolidate and eliminate—*

3 (i) *redundant or unneeded finance systems;*

4 *and*

5 (ii) *redundant or unneeded accounting sys-*
6 *tems.*

7 (F) *The consolidation or elimination of redun-*
8 *dant personnel systems, acquisition systems, asset ac-*
9 *counting systems, time and attendance systems, and*
10 *other feeder systems of the department.*

11 (G) *The integration of the feeder systems of the*
12 *department with the finance and accounting systems*
13 *of the department.*

14 (H) *Problems with the organization or perform-*
15 *ance of the Operating Locations and Service Centers*
16 *of the Defense Finance and Accounting Service, and*
17 *the actions that can be taken to address those prob-*
18 *lems.*

19 (I) *The costs and benefits of reorganizing the Op-*
20 *erating Locations and Service Centers of the Defense*
21 *Finance and Accounting Service according to func-*
22 *tion, and the feasibility of doing so.*

23 (J) *The costs and benefits of contracting for pri-*
24 *vate sector performance of specific functions per-*

1 *formed by the Defense Finance and Accounting Serv-*
2 *ice, and the feasibility of doing so.*

3 *(K) The costs and benefits of increasing the use*
4 *of electronic fund transfer as a method of payment,*
5 *and the feasibility of doing so.*

6 *(L) Actions that can be taken to ensure that each*
7 *comptroller position and each comparable position in*
8 *the Department of Defense, whether filled by a mem-*
9 *ber of the Armed Forces or a civilian employee, is*
10 *filled by a person who, by reason of education, tech-*
11 *nical competence, and experience, has the core com-*
12 *petencies for financial management.*

13 *(M) Any other changes in the financial manage-*
14 *ment structure of the department or revisions of the*
15 *department's financial processes and business prac-*
16 *tices that the Secretary of Defense considers necessary*
17 *to improve financial management in the department.*

18 *(2) For the problems and actions identified in the*
19 *plan, the Secretary shall include in the plan statements of*
20 *objectives, performance measures, and schedules, and shall*
21 *specify the individual and organizational responsibilities.*

22 *(3) In this subsection, the term "feeder system" has*
23 *the meaning given the term in section 483(b) of title 10,*
24 *United States Code, as added by subsection (a).*

1 **SEC. 1006. REVISION OF AUTHORITY FOR FISHER HOUSE**
2 **TRUST FUNDS.**

3 (a) *CORRECTION TO ELIMINATE USE OF TERM ASSO-*
4 *CIATED WITH FUNDING AUTHORITIES.*—Section 2221(c) of
5 *title 10, United States Code, is amended by striking out*
6 *“or maintenance” each place it appears.*

7 (b) *CORPUS OF AIR FORCE TRUST FUND.*—Section
8 *914(b) of Public Law 104–106 (110 Stat. 412) is amended*
9 *by striking out paragraph (2) and inserting in lieu thereof*
10 *the following:*

11 “(2) *The Secretary of the Air Force shall deposit in*
12 *the Fisher House Trust Fund, Department of the Air Force,*
13 *an amount that the Secretary determines appropriate to es-*
14 *tablish the corpus of the fund.”.*

15 **SEC. 1007. AVAILABILITY OF CERTAIN FISCAL YEAR 1991**
16 **FUNDS FOR PAYMENT OF CONTRACT CLAIM.**

17 (a) *AUTHORITY.*—*The Secretary of the Army may re-*
18 *imburse the fund provided by section 1304 of title 31, Unit-*
19 *ed States Code, out of funds appropriated for the Army for*
20 *fiscal year 1991 for other procurement (BLIN 105125 (Spe-*
21 *cial Programs)), for any judgment against the United*
22 *States that is rendered in the case Appeal of McDonnell*
23 *Douglas Company, Armed Services Board of Contract Ap-*
24 *peals Number 48029.*

1 (b) *CONDITIONS FOR PAYMENT.*—(1) *Subject to para-*
 2 *graph (2), any reimbursement out of funds referred to in*
 3 *subsection (a) shall be made before October 1, 1998.*

4 (2) *No reimbursement out of funds referred to in sub-*
 5 *section (a) may be made before the date that is 30 days*
 6 *after the date on which the Secretary of the Army submits*
 7 *to the congressional defense committees a notification of the*
 8 *intent to make the reimbursement.*

9 **SEC. 1008. ESTIMATES AND REQUESTS FOR PROCUREMENT**
 10 **AND MILITARY CONSTRUCTION FOR THE RE-**
 11 **SERVE COMPONENTS.**

12 (a) *DETAILED PRESENTATION IN FUTURE-YEARS DE-*
 13 *FENSE PROGRAM.*—*Section 10543 of title 10, United States*
 14 *Code, is amended—*

15 (1) *by inserting “(a) IN GENERAL.—” before*
 16 *“The Secretary of Defense”; and*

17 (2) *by adding at the end the following:*

18 “(b) *ASSOCIATED ANNEXES.*—*The associated annexes*
 19 *of the future-years defense program shall specify, at the*
 20 *same level of detail as is set forth in the annexes for the*
 21 *active components, the amount requested for—*

22 “(1) *procurement of each item of equipment to be*
 23 *procured for each reserve component; and*

1 “(2) each military construction project to be car-
2 ried out for each reserve component, together with the
3 location of the project.

4 “(c) *REPORT.*—(1) If the aggregate of the amounts
5 specified in paragraphs (1) and (2) of subsection (b) for
6 a fiscal year is less than the amount equal to 90 percent
7 of the average authorized amount applicable for that fiscal
8 year under paragraph (2), the Secretary of Defense shall
9 submit to Congress a report specifying for each reserve com-
10 ponent the additional items of equipment that would be pro-
11 cured, and the additional military construction projects
12 that would be carried out, if that aggregate amount were
13 an amount equal to such average authorized amount. The
14 report shall be at the same level of detail as is required
15 by subsection (b).

16 “(2) In this subsection, the term ‘average authorized
17 amount’, with respect to a fiscal year, means the average
18 of—

19 “(A) the aggregate of the amounts authorized to
20 be appropriated for the preceding fiscal year for the
21 procurement of items of equipment, and for military
22 construction, for the reserve components; and

23 “(B) the aggregate of the amounts authorized to
24 be appropriated for the fiscal year preceding the fiscal
25 year referred to in subparagraph (A) for the procure-

1 *ment of items of equipment, and for military con-*
 2 *struction, for the reserve components.”.*

3 (b) *PROHIBITION.—The level of detail provided for*
 4 *procurement and military construction in the future-years*
 5 *defense programs for fiscal years after fiscal year 1998 may*
 6 *not be less than the level of detail provided for procurement*
 7 *and military construction in the future-years defense pro-*
 8 *gram for fiscal year 1998.*

9 **SEC. 1009. COOPERATIVE THREAT REDUCTION PROGRAMS**
 10 **AND RELATED DEPARTMENT OF ENERGY**
 11 **PROGRAMS.**

12 (a) *DECREASE IN AUTHORIZATION OF APPROPRIA-*
 13 *TIONS FOR ENVIRONMENTAL MANAGEMENT SCIENCE PRO-*
 14 *GRAM.—Notwithstanding any other provision of this Act,*
 15 *the amount authorized to be appropriated by section*
 16 *3102(f) is hereby decreased by \$40,000,000.*

17 (b) *DECREASE IN AUTHORIZATION OF APPROPRIA-*
 18 *TIONS FOR ENVIRONMENT, SAFETY AND HEALTH, DE-*
 19 *FENSE.—Notwithstanding any other provision of this Act,*
 20 *the amount authorized to be appropriated by section*
 21 *3103(6) is hereby decreased by \$19,000,000.*

22 (c) *DECREASE IN AUTHORIZATION OF APPROPRIA-*
 23 *TIONS FOR OTHER PROCUREMENT, NAVY.—Notwithstand-*
 24 *ing any other provision of this Act, the amount authorized*

1 *to be appropriated by section 102(a)(5) is hereby decreased*
2 *by \$40,000,000.*

3 *(d) DECREASE IN AUTHORIZATION OF APPROPRIA-*
4 *TIONS FOR OPERATION AND MAINTENANCE, DEFENSE-*
5 *WIDE.—Notwithstanding any other provision of law, the*
6 *amount authorized to be appropriated by section 301(5) is*
7 *hereby decreased by \$20,000,000.*

8 *(e) INCREASE IN AUTHORIZATION OF APPROPRIATIONS*
9 *FOR FORMER SOVIET UNION THREAT REDUCTION PRO-*
10 *GRAMS.—Notwithstanding any other provision of this Act,*
11 *the amount authorized to be appropriated by section*
12 *301(22) is hereby increased by \$60,000,000.*

13 *(f) INCREASE IN AUTHORIZATION OF APPROPRIATIONS*
14 *FOR DEPARTMENT OF ENERGY FOR OTHER DEFENSE AC-*
15 *TIVITIES.—Notwithstanding any other provision of this*
16 *Act, the total amount authorized to be appropriated by sec-*
17 *tion 3103 is hereby increased by \$56,000,000.*

18 *(g) INCREASE IN AUTHORIZATION OF APPROPRIATIONS*
19 *FOR DEPARTMENT OF ENERGY FOR ARMS CONTROL.—Not-*
20 *withstanding any other provision of this Act, the amount*
21 *authorized to be appropriated by section 3103(1)(B) is here-*
22 *by increased by \$25,000,000 (in addition to any increase*
23 *under subsection (e) that is allocated to the authorization*
24 *of appropriations under such section 3103(1)(B)).*

1 (h) *AUTHORIZATION OF APPROPRIATIONS FOR DE-*
2 *PARTMENT OF ENERGY FOR INTERNATIONAL NUCLEAR*
3 *SAFETY PROGRAMS.*—*Funds are hereby authorized to be*
4 *appropriated to the Department of Energy for fiscal year*
5 *1998 for other defense activities in carrying out programs*
6 *relating to international nuclear safety that are necessary*
7 *for national security in the amount of \$50,000,000.*

8 (i) *TRAINING FOR UNITED STATES BORDER SECU-*
9 *RITY.*—*Section 1421 of the National Defense Authorization*
10 *Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat.*
11 *2725; 50 U.S.C. 2331) is amended—*

12 (1) *by striking out “and” at the end of para-*
13 *graph (2);*

14 (2) *by striking out the period at the end of para-*
15 *graph (3) and inserting in lieu thereof “; and”; and*

16 (3) *by adding at the end the following:*

17 “(4) *training programs and assistance relating*
18 *to the use of such equipment, materials, and tech-*
19 *nology and for the development of programs relating*
20 *to such use.”.*

21 (j) *INTERNATIONAL BORDER SECURITY THROUGH*
22 *FISCAL YEAR 1999.*—*Section 1424(b) of the National De-*
23 *fense Authorization Act for Fiscal Year 1997 (110 Stat.*
24 *2726; 10 U.S.C. 2333(b)) is amended by adding at the end*

1 *the following: “Amounts available under the proceeding sen-*
 2 *tence shall be available until September 30, 1999.”.*

3 (j) *AUTHORITY TO VARY AMOUNTS AVAILABLE FOR*
 4 *COOPERATIVE THREAT REDUCTION PROGRAMS.—(1) Sec-*
 5 *tion 1502(b) of the National Defense Authorization Act for*
 6 *Fiscal Year 1997 (110 Stat. 2732) is amended—*

7 (A) *in the subsection heading, by striking out*
 8 *“LIMITED”; and*

9 (B) *in the first sentence of paragraph (1), by*
 10 *striking out “, but not in excess of 115 percent of that*
 11 *amount”.*

12 (2) *Section 1202(b) of the National Defense Authoriza-*
 13 *tion Act for Fiscal Year 1996 (Public Law 104–106; 110*
 14 *Stat. 469) is amended—*

15 (A) *in the subsection heading, by striking out*
 16 *“LIMITED”; and*

17 (B) *in the first sentence of paragraph (1), by*
 18 *striking out “, but not in excess of 115 percent of that*
 19 *amount”.*

20 ***Subtitle B—Naval Vessels and***
 21 ***Shipyards***

22 ***SEC. 1011. LONG-TERM CHARTER OF VESSEL FOR SURVEIL-***
 23 ***LANCE TOWED ARRAY SENSOR PROGRAM.***

24 *The Secretary of the Navy is authorized to enter into*
 25 *a long-term charter, in accordance with section 2401 of title*

1 10, *United States Code*, for a vessel to support the *Surveil-*
2 *lance Towed Array Sensor (SURTASS) Program* through
3 *fiscal year 2004*.

4 **SEC. 1012. PROCEDURES FOR SALE OF VESSELS STRICKEN**
5 **FROM THE NAVAL VESSEL REGISTER.**

6 Section 7305(c) of title 10, *United States Code*, is
7 amended to read as follows:

8 “(c) *PROCEDURES FOR SALE*.—(1) *A vessel stricken*
9 *from the Naval Vessel Register and not subject to disposal*
10 *under any other law may be sold under this section.*

11 “(2) *In such a case, the Secretary may—*

12 “(A) *sell the vessel to the highest acceptable bid-*
13 *der, regardless of the appraised value of the vessel,*
14 *after publicly advertising the sale of the vessel for a*
15 *period of not less than 30 days; or*

16 “(B) *subject to paragraph (3), sell the vessel by*
17 *competitive negotiation to the acceptable offeror who*
18 *submits the offer that is most advantageous to the*
19 *United States (taking into account price and such*
20 *other factors as the Secretary determines appro-*
21 *priate).*

22 “(3) *Before entering into negotiations to sell a vessel*
23 *under paragraph (2)(B), the Secretary shall publish notice*
24 *of the intention to do so in the Commerce Business Daily*
25 *sufficiently in advance of initiating the negotiations that*

1 *all interested parties are given a reasonable opportunity to*
 2 *prepare and submit proposals. The Secretary shall afford*
 3 *an opportunity to participate in the negotiations to all ac-*
 4 *ceptable offerors submitting proposals that the Secretary*
 5 *considers as having the potential to be the most advan-*
 6 *tageous to the United States (taking into account price and*
 7 *such other factors as the Secretary determines appro-*
 8 *priate).”.*

9 **SEC. 1013. TRANSFERS OF NAVAL VESSELS TO CERTAIN**
 10 **FOREIGN COUNTRIES.**

11 *(a) TRANSFERS BY SALE.—The Secretary of the Navy*
 12 *is authorized to transfer vessels to foreign countries on a*
 13 *sale basis under section 21 of the Arms Export Control Act*
 14 *(22 U.S.C. 2761) as follows:*

15 *(1) To the Government of Brazil, the submarine*
 16 *tender Holland (AS 32) of the Hunley class.*

17 *(2) To the Government of Chile, the oiler Isher-*
 18 *wood (T-AO 191) of the Kaiser class.*

19 *(3) To the Government of Egypt:*

20 *(A) The following frigates of the Knox class:*

21 *(i) The Paul (FF 1080).*

22 *(ii) The Miller (FF 1091).*

23 *(iii) The Jesse L. Brown (FFT 1089).*

24 *(iv) The Moinester (FFT 1097).*

1 (B) *The following frigates of the Oliver*
2 *Hazard Perry class:*

3 (i) *The Fahrion (FFG 22).*

4 (ii) *The Lewis B. Puller (FFG 23).*

5 (4) *To the Government of Israel, the tank land-*
6 *ing ship Peoria (LST 1183) of the Newport class.*

7 (5) *To the Government of Malaysia, the tank*
8 *landing ship Barbour County (LST 1195) of the New-*
9 *port class.*

10 (6) *To the Government of Mexico, the frigate*
11 *Roark (FF 1053) of the Knox class.*

12 (7) *To the Taipei Economic and Cultural Rep-*
13 *resentative Office in the United States (the Taiwan*
14 *instrumentality that is designated pursuant to section*
15 *10(a) of the Taiwan Relations Act), the following*
16 *frigates of the Knox class:*

17 (A) *The Whipple (FF 1062).*

18 (B) *The Downes (FF 1070).*

19 (8) *To the Government of Thailand, the tank*
20 *landing ship Schenectady (LST 1185) of the Newport*
21 *class.*

22 (b) *COSTS OF TRANSFERS.—Any expense incurred by*
23 *the United States in connection with a transfer authorized*
24 *by subsection (a) shall be charged to the recipient.*

1 (c) *REPAIR AND REFURBISHMENT IN UNITED STATES*
 2 *SHIPYARDS.*—*To the maximum extent practicable, the Sec-*
 3 *retary of the Navy shall require, as a condition of the trans-*
 4 *fer of a vessel under this section, that the country to which*
 5 *the vessel is transferred have such repair or refurbishment*
 6 *of the vessel as is needed, before the vessel joins the naval*
 7 *forces of that country, performed at a shipyard located in*
 8 *the United States, including a United States Navy ship-*
 9 *yard.*

10 (d) *EXPIRATION OF AUTHORITY.*—*The authority to*
 11 *transfer a vessel under subsection (a) shall expire at the*
 12 *end of the 2-year period beginning on the date of the enact-*
 13 *ment of this Act.*

14 ***Subtitle C—Counter-Drug Activities***

15 ***SEC. 1021. AUTHORITY TO PROVIDE ADDITIONAL SUPPORT***
 16 ***FOR COUNTER-DRUG ACTIVITIES OF MEXICO.***

17 (a) *EXTENSION OF AUTHORITY.*—*Subsection (a) of sec-*
 18 *tion 1031 of the National Defense Authorization Act for Fis-*
 19 *cal Year 1997 (Public Law 104–201; 110 Stat. 2637), is*
 20 *amended by striking out “fiscal year 1997” and inserting*
 21 *in lieu thereof “fiscal years 1997 and 1998”.*

22 (b) *EXTENSION OF FUNDING AUTHORIZATION.*—*Sub-*
 23 *section (d) of such section is amended by inserting “for fis-*
 24 *cal years 1997 and 1998” after “shall be available”.*

1 (c) *CONCURRENCE OF SECRETARY OF STATE RE-*
2 *QUIRED.—Subsection (a) of such section, as amended by*
3 *subsection (a), is further amended by inserting “, with the*
4 *concurrence of the Secretary of State,” after “Secretary of*
5 *Defense may”.*

6 **SEC. 1022. AUTHORITY TO PROVIDE ADDITIONAL SUPPORT**
7 **FOR COUNTER-DRUG ACTIVITIES OF PERU**
8 **AND COLOMBIA.**

9 (a) *AUTHORITY TO PROVIDE ADDITIONAL SUPPORT.—*
10 *Subject to subsection (f), during fiscal years 1998 through*
11 *2002, the Secretary of Defense may, with the concurrence*
12 *of the Secretary of State, provide either or both of the gov-*
13 *ernments named in subsection (b) with the support de-*
14 *scribed in subsection (c) for the counter-drug activities of*
15 *that government. The support provided to a government*
16 *under the authority of this subsection shall be in addition*
17 *to support provided to that government under any other*
18 *provision of law.*

19 (b) *GOVERNMENTS ELIGIBLE TO RECEIVE SUP-*
20 *PORT.—The governments referred to in subsection (a) are*
21 *as follows:*

22 (1) *The Government of Peru.*

23 (2) *The Government of Colombia.*

1 (c) *TYPES OF SUPPORT.*—*The authority under sub-*
2 *section (a) is limited to the provision of the following types*
3 *of support:*

4 (1) *The transfer of nonlethal protective and util-*
5 *ity personnel equipment.*

6 (2) *The transfer of the following nonlethal spe-*
7 *cialized equipment:*

8 (A) *Navigation equipment.*

9 (B) *Secure and nonsecure communications*
10 *equipment.*

11 (C) *Photo equipment.*

12 (D) *Radar equipment.*

13 (E) *Night vision systems.*

14 (F) *Repair equipment and parts for equip-*
15 *ment referred to in subparagraphs (A), (B), (C),*
16 *(D), and (E).*

17 (3) *The transfer of nonlethal components, acces-*
18 *sories, attachments, parts (including ground support*
19 *equipment), firmware, and software for aircraft or*
20 *patrol boats, and related repair equipment.*

21 (4) *The transfer of riverine patrol boats.*

22 (5) *The maintenance and repair of equipment of*
23 *a government named in subsection (b) that is used for*
24 *counter-narcotics activities.*

1 (d) *APPLICABILITY OF OTHER SUPPORT AUTHORI-*
2 *TIES.*—*Except as otherwise provided in this section, the*
3 *provisions of section 1004 of the National Defense Author-*
4 *ization Act for Fiscal Year 1991 (Public Law 101–510; 10*
5 *U.S.C. 374 note) shall apply to the provision of support*
6 *to a government under this section.*

7 (e) *FUNDING.*—*Of the amounts authorized to be appro-*
8 *priated for drug interdiction and counter-drug activities,*
9 *not more than \$30,000,000 shall be available in that fiscal*
10 *year for the provision of support under this section.*

11 (f) *LIMITATIONS.*—(1) *The Secretary may not obligate*
12 *or expend funds to provide a government with support*
13 *under this section until 15 days after the date on which*
14 *the Secretary submits to the committees referred to in para-*
15 *graph (3) a written certification of the following:*

16 (A) *That the provision of support to that govern-*
17 *ment under this section will not adversely affect the*
18 *military preparedness of the United States Armed*
19 *Forces.*

20 (B) *That the equipment and materiel provided*
21 *as support will be used only by officials and employ-*
22 *ees of that government who have undergone back-*
23 *ground investigations by that government and have*
24 *been approved by that government to perform*

1 *counter-drug activities on the basis of the background*
2 *investigations.*

3 *(C) That such government has certified to the*
4 *Secretary that—*

5 *(i) the equipment and material provided as*
6 *support will be used only by the officials and*
7 *employees referred to in subparagraph (B);*

8 *(ii) none of the equipment or materiel will*
9 *be transferred (by sale, gift, or otherwise) to any*
10 *person or entity not authorized by the United*
11 *States to receive the equipment or materiel; and*

12 *(iii) the equipment and materiel will be*
13 *used only for the purposes intended by the Unit-*
14 *ed States Government.*

15 *(D) That the government to receive the support*
16 *has implemented, to the satisfaction of the Secretary,*
17 *a system that will provide an accounting and inven-*
18 *tory of the equipment and materiel provided as sup-*
19 *port.*

20 *(E) That the departments, agencies, and instru-*
21 *mentalities of that government will grant United*
22 *States Government personnel access to any of the*
23 *equipment or materiel provided as support, or to any*
24 *of the records relating to such equipment or materiel,*
25 *under terms and conditions similar to the terms and*

1 *conditions imposed with respect to such access under*
2 *section 505(a)(3) of the Foreign Assistance Act of*
3 *1961 (22 U.S.C. 2314(a)(3)).*

4 *(F) That the government to receive the support*
5 *will provide security with respect to the equipment*
6 *and materiel provided as support that is substan-*
7 *tially the same degree of security that the United*
8 *States Government would provide with respect to such*
9 *equipment and materiel.*

10 *(G) That the government to receive the support*
11 *will permit continuous observation and review by*
12 *United States Government personnel of the use of the*
13 *equipment and materiel provided as support under*
14 *terms and conditions similar to the terms and condi-*
15 *tions imposed with respect to such observation and re-*
16 *view under section 505(a)(3) of the Foreign Assist-*
17 *ance Act of 1961 (22 U.S.C. 2314(a)(3)).*

18 *(2) The Secretary may not obligate or expend funds*
19 *to provide a government with support under this section*
20 *until the Secretary of Defense, together with the Secretary*
21 *of State, has developed a riverine counter-drug plan (in-*
22 *cluding the resources to be contributed by each such agency,*
23 *and the manner in which such resources will be utilized,*
24 *under the plan) and submitted the plan to the committees*
25 *referred to in paragraph (3). The plan shall set forth a*

1 *riverine counter-drug program that can be sustained by the*
 2 *supported governments within five years, a schedule for es-*
 3 *tablishing the program, and a detailed discussion of how*
 4 *the riverine counter-drug program supports national drug*
 5 *control strategy of the United States.*

6 (3) *The committees referred to in this paragraph are*
 7 *the following:*

8 (A) *The Committee on Armed Services and the*
 9 *Committee on Foreign Relations of the Senate.*

10 (B) *The Committee on National Security and the*
 11 *Committee on International Relations of the House of*
 12 *Representatives.*

13 ***Subtitle D—Reports and Studies***

14 **SEC. 1031. REPEAL OF REPORTING REQUIREMENTS.**

15 (a) *REPORTS REQUIRED BY TITLE 10.—*

16 (1) *ACHIEVEMENT OF COST, PERFORMANCE, AND*
 17 *SCHEDULE GOALS FOR NONMAJOR ACQUISITION PRO-*
 18 *GRAMS.—Section 2220(b) of title 10, United States*
 19 *Code, is amended by striking out “and nonmajor” in*
 20 *the first sentence.*

21 (2) *CONVERSION OF CERTAIN HEATING SYS-*
 22 *TEMS.—Section 2690(b) of title 10, United States*
 23 *Code, is amended by striking out “unless the Sec-*
 24 *retary—” and all that follows and inserting in lieu*
 25 *thereof the following: “unless the Secretary determines*

1 *that the conversion (1) is required by the government*
 2 *of the country in which the facility is located, or (2)*
 3 *is cost effective over the life cycle of the facility.”.*

4 (3) *AVAILABILITY OF SUITABLE ALTERNATIVE*
 5 *HOUSING.—Section 2823 of title 10, United States*
 6 *Code, is amended—*

7 (A) *by striking out subsection (b); and*

8 (B) *by redesignating subsections (c) and (d)*
 9 *as subsections (b) and (c), respectively.*

10 (b) *REPORTS REQUIRED BY DEFENSE AUTHORIZA-*
 11 *TION AND APPROPRIATIONS ACTS.—*

12 (1) *OVERSEAS BASING COSTS.—Section 8125 of*
 13 *the Department of Defense Appropriations Act, 1989*
 14 *(Public Law 100–463; 102 Stat. 2270–41; 10 U.S.C.*
 15 *113 note) is amended—*

16 (A) *by striking out subsection (g); and*

17 (B) *in subsection (h), by striking out “sub-*
 18 *sections (f) and (g)” and inserting in lieu thereof*
 19 *“subsection (f)”.*

20 (2) *STRETCHOUT OF MAJOR DEFENSE ACQUISI-*
 21 *TION PROGRAMS.—Section 117 of the National De-*
 22 *fense Authorization Act, Fiscal Year 1989 (Public*
 23 *Law 100–456; 102 Stat. 1933; 10 U.S.C. 2431 note)*
 24 *is repealed.*

1 (c) *REPORTS REQUIRED BY OTHER LAW.*—Section 25
 2 of the Office of Federal Procurement Policy Act (41 U.S.C.
 3 421) is amended by striking out subsection (g), relating to
 4 the annual report on development of procurement regula-
 5 tions.

6 **SEC. 1032. COMMON MEASUREMENT OF OPERATIONS TEM-**
 7 **POS AND PERSONNEL TEMPOS.**

8 (a) *MEANS FOR MEASUREMENT.*—The Chairman of
 9 the Joint Chiefs of Staff shall, in consultation with the other
 10 members of the Joint Chiefs of Staff and to the maximum
 11 extent practicable, develop a common means of measuring
 12 the operations tempo (OPTEMPO) and the personnel tempo
 13 (PERSTEMPO) of each of the Armed Forces.

14 (b) *PERSTEMPO MEASUREMENT.*—The measurement of
 15 personnel tempo shall include a means of identifying the
 16 rate of deployment for individuals in addition to the rate
 17 of deployment for units.

18 **SEC. 1033. REPORT ON OVERSEAS DEPLOYMENT.**

19 (a) *REPORT.*—Not later than 90 days after the date
 20 of the enactment of this Act, the Secretary of Defense shall
 21 submit to Congress a report on the deployment overseas of
 22 personnel of the Armed Forces. The report shall describe the
 23 deployment as of June 30, 1996, and June 30, 1997.

24 (b) *ELEMENTS.*—The report under subsection (a) shall
 25 set forth the following:

1 (1) *The number of personnel who were deployed*
 2 *overseas pursuant to a permanent duty assignment*
 3 *on each date specified in that subsection in aggregate*
 4 *and by country or ocean to which deployed.*

5 (2) *The number of personnel who were deployed*
 6 *overseas pursuant to a temporary duty assignment on*
 7 *each date, including—*

8 (A) *the number engaged in training with*
 9 *units of a single military department;*

10 (B) *the number engaged in United States*
 11 *military joint exercises; and*

12 (C) *the number engaged in training with*
 13 *allied units.*

14 (3) *The number of personnel deployed overseas*
 15 *on each date who were engaged in contingency oper-*
 16 *ations (including peacekeeping or humanitarian as-*
 17 *sistance missions) or other activities.*

18 **SEC. 1034. REPORT ON MILITARY READINESS REQUIRE-**
 19 **MENTS OF THE ARMED FORCES.**

20 (a) *REQUIREMENT FOR REPORT.*—*Not later than Jan-*
 21 *uary 31, 1998, the Chairman of the Joint Chiefs of Staff*
 22 *shall submit to the congressional defense committees a re-*
 23 *port on the military readiness requirements of the active*
 24 *and reserve components of the Armed Forces (including*
 25 *combat units, combat support units, and combat service*

1 support units) prepared by the officers referred to in sub-
2 section (b). The report shall assess such requirements under
3 a tiered readiness and response system that categorizes a
4 given unit according to the likelihood that it will be re-
5 quired to respond to a military conflict and the time in
6 which it will be required to respond.

7 (b) *PREPARATION BY JCS AND COMMANDERS OF UNI-*
8 *FIED COMMANDS.*—The report required by subsection (a)
9 shall be prepared jointly by the Chairman of the Joint
10 Chiefs of Staff, the Chief of Staff of the Army, the Chief
11 of Naval Operations, the Chief of Staff of the Air Force,
12 the Commandant of the Marine Corps, the commander of
13 the Special Operations Command, and the commanders of
14 the other unified commands.

15 (c) *ASSESSMENT SCENARIO.*—The report shall assess
16 readiness requirements in a scenario that is based on the
17 following assumptions:

18 (1) *That the Armed Forces of the United States*
19 *must, be capable of—*

20 (A) *fighting and winning, in concert with*
21 *allies, two major theater wars nearly simulta-*
22 *neously; and*

23 (B) *deterring or defeating a strategic attack*
24 *on the United States.*

1 (2) *That the forces available for deployment are*
2 *the forces included in the force structure recommended*
3 *in the Quadrennial Defense Review, including all*
4 *other planned force enhancements.*

5 (d) *ASSESSMENT ELEMENTS.—(1) The report shall*
6 *identify, by unit type, all major units of the active and*
7 *reserve components of the Armed Forces and assess the read-*
8 *iness requirements of the units. Each identified unit shall*
9 *be categorized within one of the following classifications:*

10 (A) *Forward-deployed and crisis response forces,*
11 *or “Tier I” forces, that possess limited internal*
12 *sustainment capability and do not require immediate*
13 *access to regional air bases or ports or overflight*
14 *rights, including the following:*

15 (i) *Force units that are deployed in rotation*
16 *at sea or on land outside the United States.*

17 (ii) *Combat-ready crises response forces that*
18 *are capable of mobilizing and deploying within*
19 *10 days after receipt of orders.*

20 (iii) *Forces that are supported by*
21 *prepositioning equipment afloat or are capable*
22 *of being inserted into a theater upon the capture*
23 *of a port or airfield by forcible entry forces.*

1 (B) *Combat-ready follow-on forces, or “Tier II”*
 2 *forces, that can be mobilized and deployed to a theater*
 3 *within approximately 60 days after receipt of orders.*

4 (C) *Combat-ready conflict resolution forces, or*
 5 *“Tier III” forces, that can be mobilized and deployed*
 6 *to a theater within approximately 180 days after re-*
 7 *ceipt of orders.*

8 (D) *All other active and reserve component force*
 9 *units which are not categorized within a classifica-*
 10 *tion described in subparagraph (A), (B), or (C).*

11 (2) *For the purposes of paragraph (1), the following*
 12 *units are major units:*

13 (A) *In the case of the Army or Marine Corps, a*
 14 *brigade and a battalion.*

15 (B) *In the case of the Navy, a squadron of air-*
 16 *craft, a ship, and a squadron of ships.*

17 (C) *In the case of the Air Force, a squadron of*
 18 *aircraft.*

19 (e) *PROJECTION OF SAVINGS FOR USE FOR MOD-*
 20 *ERNIZATION.—The report shall include a projection for fis-*
 21 *cal years 1998 through 2003 of the amounts of the savings*
 22 *in operation and maintenance funding that—*

23 (1) *could be derived by each of the Armed Forces*
 24 *by placing as many units as is practicable into the*
 25 *lower readiness categories among the tiers; and*

1 (2) *could be made available for force moderniza-*
2 *tion.*

3 (f) *FORM OF REPORT.*—*The report under this section*
4 *shall be submitted in unclassified form but may contain*
5 *a classified annex.*

6 (g) *PLANNED FORCE ENHANCEMENT DEFINED.*—*In*
7 *this section, the term “planned force enhancement”, with*
8 *respect to the force structure recommended in the Quadren-*
9 *nial Defense Review, means any future improvement in the*
10 *capability of the force (including current strategic and fu-*
11 *ture improvement in strategic lift capability) that is as-*
12 *sumed in the development of the recommendation for the*
13 *force structure set forth in the Quadrennial Defense Review.*

14 **SEC. 1035. ASSESSMENT OF CYCLICAL READINESS POSTURE**
15 **OF THE ARMED FORCES.**

16 (a) *REQUIREMENT.*—(1) *Not later than 120 days after*
17 *the date of enactment of this Act, the Secretary of Defense*
18 *shall submit to the Committee on Armed Services of the*
19 *Senate and the Committee on National Security of the*
20 *House of Representatives a report on the readiness posture*
21 *of the Armed Forces described in subsection (b).*

22 (2) *The Secretary shall prepare the report required*
23 *under paragraph (1) with the assistance of the Joint Chiefs*
24 *of Staff. In providing such assistance, the Chairman of the*

1 *Joint Chiefs of Staff shall consult with the Chief of the Na-*
2 *tional Guard Bureau.*

3 (b) *READINESS POSTURE.*—(1) *The readiness posture*
4 *to be covered by the report under subsection (a) is a readi-*
5 *ness posture for units of the Armed Forces, or for designated*
6 *units of the Armed Forces, that provides for a rotation of*
7 *such units between a state of high readiness and a state*
8 *of low readiness.*

9 (2) *As part of the evaluation of the readiness posture*
10 *described in paragraph (1), the report shall address in par-*
11 *ticular a readiness posture that—*

12 (A) *establishes within the Armed Forces two*
13 *equivalent forces each structured so as to be capable*
14 *of fighting and winning a major theater war; and*

15 (B) *provides for an alternating rotation of such*
16 *forces between a state of high readiness and a state*
17 *of low readiness.*

18 (3) *The evaluation of the readiness posture described*
19 *in paragraph (2) shall be based upon assumptions permit-*
20 *ting comparison with the existing force structure as follows:*

21 (A) *That there are assembled from among the*
22 *units of the Armed Forces two equivalent forces each*
23 *structured so as to be capable of fighting and winning*
24 *a major theater war.*

1 (B) *That each force referred to in subparagraph*
2 (A) *includes—*

3 (i) *four active Army divisions, including*
4 *one mechanized division, one armored division,*
5 *one light infantry division, and one division*
6 *combining airborne units and air assault units,*
7 *and appropriate support and service support*
8 *units for such divisions;*

9 (ii) *six divisions (or division equivalents) of*
10 *the Army National Guard or the Army Reserve*
11 *that are essentially equivalent in structure, and*
12 *appropriate support and service support units*
13 *for such divisions;*

14 (iii) *six aircraft carrier battle groups;*

15 (iv) *six active Air Force fighter wings (or*
16 *fighter wing equivalents);*

17 (v) *four Air Force reserve fighter wings (or*
18 *fighter wing equivalents); and*

19 (vi) *one active Marine Corps expeditionary*
20 *force.*

21 (C) *That each force may be supplemented by*
22 *critical units or units in short supply, including*
23 *heavy bomber units, strategic lift units, and aerial re-*
24 *connaissance units, that are not subject to the readi-*
25 *ness rotation otherwise assumed for purposes of the*

1 *evaluation or are subject to the rotation on a modified*
2 *basis.*

3 *(D) That units of the Armed Forces not assigned*
4 *to a force are available for operations other than those*
5 *essential to fight and win a major theater war, in-*
6 *cluding peace operations.*

7 *(E) That the state of readiness of each force al-*
8 *ternates between a state of high readiness and a state*
9 *of low readiness on a frequency determined by the*
10 *Secretary (but not more often than once every 6*
11 *months) and with only one force at a given state of*
12 *readiness at any one time.*

13 *(F) That, during the period of state of high read-*
14 *iness of a force, any operations or activities (includ-*
15 *ing leave and education and training of personnel)*
16 *that detract from the near-term wartime readiness of*
17 *the force are temporary and their effects on such state*
18 *of readiness minimized.*

19 *(G) That units are assigned overseas during the*
20 *period of state of high readiness of the force to which*
21 *the units are assigned primarily on a temporary duty*
22 *basis.*

23 *(H) That, during the period of high readiness of*
24 *a force, the operational war plans for the force incor-*
25 *porate the divisions (or division equivalents) of the*

1 *Army Reserve or Army National Guard assigned to*
2 *the force in a manner such that one such division (or*
3 *division equivalent) is, on a rotating basis for such*
4 *divisions (or division equivalents) during the period,*
5 *maintained in a high state of readiness and dedicated*
6 *as the first reserve combat division to be transferred*
7 *overseas in the event of a major theater war.*

8 *(c) REPORT ELEMENTS.—The report under this sec-*
9 *tion shall include the following elements for the readiness*
10 *posture described in subsection (b)(2):*

11 *(1) An estimate of the range of cost savings*
12 *achievable over the long term as a result of imple-*
13 *menting the readiness posture, including—*

14 *(A) the savings achievable from reduced*
15 *training levels and readiness levels during peri-*
16 *ods in which a force referred to in subsection*
17 *(b)(3)(A) is in a state of low readiness; and*

18 *(B) the savings achievable from reductions*
19 *in costs of infrastructure overseas as a result of*
20 *reduced permanent change of station rotations.*

21 *(2) An assessment of the potential risks associ-*
22 *ated with a lower readiness status for units assigned*
23 *to a force in a state of low readiness under the readi-*
24 *ness posture, including the risks associated with the*

1 *delayed availability of such units overseas in the*
2 *event of two nearly simultaneous major theater wars.*

3 (3) *An assessment of the potential risks associ-*
4 *ated with requiring the forces under the readiness*
5 *posture to fight a major war in any theater world-*
6 *wide.*

7 (4) *An assessment of the modifications of the*
8 *current force structure of the Armed Forces that are*
9 *necessary to achieve the range of cost savings esti-*
10 *mated under paragraph (1), including the extent of*
11 *the diminishment, if any, of the military capabilities*
12 *of the Armed Forces as a result of the modifications.*

13 (5) *An assessment whether or not the risks of di-*
14 *minished military capability associated with imple-*
15 *mentation of the readiness posture exceed the risks of*
16 *diminished military capability associated with the*
17 *modifications of the current force structure necessary*
18 *to achieve cost savings equivalent to the best case for*
19 *cost savings resulting from the implementation of the*
20 *readiness posture.*

21 (d) *FORM OF REPORT.*—*The report under this section*
22 *shall be submitted in unclassified form, but may contain*
23 *a classified annex.*

24 (e) *DEFINITIONS.*—*In this section:*

1 (1) *The term “state of high readiness”, in the*
2 *case of a military force, means the capability to mo-*
3 *bilize first-to-arrive units of the force within 18 hours*
4 *and last-to-arrive units within 120 days of a particu-*
5 *lar event.*

6 (2) *The term “state of low readiness”, in the case*
7 *of a military force, means the capability to mobilize*
8 *first-to-arrive units within 90 days and last-to-arrive*
9 *units within 180 days of a particular event.*

10 **SEC. 1036. OVERSEAS INFRASTRUCTURE REQUIREMENTS.**

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

12 (1) *United States military forces have been with-*
13 *drawn from the Philippines.*

14 (2) *United States military forces are to be with-*
15 *drawn from Panama by 2000.*

16 (3) *There continues to be local opposition to the*
17 *continued presence of United States military forces in*
18 *Okinawa.*

19 (4) *The Quadrennial Defense Review lists “the*
20 *loss of U.S. access to critical facilities and lines of*
21 *communication in key regions” as one of the so-called*
22 *“wild card” scenarios covered in the review.*

23 (5) *The National Defense Panel states that “U.S.*
24 *forces’ long-term access to forward bases, to include*

1 *air bases, ports, and logistics facilities, cannot be as-*
2 *sumed”.*

3 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
4 *that—*

5 *(1) the President should develop alternatives to*
6 *the current arrangement for forward basing of the*
7 *Armed Forces outside the United States, including al-*
8 *ternatives to the existing infrastructure for forward*
9 *basing of forces and alternatives to the existing inter-*
10 *national agreements that provide for basing of United*
11 *States forces in foreign countries; and*

12 *(2) because the Pacific Rim continues to emerge*
13 *as a region of significant economic and military im-*
14 *portance to the United States, a continued presence of*
15 *the Armed Forces in that region is vital to the capa-*
16 *bility of the United States to timely protect its inter-*
17 *ests in the region.*

18 *(c) REPORT REQUIRED.—Not later than March 31,*
19 *1998, the Secretary of Defense shall submit to the Commit-*
20 *tee on Armed Services of the Senate and the Committee on*
21 *National Security of the House of Representatives a report*
22 *on the overseas infrastructure requirements of the Armed*
23 *Forces.*

24 *(d) CONTENT.—The report shall contain the following:*

1 (1) *The quantity and types of forces that the*
2 *United States must station in each region of the*
3 *world in order to support the current national mili-*
4 *tary strategy of the United States.*

5 (2) *The quantity and types of forces that the*
6 *United States will need to station in each region of*
7 *the world in order to meet the expected or potential*
8 *future threats to the national security interests of the*
9 *United States.*

10 (3) *The requirements for access to, and use of,*
11 *air space and ground maneuver areas in each such*
12 *region for training for the quantity and types of*
13 *forces identified for the region pursuant to para-*
14 *graphs (1) and (2).*

15 (4) *A list of the international agreements, cur-*
16 *rently in force, that the United States has entered*
17 *into with foreign countries regarding the basing of*
18 *United States forces in those countries and the dates*
19 *on which the agreements expire.*

20 (5) *A discussion of any anticipated political op-*
21 *position or other opposition to the renewal of any of*
22 *those international agreements.*

23 (6) *A discussion of future overseas basing re-*
24 *quirements for United States forces, taking into ac-*

1 *count expected changes in national security strategy,*
2 *national security environment, and weapons systems.*

3 *(7) The expected costs of maintaining the over-*
4 *seas infrastructure for foreign based forces of the*
5 *United States, including the costs of constructing any*
6 *new facilities that will be necessary overseas to meet*
7 *emerging requirements relating to the national secu-*
8 *rity interests of the United States.*

9 *(e) FORM OF REPORT.—The report may be submitted*
10 *in a classified or unclassified form.*

11 **SEC. 1037. REPORT ON AIRCRAFT INVENTORY.**

12 *(a) REQUIREMENT.—(1) Chapter 23 of title 10, United*
13 *States Code, is amended by adding at the end the following:*

14 **“§ 483. Report on aircraft inventory**

15 *“(a) ANNUAL REPORT.—The Under Secretary of De-*
16 *fense (Comptroller) shall submit to the Committee on Armed*
17 *Services of the Senate and the Committee on National Secu-*
18 *rity of the House of Representatives each year a report on*
19 *the aircraft in the inventory of the Department of Defense.*
20 *The Under Secretary shall submit the report when the*
21 *President submits the budget to Congress under section*
22 *1105(a) of title 31.*

23 *“(b) CONTENT.—The report shall set forth, in accord-*
24 *ance with subsection (c), the following information:*

1 “(1) *The total number of aircraft in the inven-*
2 *tory.*

3 “(2) *The total number of the aircraft in the in-*
4 *ventory that are active, stated in the following cat-*
5 *egories (with appropriate subcategories for mission*
6 *aircraft, dedicated test aircraft, and other aircraft):*

7 “(A) *Primary aircraft.*

8 “(B) *Backup aircraft.*

9 “(C) *Attrition and reconstitution reserve*
10 *aircraft.*

11 “(3) *The total number of the aircraft in the in-*
12 *ventory that are inactive, stated in the following cat-*
13 *egories:*

14 “(A) *Bailment aircraft.*

15 “(B) *Drone aircraft.*

16 “(C) *Aircraft for sale or other transfer to*
17 *foreign governments.*

18 “(D) *Leased or loaned aircraft.*

19 “(E) *Aircraft for maintenance training.*

20 “(F) *Aircraft for reclamation.*

21 “(G) *Aircraft in storage.*

22 “(4) *The aircraft inventory requirements ap-*
23 *proved by the Joint Chiefs of Staff.*

24 “(c) *DISPLAY OF INFORMATION.—The report shall*
25 *specify the information required by subsection (b) sepa-*

1 *rately for the active component of each armed force and for*
 2 *each reserve component of each armed force and, within the*
 3 *information set forth for each such component, shall specify*
 4 *the information separately for each type, model, and series*
 5 *of aircraft provided for in the future-years defense program*
 6 *submitted to Congress.”.*

7 *(2) The table of sections at the beginning of such chap-*
 8 *ter is amended by adding at the end the following:*

“483. Report on aircraft inventory.”.

9 *(b) FIRST REPORT.—The Under Secretary of Defense*
 10 *(Comptroller) shall submit the first report under section 483*
 11 *of title 10, United States Code (as added by subsection (a)),*
 12 *not later than January 30, 1998.*

13 *(c) MODIFICATION OF BUDGET DATA EXHIBITS.—The*
 14 *Under Secretary of Defense (Comptroller) shall ensure that*
 15 *aircraft budget data exhibits of the Department of Defense*
 16 *that are submitted to Congress display total numbers of ac-*
 17 *tive aircraft where numbers of primary aircraft or primary*
 18 *authorized aircraft are displayed in those exhibits.*

19 **SEC. 1038. DISPOSAL OF EXCESS MATERIALS.**

20 *(a) REPORT.—Not later than January 31, 1998, the*
 21 *Secretary shall submit to Congress a report on the actions*
 22 *that have been taken or are planned to be taken within the*
 23 *Department of Defense to address problems with the sale*
 24 *or other disposal of excess materials.*

1 (b) *REQUIRED CONTENT.*— *At a minimum, the report*
2 *shall address the following issues:*

3 (1) *Whether any change is needed in the process*
4 *of coding military equipment for demilitarization*
5 *during the acquisition process.*

6 (2) *Whether any change is needed to improve*
7 *methods used for the demilitarization of specific types*
8 *of military equipment.*

9 (3) *Whether any change is needed in the pen-*
10 *alties that are applicable to Federal Government em-*
11 *ployees or contractor employees who fail to comply*
12 *with rules or procedures applicable to the demili-*
13 *tarization of excess materials.*

14 (4) *Whether provision has been made for suffi-*
15 *cient supervision and oversight of the demilitarization*
16 *of excess materials by purchasers of the materials.*

17 (5) *Whether any additional controls are needed*
18 *to prevent the inappropriate transfer of excess mate-*
19 *rials overseas.*

20 (6) *Whether the Department should—*

21 (A) *identify categories of materials that are*
22 *particularly vulnerable to improper use; and*

23 (B) *provide for enhanced review of the sale*
24 *or other disposal of such materials.*

1 (7) *Whether legislation is necessary to establish*
2 *appropriate mechanisms, including repurchase, for*
3 *the recovery of equipment that is sold or otherwise*
4 *disposed of without appropriate action having been*
5 *taken to demilitarize the equipment or to provide for*
6 *demilitarization of the equipment.*

7 **SEC. 1039. REVIEW OF FORMER SPOUSE PROTECTIONS.**

8 (a) *REQUIREMENT.*—*The Secretary of Defense shall*
9 *carry out a comprehensive review and comparison of—*

10 (1) *the protections and benefits afforded under*
11 *Federal law to former spouses of members and former*
12 *members of the uniformed services by reason of their*
13 *status as former spouses of such personnel; and*

14 (2) *the protections and benefits afforded under*
15 *Federal law to former spouses of employees and*
16 *former employees of the Federal Government by rea-*
17 *son of their status as former spouses of such person-*
18 *nel.*

19 (b) *MATTERS TO BE REVIEWED.*—*The review under*
20 *subsection (a) shall include the following:*

21 (1) *In the case of former spouses of members and*
22 *former members of the uniformed services, the follow-*
23 *ing:*

24 (A) *All provisions of law (principally those*
25 *originally enacted in the Uniformed Services*

1 *Former Spouses' Protection Act (title X of Public*
2 *Law 97-252)) that—*

3 *(i) establish, provide for the enforce-*
4 *ment of, or otherwise protect interests of*
5 *former spouses of members and former*
6 *members of the uniformed services in retired*
7 *or retainer pay of members and former*
8 *members; and*

9 *(ii) provide other benefits for former*
10 *spouses of members and former members.*

11 *(B) The experience of the uniformed services*
12 *in administering such provisions of law.*

13 *(C) The experience of former spouses and*
14 *members and former members of the uniformed*
15 *services in the administration of such provisions*
16 *of law.*

17 *(2) In the case of former spouses of employees*
18 *and former employees of the Federal Government, the*
19 *following:*

20 *(A) All provisions of law that—*

21 *(i) establish, provide for the enforce-*
22 *ment of, or otherwise protect interests of*
23 *former spouses of employees and former em-*
24 *ployees of the Federal Government in annu-*
25 *ities of employees and former employees*

1 *under Federal employees' retirement sys-*
2 *tems; and*

3 (ii) *provide other benefits for former*
4 *spouses of employees and former employees.*

5 (B) *The experience of the Office of Personnel*
6 *Management and other agencies of the Federal*
7 *Government in administering such provisions of*
8 *law.*

9 (C) *The experience of former spouses and*
10 *employees and former employees of the Federal*
11 *Government in the administration of such provi-*
12 *sions of law.*

13 (c) *SAMPLING AUTHORIZED.—The Secretary may use*
14 *sampling in carrying out the review under this section.*

15 (d) *REPORT.—Not later than September 30, 1999, the*
16 *Secretary shall submit a report on the results of the review*
17 *and comparison to the Committee on Armed Services of the*
18 *Senate and the Committee on National Security of the*
19 *House of Representatives. The report shall include any rec-*
20 *ommendation for legislation that the Secretary considers*
21 *appropriate.*

1 **SEC. 1040. ADDITIONAL MATTERS FOR ANNUAL REPORT ON**
 2 **ACTIVITIES OF THE GENERAL ACCOUNTING**
 3 **OFFICE.**

4 *Section 719(b) of title 31, United States Code, is*
 5 *amended by adding at the end the following:*

6 *“(3) The report under subsection (a) shall also include*
 7 *a statement of the staff hours and estimated cost of work*
 8 *performed on audits, evaluations, investigations, and relat-*
 9 *ed work during each of the three fiscal years preceding the*
 10 *fiscal year in which the report is submitted, stated sepa-*
 11 *rately for each division of the General Accounting Office*
 12 *by category as follows:*

13 *“(A) A category for work requested by the chair-*
 14 *man of a committee of Congress, the chairman of a*
 15 *subcommittee of such a committee, or any other mem-*
 16 *ber of Congress.*

17 *“(B) A category for work required by law to be*
 18 *performed by the Comptroller General.*

19 *“(C) A category for work initiated by the Comp-*
 20 *troller General in the performance of the Comptroller*
 21 *General’s general responsibilities.”.*

22 **SEC. 1041. EYE SAFETY AT SMALL ARMS FIRING RANGES.**

23 *(a) ACTIONS REQUIRED.—The Secretary of the Defense*
 24 *shall—*

25 *(1) conduct a study of eye safety at small arms*
 26 *firing ranges of the Armed Forces; and*

1 (2) *develop for the use of the Armed Forces a*
2 *protocol for reporting eye injuries incurred in small*
3 *arms firing activities at the ranges.*

4 (b) *AGENCY TASKING.—The Secretary may delegate*
5 *authority to carry out the responsibilities set forth in sub-*
6 *section (a) to the United States Army Center for Health*
7 *Promotion and Preventive Medicine or any other element*
8 *of the Department of Defense that the Secretary considers*
9 *well qualified to carry out those responsibilities.*

10 (c) *CONTENT OF STUDY.—The study shall include the*
11 *following:*

12 (1) *An evaluation of the existing policies, proce-*
13 *dures, and practices of the Armed Forces regarding*
14 *medical surveillance of eye injuries resulting from*
15 *weapons fire at the small arms ranges.*

16 (2) *An examination of the existing policies, pro-*
17 *cedures, and practices of the Armed Forces regarding*
18 *reporting on vision safety issues resulting from weap-*
19 *ons fire at the small arms ranges.*

20 (3) *Determination of rates of eye injuries, and*
21 *trends in eye injuries, resulting from weapons fire at*
22 *the small arms ranges.*

23 (4) *An evaluation of the costs and benefits of a*
24 *requirement for use of eye protection devices by all*
25 *personnel firing small arms at the ranges.*

1 (d) *REPORT.*—*The Secretary shall submit a report on*
 2 *the activities required under this section to the Committees*
 3 *on Armed Services and on Veterans' Affairs of the Senate*
 4 *and the Committees on National Security and on Veterans'*
 5 *Affairs of the House of Representatives. The report shall in-*
 6 *clude—*

7 (1) *the findings resulting from the study re-*
 8 *quired under paragraph (1) of subsection (a); and*

9 (2) *the protocol developed under paragraph (2)*
 10 *of such subsection.*

11 (e) *SCHEDULE.*—(1) *The Secretary shall ensure that*
 12 *the study is commenced not later than October 1, 1997, and*
 13 *is completed within six months after it is commenced.*

14 (2) *The Secretary shall submit the report required*
 15 *under subsection (d) not later than 30 days after the com-*
 16 *pletion of the study.*

17 **SEC. 1042. REPORT ON POLICIES AND PROGRAMS TO PRO-**
 18 **MOTE HEALTHY LIFESTYLES AMONG MEM-**
 19 **BERS OF THE ARMED FORCES AND THEIR DE-**
 20 **PENDENTS.**

21 (a) *REPORT.*—*Not later than March 30, 1998, the Sec-*
 22 *retary of Defense shall submit to the Committee on Armed*
 23 *Services of the Senate and the Committee on National Secu-*
 24 *rity of the House of Representatives a report on the effec-*
 25 *tiveness of the policies and programs of the Department of*

1 *Defense intended to promote healthy lifestyles among mem-*
2 *bers of the Armed Forces and their dependents.*

3 (b) *COVERED POLICIES AND PROGRAMS.*—*The report*
4 *under subsection (a) shall address the following:*

5 (1) *Programs intended to educate members of the*
6 *Armed Forces and their dependents about the poten-*
7 *tial health consequences of the use of alcohol and to-*
8 *bacco.*

9 (2) *Policies of the commissaries, post exchanges,*
10 *service clubs, and entertainment activities relating to*
11 *the sale and use of alcohol and tobacco.*

12 (3) *Programs intended to provide support to*
13 *members of the Armed Forces and dependents who*
14 *elect to reduce or eliminate their use of alcohol or to-*
15 *bacco.*

16 (4) *Any other policies or programs intended to*
17 *promote healthy lifestyles among members of the*
18 *Armed Forces and their dependents.*

19 **SEC. 1043. REPORT ON POLICIES AND PRACTICES RELAT-**
20 **ING TO THE PROTECTION OF MEMBERS OF**
21 **THE ARMED FORCES ABROAD FROM TERROR-**
22 **IST ATTACK.**

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

24 (1) *On June 25, 1996, a bomb detonated not*
25 *more than 80 feet from the Air Force housing complex*

1 *known as Khobar Towers in Dhahran, Saudi Arabia,*
2 *killing 19 members of the Air Force and injuring*
3 *hundreds more.*

4 *(2) On June 13, 1996, a report by the Bureau*
5 *of Intelligence and Research of the Department of*
6 *State highlighted security concerns in the region in*
7 *which Dharhan is located.*

8 *(3) On June 17, 1996, the Department of Defense*
9 *received an intelligence report detailing a high level*
10 *of risk to the complex.*

11 *(4) In January 1996, the Office of Special Inves-*
12 *tigations of the Air Force issued a vulnerability as-*
13 *essment for the complex, which assessment high-*
14 *lighted the vulnerability of perimeter security at the*
15 *complex given the proximity of the complex to a*
16 *boundary fence and the lack of the protective coating*
17 *Mylar on its windows.*

18 *(b) REPORT.—Not later than 90 days after the date*
19 *of enactment of this Act, the Secretary of Defense shall sub-*
20 *mit to the congressional defense committees a report con-*
21 *taining the following:*

22 *(1) An assessment of the current policies and*
23 *practices of the Department of Defense with respect to*
24 *the protection of members of the Armed Forces abroad*
25 *against terrorist attack, including any modifications*

1 to such policies or practices that are proposed or im-
2 plemented as a result of the assessment.

3 (2) *An assessment of the procedures of the De-*
4 *partment of Defense intended to determine account-*
5 *ability, if any, in the command structure in instances*
6 *in which a terrorist attack results in the loss of life*
7 *at an installation or facility of the Armed Forces*
8 *abroad.*

9 **SEC. 1044. REPORT ON DEPARTMENT OF DEFENSE FAMILY**
10 **NOTIFICATION AND ASSISTANCE PROCE-**
11 **DURES IN CASES OF MILITARY AVIATION AC-**
12 **CIDENTS.**

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

14 (1) *There is a need for the Department of De-*
15 *fense to improve significantly the family notification*
16 *procedures of the department that are applicable in*
17 *cases of Armed Forces personnel casualties and De-*
18 *partment of Defense civilian personnel casualties re-*
19 *sulting from military aviation accidents.*

20 (2) *This need was demonstrated in the aftermath*
21 *of the tragic crash of a C-130 aircraft off the coast*
22 *of Northern California that killed 10 Reserves from*
23 *Oregon on November 22, 1996.*

24 (3) *The experience of the members of the families*
25 *of those Reserves has left the family members with a*

1 *general perception that the existing Department of*
2 *Defense procedures for notifications regarding casual-*
3 *ties and related matters did not meet the concerns*
4 *and needs of the families.*

5 *(4) It is imperative that Department of Defense*
6 *representatives involved in family notifications re-*
7 *garding casualties have the qualifications and experi-*
8 *ence to provide meaningful information on accident*
9 *investigations and effective grief counseling.*

10 *(5) Military families deserve the best possible*
11 *care, attention, and information, especially at a time*
12 *of tragic personal loss.*

13 *(6) Although the Department of Defense provides*
14 *much needed logistical support, including transpor-*
15 *tation and care of remains, survivor counseling, and*
16 *other benefits in cases of tragedies like the crash of the*
17 *C-130 aircraft on November 22, 1996, the support*
18 *may be insufficient to meet the immediate emotional*
19 *and personal needs of family members affected by*
20 *such tragedies.*

21 *(7) It is important that the flow of information*
22 *to surviving family members be accurate and timely,*
23 *and be provided to family members in advance of*
24 *media reports, and, therefore, that the Department of*
25 *Defense give a high priority, to the extent practicable,*

1 to providing the family members with all relevant in-
2 formation on an accident as soon as it becomes avail-
3 able, consistent with the national security interests of
4 the United States, and to allowing the family mem-
5 bers full access to any public hearings or public meet-
6 ings about the accident.

7 (8) Improved procedures for civilian family noti-
8 fication that have been adopted by the Federal Avia-
9 tion Administration and National Transportation
10 Safety Board might serve as a useful model for re-
11 forms to Department of Defense procedures.

12 (b) *REPORTS BY SECRETARY OF DEFENSE.*—(1) Not
13 later than December 1, 1997, the Secretary of Defense shall
14 submit to Congress a report on the advisability of establish-
15 ing a process for conducting a single, public investigation
16 of each Department of Defense aviation accident that is
17 similar to the accident investigation process of the National
18 Transportation Safety Board. The report shall include—

19 (A) a discussion of whether adoption of the acci-
20 dent investigation process of the National Transpor-
21 tation Safety Board by the Department of Defense
22 would result in benefits that include the satisfaction
23 of needs of members of families of victims of the acci-
24 dent, increased aviation safety, and improved mainte-
25 nance of aircraft;

1 (B) a determination of whether the Department
2 of Defense should adopt that accident investigation
3 process; and

4 (C) any justification for the current practice of
5 the Department of Defense of conducting separate ac-
6 cident and safety investigations.

7 (2) Not later than April 2, 1998, the Secretary of De-
8 fense shall submit to Congress a report on assistance pro-
9 vided by the Department of Defense to families of casualties
10 among Armed Forces and civilian personnel of the depart-
11 ment. The report shall include—

12 (A) a discussion of the adequacy and effective-
13 ness of the family notification procedures of the De-
14 partment of Defense, including the procedures of the
15 military departments; and

16 (B) a description of the assistance provided to
17 members of the families of such personnel.

18 (c) *REPORT BY DEPARTMENT OF DEFENSE INSPECTOR*
19 *GENERAL.*—(1) Not later than December 1, 1997, the In-
20 specter General of the Department of Defense shall review
21 the procedures of the Federal Aviation Administration and
22 the National Transportation Safety Board for providing in-
23 formation and assistance to members of families of casual-
24 ties of nonmilitary aviation accidents, and submit a report

1 *on the review to Congress. The report shall include a discus-*
2 *sion of the following matters:*

3 (A) *Designation of an experienced non-profit or-*
4 *ganization to provide assistance for satisfying needs*
5 *of families of accident victims.*

6 (B) *An assessment of the system and procedures*
7 *for providing families with information on accidents*
8 *and accident investigations.*

9 (C) *Protection of members of families from un-*
10 *wanted solicitations relating to the accident.*

11 (D) *A recommendation regarding whether the*
12 *procedures or similar procedures should be adopted by*
13 *the Department of Defense, and if the recommenda-*
14 *tion is not to adopt the procedures, a detailed jus-*
15 *tification for the recommendation.*

16 (d) *UNCLASSIFIED FORM OF REPORTS.—The reports*
17 *under subsections (b) and (c) shall be submitted in unclassi-*
18 *fied form.*

19 **SEC. 1045. REPORT ON HELSINKI JOINT STATEMENT.**

20 (a) *REQUIREMENT.—Not later than March 31, 1998,*
21 *the President shall submit to the congressional defense com-*
22 *mittees a report on the Helsinki Joint Statement on future*
23 *reductions in nuclear forces. The report shall address the*
24 *United States approach (including verification implica-*
25 *tions) to implementing the Helsinki Joint Statement, in*

1 particular, as it relates to: lower aggregate levels of strategic
2 nuclear warheads; measures relating to the transparency of
3 strategic nuclear warhead inventories and the destruction
4 of strategic nuclear warheads; deactivation of strategic nu-
5 clear delivery vehicles; measures relating to nuclear long-
6 range sea-launched cruise missiles and tactical nuclear sys-
7 tems; and issues related to transparency in nuclear mate-
8 rials.

9 (b) *DEFINITIONS.*—*In this section:*

10 (1) *The term “Helsinki Joint Statement” means*
11 *the agreements between the President of the United*
12 *States and the President of the Russian Federation as*
13 *contained in the Joint Statement on Parameters on*
14 *Future Reductions in Nuclear Forces issued at Hel-*
15 *sinki in March 1997.*

16 (2) *The term “START II TREATY” means the*
17 *Treaty Between the United States of America and the*
18 *Russian Federation on Further Reduction and Limi-*
19 *tation on Strategic Offensive Arms, signed at Moscow*
20 *on January 3, 1993, including any protocols and*
21 *memoranda of understanding associated with the*
22 *treaty.*

23 **SEC. 1046. ASSESSMENT OF THE CUBAN THREAT TO UNITED**
24 **STATES NATIONAL SECURITY.**

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

1 (1) *The United States has been an avowed enemy*
2 *of Cuba for over 35 years, and Fidel Castro has made*
3 *hostility towards the United States a principal tenet*
4 *of his domestic and foreign policy.*

5 (2) *The ability of the United States as a sov-*
6 *ereign nation to respond to any Cuban provocation is*
7 *directly related to the ability of the United States to*
8 *defend the people and territory of the United States*
9 *against any Cuban attack.*

10 (3) *In 1994, the Government of Cuba callously*
11 *encouraged a massive exodus of Cubans, by boat and*
12 *raft, toward the United States.*

13 (4) *Countless numbers of those Cubans lost their*
14 *lives on the high seas as a result of those actions of*
15 *the Government of Cuba.*

16 (5) *The humanitarian response of the United*
17 *States to rescue, shelter, and provide emergency care*
18 *to those Cubans, together with the actions taken to ab-*
19 *sorb some 30,000 of those Cubans into the United*
20 *States, required immeasurable efforts and expendi-*
21 *tures of hundreds of millions of dollars for the costs*
22 *incurred by the United States and State and local*
23 *governments in connection with those efforts.*

24 (6) *On February 24, 1996, Cuban MiG aircraft*
25 *attacked and destroyed, in international airspace, two*

1 *unarmed civilian aircraft flying from the United*
2 *States, and the four persons in those unarmed civil-*
3 *ian aircraft were killed.*

4 *(7) Since the attack, the Cuban government has*
5 *issued no apology for the attack, nor has it indicated*
6 *any intention to conform its conduct to international*
7 *law that is applicable to civilian aircraft operating*
8 *in international airspace.*

9 *(b) REVIEW AND REPORT.—Not later than March 30,*
10 *1998, the Secretary of Defense shall carry out a comprehen-*
11 *sive review and assessment of Cuban military capabilities*
12 *and the threats to the national security of the United States*
13 *that are posed by Fidel Castro and the Government of Cuba*
14 *and submit a report on the review to the Committee on*
15 *Armed Services of the Senate and the Committee on Na-*
16 *tional Security of the House of Representatives. The report*
17 *shall contain—*

18 *(1) a discussion of the results of the review, in-*
19 *cluding an assessment of the contingency plans; and*

20 *(2) the Secretary's assessment of the threats, in-*
21 *cluding—*

22 *(A) such unconventional threats as—*

23 *(i) encouragement of migration crises;*

24 *and*

1 (ii) attacks on citizens and residents of
2 the United States while they are engaged in
3 peaceful protest in international waters or
4 airspace;

5 (B) the potential for development and deliv-
6 ery of chemical or biological weapons; and

7 (C) the potential for internal strife in Cuba
8 that could involve citizens or residents of the
9 United States or the Armed Forces of the United
10 States.

11 (c) CONSULTATION ON REVIEW AND ASSESSMENT.—
12 In performing the review and preparing the assessment, the
13 Secretary of Defense shall consult with the Chairman of the
14 Joint Chiefs of Staff, the Commander-in-Chief of the United
15 States Southern Command, and the heads of other appro-
16 priate agencies of the Federal Government.

17 **SEC. 1047. FIRE PROTECTION AND HAZARDOUS MATERIALS**
18 **PROTECTION AT FORT MEADE, MARYLAND.**

19 (a) PLAN.—Not later than 120 days after the date of
20 enactment of this Act, the Secretary of the Army shall sub-
21 mit to the congressional defense committees a plan to ad-
22 dress the requirements for fire protection services and haz-
23 ardous materials protection services at Fort Meade, Mary-
24 land, including the National Security Agency at Fort

1 *Meade, as identified in the preparedness evaluation report*
2 *of the Army Corps of Engineers on Fort Meade.*

3 (b) *ELEMENTS.—The plan shall include the following:*

4 (1) *A schedule for the implementation of the*
5 *plan.*

6 (2) *A detailed list of funding options available to*
7 *provide centrally located, modern facilities and equip-*
8 *ment to meet current requirements for fire protection*
9 *services and hazardous materials protection services*
10 *at Fort Meade.*

11 **SEC. 1048. REPORT TO CONGRESS ASSESSING DEPENDENCE**
12 **ON FOREIGN SOURCES FOR CERTAIN RESIS-**
13 **TORS AND CAPACITORS.**

14 (a) *REPORT REQUIRED.—Not later than May 1, 1998,*
15 *the Secretary of Defense shall submit to Congress a report—*

16 (1) *assessing the level of dependence on foreign*
17 *sources for procurement of certain resistors and ca-*
18 *pacitors and projecting the level of such dependence*
19 *that is likely to obtain after the implementation of*
20 *relevant tariff reductions required by the Information*
21 *Technology Agreement; and*

22 (2) *recommending appropriate changes, if any,*
23 *in defense procurement or other Federal policies on*
24 *the basis of the national security implications of such*
25 *actual or projected foreign dependence.*

1 (b) *DEFINITION.*—For purposes of this section, the
 2 term “certain resistors and capacitors” shall mean—

- 3 (1) *fixed resistors,*
- 4 (2) *wirewound resistors,*
- 5 (3) *film resistors,*
- 6 (4) *solid tantalum capacitors,*
- 7 (5) *multi-layer ceramic capacitors, and*
- 8 (6) *wet tantalum capacitors.*

9 ***Subtitle E—Other Matters***

10 ***SEC. 1051. PSYCHOTHERAPIST-PATIENT PRIVILEGE IN THE***
 11 ***MILITARY RULES OF EVIDENCE.***

12 (a) *REQUIREMENT FOR PROPOSED RULE.*—The Sec-
 13 retary of Defense shall submit to the President, for consider-
 14 ation for promulgation under article 36 of the Uniform
 15 Code of Military Justice (10 U.S.C. 836), a recommended
 16 amendment to the Military Rules of Evidence that recog-
 17 nizes an evidentiary privilege regarding disclosure by a
 18 psychotherapist of confidential communications between a
 19 patient and the psychotherapist.

20 (b) *APPLICABILITY OF PRIVILEGE.*—The recommended
 21 amendment shall include a provision that applies the privi-
 22 lege to—

- 23 (1) *patients who are not subject to the Uniform*
- 24 *Code of Military Justice; and*

1 (2) *any patients subject to the Uniform Code of*
 2 *Military Justice that the Secretary determines it ap-*
 3 *propriate for the privilege to cover.*

4 (c) *SCOPE OF PRIVILEGE.*—*The evidentiary privilege*
 5 *recommended pursuant to subsection (a) shall be similar*
 6 *in scope to the psychotherapist-patient privilege recognized*
 7 *under Rule 501 of the Federal Rules of Evidence, subject*
 8 *to such exceptions and limitations as the Secretary deter-*
 9 *mines appropriate on the bases of law, public policy, and*
 10 *military necessity.*

11 (d) *DEADLINE FOR RECOMMENDATION.*—*The Sec-*
 12 *retary shall submit the recommendation under subsection*
 13 *(a) on or before the later of the following dates:*

14 (1) *The date that is 90 days after the date of the*
 15 *enactment of this Act.*

16 (2) *January 1, 1998.*

17 **SEC. 1052. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNI-**
 18 **TIES PILOT PROGRAM.**

19 (a) *EXTENSION OF PILOT PROGRAM AUTHORITY FOR*
 20 *CURRENT NUMBER OF PROGRAMS.*—*Subsection (a) of sec-*
 21 *tion 1091 of the National Defense Authorization Act for Fis-*
 22 *cal Year 1993 (Public Law 102–484; 32 U.S.C. 501 note)*
 23 *is amended—*

1 (1) *by striking out “During fiscal years 1993*
 2 *through 1995” and inserting in lieu thereof “(1) Dur-*
 3 *ing fiscal years 1993 through 1998”; and*

4 (2) *by adding at the end the following new para-*
 5 *graph:*

6 “(2) *In fiscal years after fiscal year 1995, the number*
 7 *of programs carried out under subsection (d) as part of the*
 8 *pilot program may not exceed the number of such programs*
 9 *as of September 30, 1995.”.*

10 (b) *FISCAL RESTRICTIONS.—(1) Section 1091 of such*
 11 *Act is amended by striking out subsection (k) and inserting*
 12 *in lieu thereof the following:*

13 “(k) *FISCAL RESTRICTIONS.—(1) The Federal Govern-*
 14 *ment’s share of the total cost of carrying out a program*
 15 *in a State as part of the pilot program in any fiscal year*
 16 *after fiscal year 1997 may not exceed 50 percent of that*
 17 *total cost.*

18 “(2) *The total amount expended for carrying out the*
 19 *program during a fiscal year may not exceed \$20,000,000.”.*

20 (2) *Subsection (d)(3) of such section is amended by*
 21 *inserting “, subject to subsection (k)(1),” after “provide*
 22 *funds”.*

23 (c) *CONFORMING REPEAL.—Section 573 of the Na-*
 24 *tional Defense Authorization Act for Fiscal Year 1996 (Pub-*

1 *lic Law 104–106; 110 Stat. 355; 32 U.S.C. 501 note) is*
2 *repealed.*

3 **SEC. 1053. PROTECTION OF ARMED FORCES PERSONNEL**
4 **DURING PEACE OPERATIONS.**

5 (a) *PROTECTION OF PERSONNEL.—*

6 (1) *IN GENERAL.—The Secretary of Defense shall*
7 *take appropriate actions to ensure that units of the*
8 *Armed Forces (including Army units, Marine Corps*
9 *units, Air Force units, and support units for such*
10 *units) engaged in peace operations have adequate*
11 *troop protection equipment for such operations.*

12 (2) *SPECIFIC ACTIONS.—In taking such actions,*
13 *the Secretary shall—*

14 (A) *identify the additional troop protection*
15 *equipment, if any, required to equip a division*
16 *equivalent with adequate troop protection equip-*
17 *ment for peace operations;*

18 (B) *establish procedures to facilitate the ex-*
19 *change of troop protection equipment among the*
20 *units of the Armed Forces; and*

21 (C) *designate within the Department of De-*
22 *fense an individual responsible for—*

23 (i) *ensuring the proper allocation of*
24 *troop protection equipment among the units*

1 *of the Armed Forces engaged in peace oper-*
2 *ations; and*

3 (ii) *monitoring the availability, status*
4 *or condition, and location of such equip-*
5 *ment.*

6 (b) *REPORT.*—*Not later than March 1, 1998, the Sec-*
7 *retary shall submit to Congress a report on the actions*
8 *taken by the Secretary under subsection (a).*

9 (c) *TROOP PROTECTION EQUIPMENT DEFINED.*—*In*
10 *this section, the term “troop protection equipment” means*
11 *the equipment required by units of the Armed Forces to de-*
12 *fend against any hostile threat that is likely during a peace*
13 *operation, including an attack by a hostile crowd, small*
14 *arms fire, mines, and a terrorist bombing attack.*

15 **SEC. 1054. LIMITATION ON RETIREMENT OR DISMANTLE-**
16 **MENT OF STRATEGIC NUCLEAR DELIVERY**
17 **SYSTEMS.**

18 (a) *FUNDING LIMITATION.*—*Funds available to the De-*
19 *partment of Defense may not be obligated or expended dur-*
20 *ing fiscal year 1998 for retiring or dismantling, or for pre-*
21 *paring to retire or dismantle, any of the following strategic*
22 *nuclear delivery systems below the specified levels:*

23 (1) *71 B–52H bomber aircraft.*

24 (2) *18 Trident ballistic missile submarines.*

1 (3) *500 Minuteman III intercontinental ballistic*
2 *missiles.*

3 (4) *50 Peacekeeper intercontinental ballistic mis-*
4 *siles.*

5 (b) *WAIVER AUTHORITY.—If the START II Treaty en-*
6 *ters into force during fiscal year 1997 or fiscal year 1998,*
7 *the Secretary of Defense may waive the application of the*
8 *limitation under subsection (a) to the extent that the Sec-*
9 *retary determines necessary in order to implement the trea-*
10 *ty.*

11 (c) *FUNDING LIMITATION ON EARLY DEACTIVATION.—*
12 (1) *If the limitation under subsection (a) ceases to apply*
13 *by reason of a waiver under subsection (b), funds available*
14 *to the Department of Defense may nevertheless not be obli-*
15 *gated or expended during fiscal year 1998 to implement*
16 *any agreement or understanding to undertake substantial*
17 *early deactivation of a strategic nuclear delivery system*
18 *specified in subsection (a) until 30 days after the date on*
19 *which the President submits to Congress a report concern-*
20 *ing such actions.*

21 (2) *For purposes of this subsection, a substantial early*
22 *deactivation is an action during fiscal year 1998 to deacti-*
23 *vate a substantial number of strategic nuclear delivery sys-*
24 *tems specified in subsection (a) by—*

1 (A) removing nuclear warheads from those sys-
2 tems; or

3 (B) taking other steps to remove those systems
4 from combat status.

5 (3) A report under this subsection shall include the fol-
6 lowing:

7 (A) The text of any understanding or agreement
8 between the United States and the Russian Federa-
9 tion concerning substantial early deactivation of stra-
10 tegic nuclear delivery systems under the START II
11 Treaty.

12 (B) The plan of the Department of Defense for
13 implementing the agreement.

14 (C) An assessment of the Secretary of Defense of
15 the adequacy of the provisions contained in the agree-
16 ment for monitoring and verifying compliance of
17 Russia with the terms of the agreement.

18 (D) A determination by the President as to
19 whether the deactivations to occur under the agree-
20 ment will be carried out in a symmetrical, reciprocal,
21 or equivalent manner.

22 (E) An assessment by the President of the effect
23 of the proposed early deactivation on the stability of
24 the strategic balance and relative strategic nuclear ca-
25 pabilities of the United States and the Russian Fed-

1 *eration at various stages during deactivation and*
2 *upon completion.*

3 *(d) CONTINGENCY PLAN FOR SUSTAINMENT OF SYS-*
4 *TEMS.—(1) Not later than February 15, 1998, the Secretary*
5 *of Defense shall submit to the congressional defense commit-*
6 *tees a plan for the sustainment beyond October 1, 1999, of*
7 *United States strategic nuclear delivery systems and alter-*
8 *native Strategic Arms Reduction Treaty force structures in*
9 *the event that a strategic arms reduction agreement subse-*
10 *quent to the Strategic Arms Reduction Treaty does not*
11 *enter into force before 2004.*

12 *(2) The plan shall include a discussion of the following*
13 *matters:*

14 *(A) The actions that are necessary to sustain the*
15 *United States strategic nuclear delivery systems, dis-*
16 *tinguishing between the actions that are planned for*
17 *and funded in the future-years defense program and*
18 *the actions that are not planned for and funded in*
19 *the future-years defense program.*

20 *(B) The funding necessary to implement the*
21 *plan, indicating the extent to which the necessary*
22 *funding is provided for in the future-years defense*
23 *program and the extent to which the necessary fund-*
24 *ing is not provided for in the future-years defense*
25 *program.*

1 (e) *START TREATIES DEFINED.*—*In this section:*

2 (1) *The term “Strategic Arms Reduction Treaty”*
3 *means the Treaty Between the United States of Amer-*
4 *ica and the United Soviet Socialist Republics on the*
5 *Reduction and Limitation of Strategic Offensive*
6 *Arms (START), signed at Moscow on July 31, 1991,*
7 *including related annexes on agreed statements and*
8 *definitions, protocols, and memorandum of under-*
9 *standing.*

10 (2) *The term “START II Treaty” means the*
11 *Treaty Between the United States of America and the*
12 *Russian Federation on Further Reduction and Limi-*
13 *tation of Strategic Offensive Arms, signed at Moscow*
14 *on January 3, 1993, including the following protocols*
15 *and memorandum of understanding, all such docu-*
16 *ments being integral parts of and collectively referred*
17 *to as the “START II Treaty” (contained in Treaty*
18 *Document 103–1):*

19 (A) *The Protocol on Procedures Governing*
20 *Elimination of Heavy ICBMs and on Procedures*
21 *Governing Conversion of Silo Launchers of*
22 *Heavy ICBMs Relating to the Treaty Between*
23 *the United States of America and the Russian*
24 *Federation on Further Reduction and Limita-*

tion of Strategic Offensive Arms (also known as the “Elimination and Conversion Protocol”).

(B) *The Protocol on Exhibitions and Inspections of Heavy Bombers Relating to the Treaty Between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the “Exhibitions and Inspections Protocol”).*

(C) *The Memorandum of Understanding on Warhead Attribution and Heavy Bomber Data Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the “Memorandum on Attribution”).*

**SEC. 1055. ACCEPTANCE AND USE OF LANDING FEES FOR
USE OF OVERSEAS MILITARY AIRFIELDS BY
CIVIL AIRCRAFT.**

(a) *AUTHORITY.*—Section 2350j of title 10, United States Code, is amended—

(1) *by redesignating subsections (f) and (g) as subsections (g) and (h), and*

(2) *by inserting after subsection (e) the following new subsection (f):*

1 “(f) *PAYMENTS FOR CIVIL USE OF MILITARY AIR-*
 2 *FIELDS.*—*The authority under subsection (a) includes au-*
 3 *thority for the Secretary of a military department to accept*
 4 *payments of landing fees for use of a military airfield by*
 5 *civil aircraft that are prescribed pursuant to an agreement*
 6 *that is entered into with the government of the country in*
 7 *which the airfield is located. Payments received under this*
 8 *subsection in a fiscal year shall be credited to the appro-*
 9 *priation that is available for the fiscal year for the oper-*
 10 *ation and maintenance of the military airfield, shall be*
 11 *merged with amounts in the appropriation to which cred-*
 12 *ited, and shall be available for the same period and pur-*
 13 *poses as the appropriation is available.”.*

14 (b) *CONFORMING AMENDMENTS.*—(1) *Subsection (b) of*
 15 *such section is amended by striking out “Any” at the begin-*
 16 *ning of the second sentence and inserting in lieu thereof*
 17 *“Except as provided in subsection (f), any”.*

18 (2) *Subsection (c) of such section is amended by strik-*
 19 *ing out “Contributions” in the matter preceding paragraph*
 20 *(1), and inserting in lieu thereof “Except as provided in*
 21 *subsection (f), contributions”.*

22 **SEC. 1056. ONE-YEAR EXTENSION OF INTERNATIONAL NON-**
 23 **PROLIFERATION INITIATIVE.**

24 (a) *ONE-YEAR EXTENSION.*—*Subsection (f) of section*
 25 *1505 of the Weapons of Mass Destruction Control Act of*

1 1992 (title XV of the National Defense Authorization Act
 2 for Fiscal Year 1993; 22 U.S.C. 5859a) is amended by strik-
 3 ing out “1997” and inserting in lieu thereof “1998”.

4 (b) *LIMITATIONS ON AMOUNT OF ASSISTANCE FOR AD-*
 5 *DITIONAL FISCAL YEARS.*—Subsection (d)(3) of such section
 6 is amended by striking out “or \$15,000,000 for fiscal year
 7 1997” and inserting in lieu thereof “\$15,000,000 for fiscal
 8 year 1997, or \$15,000,000 for fiscal year 1998”.

9 **SEC. 1057. ARMS CONTROL IMPLEMENTATION AND ASSIST-**
 10 **ANCE FOR FACILITIES SUBJECT TO INSPEC-**
 11 **TION UNDER THE CHEMICAL WEAPONS CON-**
 12 **VENTION.**

13 (a) *ASSISTANCE AUTHORIZED.*—The On-Site Inspec-
 14 tion Agency of the Department of Defense may provide tech-
 15 nical assistance, on a reimbursable basis (in accordance
 16 with subsection (b)), to a facility that is subject to a routine
 17 or challenge inspection under the Chemical Weapons Con-
 18 vention upon the request of the owner or operator of the
 19 facility.

20 (b) *REIMBURSEMENT REQUIREMENT.*—The United
 21 States National Authority shall reimburse the On-Site In-
 22 spection Agency for costs incurred by the agency in provid-
 23 ing assistance under subsection (a).

24 (c) *DEFINITIONS.*—In this section:

1 (1) *The terms “Chemical Weapons Convention”*
 2 *and “Convention” mean the Convention on the Prohi-*
 3 *bition of the Development, Production, Stockpiling*
 4 *and Use of Chemical Weapons and on Their Destruc-*
 5 *tion, opened for signature on January 13, 1993.*

6 (2) *The term “facility that is subject to a routine*
 7 *inspection” means a declared facility, as defined in*
 8 *paragraph 15 of part X of the Annex on Implementa-*
 9 *tion and Verification of the Convention.*

10 (3) *The term “challenge inspection” means an*
 11 *inspection conducted under Article IX of the Conven-*
 12 *tion.*

13 (4) *The term “United States National Author-*
 14 *ity” means the United States National Authority es-*
 15 *tablished or designated pursuant to Article VII, para-*
 16 *graph 4, of the Chemical Weapons Convention.*

17 **SEC. 1058. SENSE OF SENATE REGARDING THE RELATION-**
 18 **SHIP BETWEEN ENVIRONMENTAL LAWS AND**
 19 **UNITED STATES OBLIGATIONS UNDER THE**
 20 **CHEMICAL WEAPONS CONVENTION.**

21 (a) *FINDINGS.—The Senate makes the following find-*
 22 *ings:*

23 (1) *The Chemical Weapons Convention requires*
 24 *the destruction of the United States stockpile of lethal*

1 *chemical agents and munitions within 10 years after*
2 *the Convention's entry into force (or 2007).*

3 *(2) The President possesses substantial powers*
4 *under existing law to ensure that the technologies nec-*
5 *essary to destroy the stockpile are developed, that the*
6 *facilities necessary to destroy the stockpile are con-*
7 *structed, and that Federal, State, and local environ-*
8 *mental laws and regulations do not impair the abil-*
9 *ity of the United States to comply with its obligations*
10 *under the Convention.*

11 *(b) SENSE OF SENATE.—It is the sense of the Senate*
12 *that the President—*

13 *(1) should use the authority granted the Presi-*
14 *dent under existing law to ensure that the United*
15 *States is able to construct and operate the facilities*
16 *necessary to destroy the United States stockpile of le-*
17 *thal chemical agents and munitions within the time*
18 *allowed by the Chemical Weapons Convention; and*

19 *(2) while carrying out the United States obliga-*
20 *tions under the Convention, should encourage negotia-*
21 *tions between appropriate Federal Government offi-*
22 *cials and officials of the State and local governments*
23 *concerned to attempt to meet their concerns about the*
24 *actions being taken to carry out those obligations.*

1 (c) *CHEMICAL WEAPONS CONVENTION DEFINED.*—In
 2 this section, the terms “Chemical Weapons Convention” and
 3 “Convention” mean the Convention on the Prohibition of
 4 the Development, Production, Stockpiling and Use of Chem-
 5 ical Weapons and on Their Destruction, opened for signa-
 6 ture on January 13, 1993.

7 **SEC. 1059. SENSE OF CONGRESS REGARDING FUNDING FOR**
 8 **RESERVE COMPONENT MODERNIZATION NOT**
 9 **REQUESTED IN THE ANNUAL BUDGET RE-**
 10 **QUEST.**

11 (a) *LIMITATION.*—It is the sense of Congress that, to
 12 the maximum extent practicable, Congress should consider
 13 authorizing appropriations for reserve component mod-
 14 ernization activities not included in the budget request of
 15 the Department of Defense for a fiscal year only if—

16 (1) *there is a Joint Requirements Oversight*
 17 *Council validated requirement for the equipment;*

18 (2) *the equipment is included for reserve compo-*
 19 *nent modernization in the modernization plan of the*
 20 *military department concerned and is incorporated*
 21 *into the future-years defense program;*

22 (3) *the equipment is consistent with the use of*
 23 *reserve component forces;*

24 (4) *the equipment is necessary in the national*
 25 *security interests of the United States; and*

1 (5) *the funds can be obligated in the fiscal year.*

2 (b) *VIEWS OF THE CHAIRMAN, JOINT CHIEFS OF*
 3 *STAFF.—It is further the sense of Congress that, in apply-*
 4 *ing the criteria set forth in subsection (a), Congress should*
 5 *obtain the views of the Chairman of the Joint Chiefs of*
 6 *Staff, including views on whether funds for equipment not*
 7 *included in the budget request are appropriate for the em-*
 8 *ployment of reserve component forces in Department of De-*
 9 *fense warfighting plans.*

10 **SEC. 1060. AUTHORITY OF SECRETARY OF DEFENSE TO SET-**
 11 **TLE CLAIMS RELATING TO PAY, ALLOWANCES,**
 12 **AND OTHER BENEFITS.**

13 (a) *AUTHORITY TO WAIVE TIME LIMITATIONS.—Para-*
 14 *graph (1) of section 3702(e) of title 31, United States Code,*
 15 *is amended by striking out “Comptroller General” and in-*
 16 *serting in lieu thereof “Secretary of Defense”.*

17 (b) *APPROPRIATION TO BE CHARGED.—Paragraph*
 18 *(2) of such section is amended by striking out “shall be sub-*
 19 *ject to the availability of appropriations for payment of*
 20 *that particular claim” and inserting in lieu thereof “shall*
 21 *be made from an appropriation that is available, for the*
 22 *fiscal year in which the payment is made, for the same pur-*
 23 *pose as the appropriation to which the obligation claimed*
 24 *would have been charged if the obligation had been timely*
 25 *paid”.*

1 **SEC. 1061. COORDINATION OF ACCESS OF COMMANDERS**
2 **AND DEPLOYED UNITS TO INTELLIGENCE**
3 **COLLECTED AND ANALYZED BY THE INTEL-**
4 **LIGENCE COMMUNITY.**

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

6 (1) *Coordination of operational intelligence sup-*
7 *port for the commanders of the combatant commands*
8 *and deployed units of the Armed Forces has proven*
9 *to be inadequate.*

10 (2) *Procedures used to reconcile information*
11 *among various intelligence community and Depart-*
12 *ment of Defense data bases proved to be inadequate*
13 *and, being inadequate, diminished the usefulness of*
14 *that information and preclude commanders and plan-*
15 *ners within the Armed Forces from fully benefiting*
16 *from key information that should have been available*
17 *to them.*

18 (3) *Excessive compartmentalization of respon-*
19 *sibilities and information within the Department of*
20 *Defense and the other elements of the intelligence com-*
21 *munity resulted in inaccurate analysis of important*
22 *intelligence material.*

23 (4) *Excessive restrictions on the distribution of*
24 *information within the executive branch disadvan-*
25 *taged units of the Armed Forces that would have ben-*
26 *efited most from the information.*

1 (5) *Procedures used in the Department of De-*
2 *fense to ensure that critical intelligence information*
3 *is provided to the right combat units in a timely*
4 *manner failed during the Persian Gulf War and, as*
5 *a result, information about potential chemical weap-*
6 *ons storage locations did not reach the units that*
7 *eventually destroyed those storage areas.*

8 (6) *A recent, detailed review of the events leading*
9 *to and following the destruction of chemical weapons*
10 *by members of the Armed Forces at Khamisiyah,*
11 *Iraq, during the Persian Gulf War has revealed a*
12 *number of inadequacies in the way the Department of*
13 *Defense and the other elements of the intelligence com-*
14 *munity handled, distributed, recorded, and stored in-*
15 *telligence information about the threat of exposure of*
16 *United States forces to chemical weapons and the*
17 *toxic agents in those weapons.*

18 (7) *The inadequacy of procedures for recording*
19 *the receipt of, and reaction to, intelligence reports*
20 *provided by the intelligence community to combat*
21 *units of the Armed Forces during the Persian Gulf*
22 *War has caused it to be impossible to analyze the fail-*
23 *ures in transmission of intelligence-related informa-*
24 *tion on the location of chemical weapons at*
25 *Khamisiyah, Iraq, that resulted in the demolition of*

1 *chemical weapons by members of the Armed Forces*
2 *unaware of the hazards to which they were exposed.*

3 **(b) REPORTING REQUIREMENT.**—*Not later than*
4 *March 1, 1998, the Secretary of Defense shall submit to*
5 *Congress a report that identifies the specific actions that*
6 *have been taken or are being taken to ensure that there is*
7 *adequate coordination of operational intelligence support*
8 *for the commanders of the combatant commands and de-*
9 *ployed units of the Armed Forces.*

10 **(c) DEFINITION OF INTELLIGENCE COMMUNITY.**—*In*
11 *this section, the term “intelligence community” has the*
12 *meaning given the term in section 3 of the National Secu-*
13 *rity Act of 1947 (50 U.S.C. 401a).*

14 **SEC. 1062. PROTECTION OF IMAGERY, IMAGERY INTEL-**
15 **LIGENCE, AND GEOSPATIAL INFORMATION**
16 **AND DATA.**

17 **(a) PROTECTION OF INFORMATION ON CAPABILI-**
18 **TIES.**—*Paragraph (1)(B) of section 455(b) of title 10, Unit-*
19 *ed States Code, is amended by inserting “, or capabilities,”*
20 *after “methods”.*

21 **(b) PRODUCTS PROTECTED.**—*(1) Paragraph (2) of*
22 *such section is amended to read as follows:*

23 *“(2) In this subsection, the term ‘geodetic product’*
24 *means imagery, imagery intelligence, or geospatial infor-*

1 *mation, as those terms are defined in section 467 of this*
 2 *title.”.*

3 (2) *Section 467(4)(C) of title 10, United States Code,*
 4 *is amended to read as follows:*

5 “(C) *maps, charts, geodetic data, and relat-*
 6 *ed products.”.*

7 ***SEC. 1063. PROTECTION OF AIR SAFETY INFORMATION VOL-***
 8 ***UNTARILY PROVIDED BY A CHARTER AIR CAR-***
 9 ***RIER.***

10 *Section 2640 of title 10, United States Code, is amend-*
 11 *ed—*

12 (1) *by redesignating subsections (h) and (i) as*
 13 *subsections (i) and (j), respectively; and*

14 (2) *by inserting after subsection (g) the following*
 15 *new subsection (h):*

16 “(h) ***PROTECTION OF VOLUNTARILY SUBMITTED AIR***
 17 ***SAFETY INFORMATION.***—(1) *Subject to paragraph (2), the*
 18 *appropriate official may deny a request made under any*
 19 *other provision of law for public disclosure of safety-related*
 20 *information that has been provided voluntarily by an air*
 21 *carrier to the Secretary of Defense for the purposes of this*
 22 *section, notwithstanding the provision of law under which*
 23 *the request is made.*

1 “(2) *The appropriate official may exercise authority*
2 *to deny a request for disclosure of information under para-*
3 *graph (1) if the official first determines that—*

4 “(A) *the disclosure of the information as re-*
5 *quested would inhibit an air carrier from voluntarily*
6 *disclosing, in the future, safety-related information*
7 *for the purposes of this section or for other air safety*
8 *purposes involving the Department of Defense or an-*
9 *other Federal agency; and*

10 “(B) *the receipt of such information generally*
11 *enhances the fulfillment of responsibilities under this*
12 *section or other air safety responsibilities involving*
13 *the Department of Defense or another Federal agency.*

14 “(3) *For the purposes of this section, the appropriate*
15 *official for exercising authority under paragraph (1) is—*

16 “(A) *the Secretary of Defense, in the case of a re-*
17 *quest for disclosure of information that is directed to*
18 *the Department of Defense; or*

19 “(B) *the head of another Federal agency, in the*
20 *case of a request that is directed to that Federal agen-*
21 *cy regarding information described in paragraph (1)*
22 *that the Federal agency has received from the Depart-*
23 *ment of Defense.”.*

1 **SEC. 1064. SUSTAINMENT AND OPERATION OF GLOBAL PO-**
2 **SITIONING SYSTEM.**

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

4 (1) *The Global Positioning System, with its mul-*
5 *tipl* *uses, makes significant contributions to the at-*
6 *tainment of the national security and foreign policy*
7 *goals of the United States, the safety and efficiency of*
8 *international transportation, and the economic*
9 *growth, trade, and productivity of the United States.*

10 (2) *The infrastructure for the Global Positioning*
11 *System, including both space and ground segments of*
12 *the infrastructure, is vital to the effectiveness of Unit-*
13 *ed States and allied military forces and to the protec-*
14 *tion of the national security interests of the United*
15 *States.*

16 (3) *In addition to having military uses, the*
17 *Global Positioning System has essential civil, com-*
18 *mmercial, and scientific uses.*

19 (4) *Driven by the increasing demand of civil,*
20 *commercial, and scientific users of the Global Posi-*
21 *tioning System—*

22 (A) *there has emerged in the United States*
23 *a new commercial industry to provide Global*
24 *Positioning System equipment and related serv-*
25 *ices to the many and varied users of the system;*
26 *and*

1 (B) there have been rapid technical ad-
2 vancements in Global Positioning System equip-
3 ment and services that have contributed signifi-
4 cantly to reductions in the cost of the Global Po-
5 sitioning System and increases in the technical
6 capabilities and availability of the system for
7 military uses.

8 (5) It is in the national interest of the United
9 States for the United States—

10 (A) to support continuation of the multiple-
11 use character of the Global Positioning System;

12 (B) to promote broader acceptance and use
13 of the Global Positioning System and the techno-
14 logical standards that facilitate expanded use of
15 the system for civil purposes;

16 (C) to coordinate with other countries to en-
17 sure—

18 (i) efficient management of the electro-
19 magnetic spectrum utilized for the Global
20 Positioning System; and

21 (ii) protection of that spectrum in
22 order to prevent disruption of, and inter-
23 ference with, signals from the system; and

24 (D) to encourage open access in all inter-
25 national markets to the Global Positioning Sys-

1 tem and supporting equipment, services, and
2 techniques.

3 (b) *SUSTAINMENT AND OPERATION FOR MILITARY*
4 *PURPOSES.—The Secretary of Defense shall—*

5 (1) *provide for the sustainment of the Global Po-*
6 *sitioning System capabilities, and the operation of*
7 *basic Global Positioning System services, that are*
8 *beneficial for the national security interests of United*
9 *States;*

10 (2) *develop appropriate measures for preventing*
11 *hostile use of the Global Positioning System that*
12 *make it unnecessary to use the selective availability*
13 *feature of the system continuously and do not hinder*
14 *the use of the Global Positioning System by the Unit-*
15 *ed States and its allies for military purposes; and*

16 (3) *ensure that United States military forces*
17 *have the capability to use the Global Positioning Sys-*
18 *tem effectively despite hostile attempts to prevent the*
19 *use of the system by such forces.*

20 (c) *SUSTAINMENT AND OPERATION FOR CIVILIAN PUR-*
21 *POSES.—The Secretary of Defense shall—*

22 (1) *provide for the sustainment and operation of*
23 *basic Global Positioning System services for peaceful*
24 *civil, commercial, and scientific uses on a continuous*
25 *worldwide basis free of direct user fees;*

1 (2) *provide for the sustainment and operation of*
2 *basic Global Positioning System services in order to*
3 *meet the performance requirements of the Federal*
4 *Radionavigation Plan jointly issued by the Secretary*
5 *of Defense and the Secretary of Transportation;*

6 (3) *coordinate with the Secretary of Transpor-*
7 *tation regarding the development and implementation*
8 *by the Federal Government of augmentations to the*
9 *basic Global Positioning System that achieve or en-*
10 *hance uses of the system in support of transportation;*

11 (4) *coordinate with the Secretary of Commerce,*
12 *the United States Trade Representative, and other*
13 *appropriate officials to facilitate the development of*
14 *new and expanded civil uses for the Global Position-*
15 *ing System; and*

16 (5) *develop measures for preventing hostile use of*
17 *the Global Positioning System in a particular area*
18 *without hindering peaceful civil use of the system else-*
19 *where.*

20 (d) *FEDERAL RADIONAVIGATION PLAN.*—*The Sec-*
21 *retary of Defense and the Secretary of Transportation shall*
22 *continue to prepare the Federal Radionavigation Plan*
23 *every two years as originally provided for in the Inter-*
24 *national Maritime Satellite Telecommunications Act (title*

1 *V of the Communications Satellite Act of 1962; 47 U.S.C.*
2 *751 et seq.).*

3 (e) *INTERNATIONAL COOPERATION.*—Congress urges
4 *the President to promote the security of the United States*
5 *and its allies, the public safety, and commercial interests*
6 *by—*

7 (1) *undertaking a coordinated effort within the*
8 *executive branch to seek to establish the Global Posi-*
9 *tioning System, and augmentations to the system, as*
10 *a worldwide resource;*

11 (2) *seeking to enter into international agree-*
12 *ments to establish signal and service standards that*
13 *protect the Global Positioning System from disrup-*
14 *tion and interference; and*

15 (3) *undertaking efforts to eliminate any barriers*
16 *to, and other restrictions of foreign governments on,*
17 *peaceful uses of the Global Positioning System.*

18 (f) *PROHIBITION OF SUPPORT OF FOREIGN SYSTEM.*—
19 *None of the funds authorized to be appropriated under this*
20 *Act may be used to support the operation and maintenance*
21 *or enhancement of any satellite navigation system operated*
22 *by a foreign country.*

23 (g) *REPORT.*—(1) *Not later than 30 days after the end*
24 *of each even numbered fiscal year (beginning with fiscal*
25 *year 1998), the Secretary of Defense shall submit to the*

1 *Committees on Armed Services and on Appropriations on*
2 *the Senate and the Committees on National Security and*
3 *on Appropriations of the House of Representatives a report*
4 *on the Global Positioning System. The report shall include*
5 *a discussion of the following matters:*

6 (A) *The operational status of the Global Posi-*
7 *tioning System.*

8 (B) *The capability of the system to satisfy effec-*
9 *tively—*

10 (i) *the military requirements for the system*
11 *that are current as of the date of the report; and*

12 (ii) *the performance requirements of the*
13 *Federal Radionavigation Plan.*

14 (C) *The most recent determination by the Presi-*
15 *dent regarding continued use of the selective avail-*
16 *ability feature of the Global Positioning System and*
17 *the expected date of any change or elimination of use*
18 *of that feature.*

19 (D) *The status of cooperative activities under-*
20 *taken by the United States with the governments of*
21 *other countries concerning the capability of the Global*
22 *Positioning System or any augmentation of the sys-*
23 *tem to satisfy civil, commercial, scientific, and mili-*
24 *tary requirements, including a discussion of the sta-*

1 *tus and results of activities undertaken under any re-*
2 *gional international agreement.*

3 *(E) Any progress made toward establishing the*
4 *Global Positioning System as an international stand-*
5 *ard for consistency of navigational service.*

6 *(F) Any progress made toward protecting the*
7 *Global Positioning System from disruption and inter-*
8 *ference.*

9 *(G) The effects of use of the Global Positioning*
10 *System on national security, regional security, and*
11 *the economic competitiveness of United States indus-*
12 *try, including the Global Positioning System equip-*
13 *ment and service industry and user industries.*

14 *(2) In preparing the parts of the report required under*
15 *subparagraphs (D), (E), (F), and (G) of paragraph (1), the*
16 *Secretary of Defense shall consult with the Secretary of*
17 *Commerce, Secretary of Transportation, and Secretary of*
18 *Labor.*

19 *(h) BASIC GLOBAL POSITIONING SYSTEM SERVICES*
20 *DEFINED.—In this section, the term “basic global position-*
21 *ing system services” means the following components of the*
22 *Global Positioning System that are operated and main-*
23 *tained by the Department of Defense:*

24 *(1) The constellation of satellites.*

1 (2) *The navigation payloads that produce the*
 2 *Global Positioning System signals.*

3 (3) *The ground stations, data links, and associ-*
 4 *ated command and control facilities.*

5 **SEC. 1065. LAW ENFORCEMENT AUTHORITY FOR SPECIAL**
 6 **AGENTS OF THE DEFENSE CRIMINAL INVES-**
 7 **TIGATIVE SERVICE.**

8 (a) *AUTHORITY.*—Chapter 81 of title 10, United States
 9 *Code, is amended by inserting after section 1585 the follow-*
 10 *ing new section:*

11 **“§1585a. Special agents of the Defense Criminal In-**
 12 **vestigative Service: law enforcement au-**
 13 **thority**

14 “(a) *AUTHORITY.*—A special agent of the Defense
 15 *Criminal Investigative Service designated under subsection*
 16 *(b) has the following authority:*

17 “(1) *To carry firearms.*

18 “(2) *To execute and serve any warrant or other*
 19 *process issued under the authority of the United*
 20 *States.*

21 “(3) *To make arrests without warrant for—*

22 “(A) *any offense against the United States*
 23 *committed in the agent’s presence; or*

24 “(B) *any felony cognizable under the laws*
 25 *of the United States if the agent has probable*

1 *cause to believe that the person to be arrested has*
2 *committed or is committing the felony.*

3 “(b) *DESIGNATION OF AGENTS TO HAVE AUTHOR-*
4 *ITY.—The Secretary of Defense may designate to have the*
5 *authority provided under subsection (a) any special agent*
6 *of the Defense Criminal Investigative Service whose duties*
7 *include conducting, supervising, or coordinating investiga-*
8 *tions of criminal activity in programs and operations of*
9 *the Department of Defense.*

10 “(c) *GUIDELINES ON EXERCISE OF AUTHORITY.—The*
11 *authority provided under subsection (a) shall be exercised*
12 *in accordance with guidelines prescribed by the Inspector*
13 *General of the Department of Defense and approved by the*
14 *Attorney General, and any other applicable guidelines pre-*
15 *scribed by the Secretary of Defense or the Attorney Gen-*
16 *eral.”.*

17 “(b) *CONFORMING AMENDMENT.—The table of sections*
18 *at the beginning of such chapter is amended by inserting*
19 *after the item relating to section 1585 the following:*

“1585a. Special agents of the Defense Criminal Investigative Service: law enforce-
ment authority.”.

1 **SEC. 1066. REPEAL OF REQUIREMENT FOR CONTINUED OP-**
2 **ERATION OF THE NAVAL ACADEMY DAIRY**
3 **FARM.**

4 (a) *REPEAL.*—Section 810 of the Military Construc-
5 tion Authorization Act, 1968 (Public Law 90–110; 81 Stat.
6 309) is amended—

7 (1) by striking out subsection (a); and
8 (2) in subsection (b), by striking out “nor shall”
9 and all that follows through “Act of Congress”.

10 (b) *CONFORMING AMENDMENTS.*—(1) Section
11 6971(b)(5) of title 10, United States Code, is amended by
12 inserting “(if any)” before the period at the end.

13 (2) Section 2105(b) of title 5, United States Code, is
14 amended by inserting “(if any)” after “Academy dairy”.

15 **SEC. 1067. POW/MIA INTELLIGENCE ANALYSIS.**

16 *The Director of Central Intelligence, in consultation*
17 *with the Secretary of Defense, shall provide analytical sup-*
18 *port on POW/MIA matters to all departments and agencies*
19 *of the Federal Government involved in such matters. The*
20 *Secretary of Defense shall ensure that all intelligence re-*
21 *garding POW/MIA matters is taken into full account in*
22 *the analysis of POW/MIA cases by DPMO.*

1 **SEC. 1068. PROTECTION OF EMPLOYEES FROM RETALIA-**
2 **TION FOR CERTAIN DISCLOSURES OF CLASSI-**
3 **FIED INFORMATION.**

4 (a) *DISCLOSURES TO OFFICIALS CLEARED FOR AC-*
5 *CESS.*—Section 2302(b) of title 5, United States Code, is
6 amended—

7 (1) in paragraph (8)—

8 (A) by striking out “or” at the end of sub-
9 paragraph (A);

10 (B) by inserting “or” at the end of subpara-
11 graph (B)(ii); and

12 (C) by adding at the end the following:

13 “(C) a disclosure by an employee or appli-
14 cant of information required by law or Executive
15 order to be kept secret in the interest of national
16 defense or the conduct of foreign affairs which
17 the employee or applicant reasonably believes to
18 provide direct and specific evidence of—

19 “(i) a violation of any law, rule, or
20 regulation,

21 “(ii) gross mismanagement, a gross
22 waste of funds, abuse of authority, or a sub-
23 stantial and specific danger to public health
24 or safety, or

25 “(iii) a false statement to Congress on
26 an issue of material fact,

1 *if the disclosure is made to a member of a com-*
2 *mittee of Congress having a primary responsibil-*
3 *ity for oversight of a department, agency, or ele-*
4 *ment of the Federal Government to which the*
5 *disclosed information relates, to any other Mem-*
6 *ber of Congress who is authorized to receive in-*
7 *formation of the type disclosed, or to an em-*
8 *ployee of Congress who has the appropriate secu-*
9 *rity clearance for access to the information dis-*
10 *closed;”;* and

11 *(2) by striking out the matter following para-*
12 *graph (11).*

13 ***(b) DISSEMINATION OF INFORMATION ON NEW PRO-***
14 ***TECTION.—****Not later than 30 days after the date of the en-*
15 *actment of this Act, the President shall—*

16 *(1) take such action as is necessary to ensure*
17 *that employees of the executive branch having access*
18 *to classified information receive notice that the disclo-*
19 *sure of such information to Congress is not prohibited*
20 *by law, executive order, or regulation, and is not oth-*
21 *erwise contrary to public policy when the information*
22 *is disclosed under the circumstances described in sub-*
23 *paragraph (C) of section 2302(b)(8) of title 5, United*
24 *States Code (as added by subsection (a)); and*

1 (2) *submit to Congress a report on the actions*
 2 *taken to carry out paragraph (1).*

3 (c) *EFFECTIVE DATE AND APPLICABILITY.—The*
 4 *amendments made by subsection (a) shall take effect on Oc-*
 5 *tober 1, 1998, and shall apply to a taking, failing to take,*
 6 *or threat to take or fail to take a personnel action on or*
 7 *after such date because of a disclosure described in subpara-*
 8 *graph (C) of section 2302(b)(8) of title 5, United States*
 9 *Code (as added by subsection (a)), that is made before, on,*
 10 *or after such date.*

11 (d) *DISCLOSURES OF CLASSIFIED INFORMATION TO*
 12 *CONGRESS OR THE DEPARTMENT OF JUSTICE BY CONTRAC-*
 13 *TOR EMPLOYEES.—It is the sense of Congress that the In-*
 14 *spector General of the Department of Defense should con-*
 15 *tinue to exercise the authority provided in section 2409 of*
 16 *title 10, United States Code, regarding reprisals for disclo-*
 17 *tures of classified information as well as reprisals for dis-*
 18 *closures of unclassified information.*

19 **SEC. 1069. APPLICABILITY OF CERTAIN PAY AUTHORITIES**
 20 **TO MEMBERS OF THE COMMISSION ON**
 21 **SERVICEMEMBERS AND VETERANS TRANSI-**
 22 **TION ASSISTANCE.**

23 (a) *APPLICABILITY.—Section 705(a) of the Veterans’*
 24 *Benefits Improvements Act of 1996 (Public Law 104–275;*
 25 *110 Stat. 3349; 38 U.S.C. 545 note) is amended—*

1 (1) by inserting “(1)” before “Each member”;
2 and

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

4 “(2)(A) A member of the Commission who is an annu-
5 itant otherwise covered by section 8344 or 8468 of title 5,
6 United States Code, by reason of membership on the Com-
7 mission shall not be subject to the provisions of such section
8 with respect to such membership.

9 “(B) A member of the Commission who is a member
10 or former member of a uniformed service shall not be subject
11 to the provisions of subsections (b) and (c) of section 5532
12 of such title with respect to membership on the Commis-
13 sion.”.

14 (b) *EFFECTIVE DATE.*—The amendments made by sub-
15 section (a) shall take effect as if included in the provisions
16 of section 705(a) of the Veterans’ Benefits Improvements Act
17 of 1996 to which such amendments relate.

18 **SEC. 1070. TRANSFER OF B-17 AIRCRAFT TO MUSEUM.**

19 (a) *AUTHORITY.*—The Secretary of the Air Force may
20 convey to the Planes of Fame Museum, Chino, California
21 (hereafter in this section referred to as the “museum”), all
22 right, title, and interest of the United States in and to the
23 B-17 aircraft known as the “Picadilly Lilly”, an aircraft
24 that has been in the possession of the museum since 1959.
25 The Secretary of the Air Force shall determine the appro-

1 *priate amount of consideration that is comparable to the*
2 *value of the aircraft.*

3 (b) *CONDITION OF AIRCRAFT.*—*Before conveying own-*
4 *ership of the aircraft, the Secretary shall alter the aircraft*
5 *as necessary to ensure that the aircraft does not have any*
6 *capability for use as a platform for launching or releasing*
7 *munitions or any other combat capability that it was de-*
8 *signed to have. The Secretary is not required to repair or*
9 *alter the condition of the aircraft in any other way before*
10 *conveying the ownership.*

11 (c) *CONDITION FOR CONVEYANCE.*—*A conveyance of*
12 *ownership of the aircraft under this section shall be subject*
13 *to the condition that the museum not convey any ownership*
14 *interest in, or transfer possession of, the aircraft to any*
15 *other party without the advance approval of the Secretary*
16 *of the Air Force.*

17 (d) *REVERSION.*—*If the Secretary of the Air Force de-*
18 *termines at any time that the museum has conveyed an*
19 *ownership interest in, or transferred possession of, the air-*
20 *craft to any other party without the advance approval of*
21 *the Secretary, all right, title, and interest in and to the*
22 *aircraft, including any repairs or alterations of the air-*
23 *craft, shall revert to the United States, and the United*
24 *States shall have the right of immediate possession of the*
25 *aircraft.*

1 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
 2 *retary of the Air Force may require such additional terms*
 3 *and conditions in connection with the conveyance under*
 4 *this section as the Secretary considers appropriate to pro-*
 5 *tect the interests of the United States.*

6 (f) *CLARIFICATION OF LIABILITY.*—*Notwithstanding*
 7 *any other provision of law, the United States shall not be*
 8 *liable for any death, injury, loss, or damages that result*
 9 *from any use of the aircraft conveyed under this section*
 10 *by any person other than the United States after the convey-*
 11 *ance is complete.*

12 **SEC. 1071. FIVE-YEAR EXTENSION OF AVIATION INSURANCE**
 13 **PROGRAM.**

14 (a) *EXTENSION.*—*Section 44310 of title 49, United*
 15 *States Code, is amended by striking out “September 30,*
 16 *1997” and inserting in lieu thereof “September 30, 2002”.*

17 (b) *EFFECTIVE DATE.*—*This section shall take effect*
 18 *as of September 30, 1997.*

19 **SEC. 1072. TREATMENT OF MILITARY FLIGHT OPERATIONS.**

20 *No military flight operation (including a military*
 21 *training flight), or designation of airspace for such an oper-*
 22 *ation, may be treated as a transportation program or*
 23 *project for purposes of section 303(c) of title 49, United*
 24 *States Code.*

1 **SEC. 1073. NATURALIZATION OF FOREIGN NATIONALS WHO**
2 **SERVED HONORABLY IN THE ARMED FORCES**
3 **OF THE UNITED STATES.**

4 (a) *IN GENERAL.*—Section 329 of the Immigration
5 and Nationality Act (8 U.S.C. 1440) is amended—

6 (1) in subsection (a)(1)—

7 (A) by inserting “, reenlistment, extension
8 of enlistment,” after “at the time of enlistment”;
9 and

10 (B) by inserting “or on board a public ves-
11 sel owned or operated by the United States for
12 noncommercial service,” after “United States,
13 the Canal Zone, American Samoa, or Swains Is-
14 land,”; and

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

17 “(d) *WAIVER.*—(1) For purposes of the naturalization
18 of natives of the Philippines under section 405 of the Immi-
19 gration Act of 1990 (8 U.S.C. 1440 note), notwithstanding
20 any other provision of law—

21 “(A) the processing of applications for natu-
22 ralization, filed in accordance with the provisions of
23 Section 405 of the Immigration Act of 1990 (Public
24 Law 101–649; 104 Stat. 5039), including necessary
25 interviews, may be conducted in the Philippines by

1 *employees of the Service designated pursuant to sec-*
 2 *tion 335(b) of this Act; and*

3 *“(B) oaths of allegiance for applications under*
 4 *this subsection may be administered in the Phil-*
 5 *ippines by employees of the Service designated pursu-*
 6 *ant to section 335(b) of this Act.*

7 *“(2) Paragraph (1) shall be effective only during the*
 8 *period beginning February 3, 1996, and ending at the end*
 9 *of February 2, 2006.”.*

10 *(b) EFFECTIVE DATES.—The amendments made by*
 11 *subsection (a)(1) shall be effective for all enlistments, re-*
 12 *enlistments, extensions of enlistment, or inductions of per-*
 13 *sons occurring on or after January 1, 1990.*

14 **SEC. 1074. DESIGNATION OF BOB HOPE AS HONORARY VET-**
 15 **ERAN.**

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

17 *(1) The United States has never in its more than*
 18 *200 years of existence conferred honorary veteran sta-*
 19 *tus on any person.*

20 *(2) Honorary veteran status is and should re-*
 21 *main an extraordinary honor not lightly conferred*
 22 *nor frequently granted.*

23 *(3) It is fitting and proper to confer that status*
 24 *on Bob Hope.*

1 (4) *Bob Hope attempted to enlist in the Armed*
2 *Forces to serve his country during World War II but*
3 *was informed that the greatest service he could pro-*
4 *vide his country was as a civilian entertainer for the*
5 *troops.*

6 (5) *Since then, Bob Hope has travelled to visit*
7 *and entertain millions of members of the Armed*
8 *Forces of the United States throughout World War II,*
9 *the Korean Conflict, the Vietnam War, the Persian*
10 *Gulf War, and the Cold War, in Europe, Africa, Eng-*
11 *land, Wales, Ireland, Scotland, Sicily, the Aleutian*
12 *Islands, Pearl Harbor, Kwajalein Island, Guam,*
13 *Japan, Korea, Vietnam, Saudi Arabia, and many*
14 *other locations.*

15 (6) *Bob Hope frequently elected to stage his*
16 *shows in forward combat areas.*

17 (7) *Bob Hope richly deserves the more than 100*
18 *awards and citations that he has received from gov-*
19 *ernment, military, and civic groups.*

20 (8) *Those awards include the American Congres-*
21 *sional Gold Medal, the Medal of Freedom, the People*
22 *to People Award, the Peabody Award, the Jean*
23 *Hersholdt Humanitarian Award, the Al Jolson*
24 *Award of the Veterans of Foreign Wars, the Medal of*

1 *Liberty, and the Distinguished Service Medals of each*
 2 *of the Armed Forces.*

3 *(9) Bob Hope has given unselfishly of himself for*
 4 *over half a century to be with American service mem-*
 5 *bers on foreign shores, has worked tirelessly to bring*
 6 *a spirit of humor and cheer to millions of military*
 7 *members during their loneliest moments, and has,*
 8 *thereby, extended to them for the American people a*
 9 *touch of home away from home.*

10 *(b) HONORARY DESIGNATION.—The elected representa-*
 11 *tives of the American people, expressing the gratitude of the*
 12 *American people to Bob Hope for his years of unselfish serv-*
 13 *ice to the members of the Armed Forces of the United States,*
 14 *designate Bob Hope as an honorary veteran of the Armed*
 15 *Forces of the United States.*

16 **SEC. 1075. CRIMINAL PROHIBITION ON THE DISTRIBUTION**
 17 **OF CERTAIN INFORMATION RELATING TO EX-**
 18 **PLOSIVES, DESTRUCTIVE DEVICES, AND**
 19 **WEAPONS OF MASS DESTRUCTION.**

20 *(a) UNLAWFUL CONDUCT.—Section 842 of title 18,*
 21 *United States Code, is amended by adding at the end the*
 22 *following:*

23 *“(l) DISTRIBUTION OF INFORMATION RELATING TO*
 24 *EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF*
 25 *MASS DESTRUCTION.—*

1 “(1) *DEFINITIONS.*—*In this subsection—*

2 “(A) *the term ‘destructive device’ has the*
3 *same meaning as in section 921(a)(4);*

4 “(B) *the term ‘explosive’ has the same*
5 *meaning as in section 844(j); and*

6 “(C) *the term ‘weapon of mass destruction’*
7 *has the same meaning as in section 2332a(c)(2).*

8 “(2) *PROHIBITION.*—*It shall be unlawful for any*
9 *person—*

10 “(A) *to teach or demonstrate the making or*
11 *use of an explosive, a destructive device, or a*
12 *weapon of mass destruction, or to distribute by*
13 *any means information pertaining to, in whole*
14 *or in part, the manufacture or use of an explo-*
15 *sive, destructive device, or weapon of mass de-*
16 *struction, with the intention that the teaching,*
17 *demonstration, or information be used for, or in*
18 *furtherance of, an activity that constitutes a*
19 *Federal criminal offense or a State or local*
20 *criminal offense affecting interstate commerce; or*

21 “(B) *to teach or demonstrate to any person*
22 *the making or use of an explosive, a destructive*
23 *device, or a weapon of mass destruction, or to*
24 *distribute to any person, by any means, infor-*
25 *mation pertaining to, in whole or in part, the*

1 *manufacture or use of an explosive, destructive*
 2 *device, or weapon of mass destruction, knowing*
 3 *that such person intends to use the teaching,*
 4 *demonstration, or information for, or in further-*
 5 *ance of, an activity that constitutes a Federal*
 6 *criminal offense or a State or local criminal of-*
 7 *fense affecting interstate commerce.”.*

8 **(b) PENALTIES.**—*Section 844 of title 18, United States*
 9 *Code, is amended—*

10 *(1) in subsection (a), by striking “person who*
 11 *violates subsections” and inserting the following:*
 12 *“person who—*

13 *“(1) violations subsections”;*

14 *(2) by striking the period at the end and insert-*
 15 *ing “; and”; and*

16 *(3) by adding at the end the following:*

17 *“(2) violates subsection (l)(2) of section 842 of*
 18 *this chapter, shall be fined under this title, impris-*
 19 *oned not more than 20 years, or both.”; and*

20 *(2) in subsection (j), by striking “and (i)” and*
 21 *inserting “(i), and (l)”.*

1 **SEC. 1076. PROHIBITION ON PROVISION OF BURIAL BENE-**
2 **FITS TO INDIVIDUALS CONVICTED OF FED-**
3 **ERAL CAPITAL OFFENSES.**

4 *Notwithstanding any other provision of law, an indi-*
5 *vidual convicted of a capital offense under Federal law shall*
6 *not be entitled to the following:*

7 *(1) Interment or inurnment in Arlington Na-*
8 *tional Cemetery, the Soldiers' and Airmen's National*
9 *Cemetery, any cemetery in the National Cemetery*
10 *System, or any other cemetery administered by the*
11 *Secretary of a military department or by the Sec-*
12 *retary of Veterans Affairs.*

13 *(2) Any other burial benefit under Federal law.*

14 **SEC. 1077. NATIONAL POW/MIA RECOGNITION DAY.**

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

16 *(1) The United States has fought in many wars,*
17 *and thousands of Americans who served in those wars*
18 *were captured by the enemy or listed as missing in*
19 *action.*

20 *(2) Many of these Americans are still missing*
21 *and unaccounted for, and the uncertainty surround-*
22 *ing their fates has caused their families to suffer trag-*
23 *ic and continuing hardships.*

24 *(3) As a symbol of the Nation's concern and*
25 *commitment to accounting as fully as possible for all*
26 *Americans still held prisoner, missing, or unac-*

1 *counted for by reason of their service in the Armed*
2 *Forces and to honor the Americans who in future*
3 *wars may be captured or listed as missing or unac-*
4 *counted for, Congress has officially recognized the Na-*
5 *tional League of Families POW/MIA flag.*

6 *(4) The American people observe and honor with*
7 *appropriate ceremony and activity the third Friday*
8 *of September each year as National POW/MIA Rec-*
9 *ognition Day.*

10 *(b) DISPLAY OF POW/MIA FLAG.—The POW/MIA*
11 *flag shall be displayed on Armed Forces Day, Memorial*
12 *Day, Flag Day, Independence Day, Veterans Day, National*
13 *POW/MIA Recognition Day, and on the last business day*
14 *before each of the preceding holidays, on the grounds or in*
15 *the public lobbies of—*

16 *(1) major military installations (as designated*
17 *by the Secretary of Defense);*

18 *(2) Federal national cemeteries;*

19 *(3) the National Korean War Veterans Memorial;*

20 *(4) the National Vietnam Veterans Memorial;*

21 *(5) the White House;*

22 *(6) the official office of the—*

23 *(A) Secretary of State;*

24 *(B) Secretary of Defense;*

25 *(C) Secretary of Veterans Affairs; and*

1 (D) *Director of the Selective Service Sys-*
 2 *tem; and*

3 (7) *United States Postal Service post offices.*

4 (c) *POW/MIA FLAG DEFINED.*—*In this section, the*
 5 *term “POW/MIA flag” means the National League of Fami-*
 6 *lies POW/MIA flag recognized and designated by section 2*
 7 *of Public Law 101–355 (104 Stat. 416).*

8 (d) *REGULATIONS.*—*Not later than 180 days after the*
 9 *date of enactment of this Act, the agency or department re-*
 10 *sponsible for a location listed in subsection (b) shall pre-*
 11 *scribe any regulation necessary to carry out this section.*

12 (e) *REPEAL OF PROVISION RELATING TO DISPLAY OF*
 13 *POW/MIA FLAG.*—*Section 1084 of the National Defense*
 14 *Authorization Act for Fiscal Years 1992 and 1993 (36*
 15 *U.S.C. 189 note, Public Law 102–190) is repealed.*

16 **SEC. 1078. DONATION OF EXCESS ARMY CHAPEL PROPERTY**
 17 **TO CHURCHES DAMAGED OR DESTROYED BY**
 18 **ARSON OR OTHER ACTS OF TERRORISM.**

19 (a) *AUTHORITY.*—*Notwithstanding any other provi-*
 20 *sion of law, the Secretary of the Army may donate property*
 21 *described in subsection (b) to an organization described in*
 22 *section 501(c)(3) of the Internal Revenue Code of 1986 that*
 23 *is a religious organization in order to assist the organiza-*
 24 *tion in restoring or replacing property of the organization*
 25 *that has been damaged or destroyed as a result of an act*

1 of arson or terrorism, as determined pursuant to procedures
2 prescribed by the Secretary.

3 (b) *PROPERTY COVERED.*—The property authorized to
4 be donated under subsection (a) is furniture and other prop-
5 erty that is in, or formerly in, chapels closed or being closed
6 and is determined as being excess to the requirements of
7 the Army. No real property may be donated under this sec-
8 tion.

9 (c) *DONEES NOT TO BE CHARGED.*—No charge may
10 be imposed by the Secretary on a donee of property under
11 this section in connection with the donation. However, the
12 donee shall defray any expense for shipping or other trans-
13 portation of property donated under this section from the
14 location of the property when donated to any other location.

15 **SEC. 1079. REPORT ON THE COMMAND SELECTION PROC-**
16 **ESS FOR DISTRICT ENGINEERS OF THE ARMY**
17 **CORPS OF ENGINEERS.**

18 (a) *FINDINGS.*—Congress finds that—

19 (1) *the Army Corps of Engineers—*

20 (A) *has served the United States since the*
21 *establishment of the Corps in 1802;*

22 (B) *has provided unmatched combat engi-*
23 *neering services to the Armed Forces and the al-*
24 *lies of the United States, both in times of war*
25 *and in times of peace;*

1 (C) has brilliantly fulfilled its domestic
2 mission of planning, designing, building, and
3 operating civil works and other water resources
4 projects;

5 (D) must remain constantly ready to carry
6 out its wartime mission while simultaneously
7 carrying out its domestic civil works mission;
8 and

9 (E) continues to provide the United States
10 with these services in projects of previously un-
11 known complexity and magnitude, such as the
12 Everglades Restoration Project and the Louisi-
13 ana Wetlands Restoration Project;

14 (2) the duration and complexity of these projects
15 present unique management and leadership challenges
16 to the Army Corps of Engineers;

17 (3) the effective management of these projects is
18 the primary responsibility of the District Engineer;

19 (4) District Engineers serve in that position for
20 a term of 2 years and may have their term extended
21 for a third year on the recommendation of the Chief
22 of Engineers; and

23 (5) the effectiveness of the leadership and man-
24 agement of major Army Corps of Engineers projects
25 may be enhanced if the timing of District Engineer

1 *reassignments were phased to coincide with the major*
2 *phases of the projects.*

3 *(b) REPORT.—Not later than March 31, 1998, the Sec-*
4 *retary of Defense shall submit a report to Congress that con-*
5 *tains—*

6 *(1) an identification of each major Army Corps*
7 *of Engineers project that—*

8 *(A) is being carried out by each District*
9 *Engineer as of the date of the report; or*

10 *(B) is being planned by each District Engi-*
11 *neer to be carried out during the 5-year period*
12 *beginning on the date of the report;*

13 *(2) the expected start and completion dates, dur-*
14 *ing that period, for each major phase of each project*
15 *identified under paragraph (1);*

16 *(3) the expected dates for leadership changes in*
17 *each Army Corps of Engineers District during that*
18 *period;*

19 *(4) a plan for optimizing the timing of leader-*
20 *ship changes so that there is minimal disruption to*
21 *major phases of major Army Corps of Engineers*
22 *projects; and*

23 *(5) a review of the impact on the Army Corps*
24 *of Engineers, and on the mission of each District, of*
25 *allowing major command tours of District Engineers*

1 to be of 2 to 4 years in duration, with the selection
2 of the exact timing of the change of command to be
3 at the discretion of the Chief of Engineers who shall
4 act with the goal of optimizing the timing of each
5 change so that it has minimal disruption on the mis-
6 sion of the District Engineer.

7 **SEC. 1080. GAO STUDY ON CERTAIN COMPUTERS.**

8 (a) *IN GENERAL.*—The Comptroller General of the
9 United States shall conduct a study of the national security
10 risks relating to the sale of computers with composite theo-
11 retical performance of between 2,000 and 7,000 million the-
12 oretical operations per second to end-users in Tier 3 coun-
13 tries. The study shall also analyze any foreign availability
14 of computers described in the preceding sentence and the
15 impact of such sales on United States exporters.

16 (b) *PUBLICATION OF END-USER LIST.*—The Secretary
17 of Commerce shall publish in the Federal Register a list
18 of military and nuclear end-users of the computers de-
19 scribed in subsection (a), except any end-user with respect
20 to whom there is an administrative finding that such publi-
21 cation would jeopardize the user's sources and methods.

22 (c) *END-USER ASSISTANCE TO EXPORTERS.*—The Sec-
23 retary of Commerce shall establish a procedure by which
24 exporters may seek information on questionable end-users.

1 (d) *DEFINITION OF TIER 3 COUNTRY.*—For purposes
2 of this section, the term “Tier 3 country” has the meaning
3 given such term in section 740.7 of title 15, Code of Federal
4 Regulations.

5 **SEC. 1081. CLAIMS BY MEMBERS OF THE ARMED FORCES**
6 **FOR LOSS OF PERSONAL PROPERTY DUE TO**
7 **FLOODING IN THE RED RIVER BASIN.**

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

9 (1) *The flooding that occurred in the portion of*
10 *the Red River Basin encompassing East Grand*
11 *Forks, Minnesota, and Grand Forks, North Dakota,*
12 *during April and May 1997 is the worst flooding to*
13 *occur in that region in the last 500 years.*

14 (2) *Over 700 military personnel stationed in the*
15 *vicinity of Grand Forks Air Force Base reside in that*
16 *portion of the Red River Basin.*

17 (3) *The military personnel stationed in the vi-*
18 *cinity of Grand Forks Air Force Base have been sta-*
19 *tioned there entirely for the convenience of the*
20 *Government.*

21 (4) *There is insufficient military family housing*
22 *at Grand Forks Air Force Base for all of those mili-*
23 *tary personnel, and the available off-base housing is*
24 *almost entirely within the areas adversely affected by*
25 *the flood.*

1 (5) *Many of the military personnel have suffered*
2 *catastrophic losses, including total losses of personal*
3 *property by some of the personnel.*

4 (6) *It is vital to the national security interests*
5 *of the United States that the military personnel ad-*
6 *versely affected by the flood recover as quickly and*
7 *completely as possible.*

8 (b) *AUTHORIZATION.—The Secretary of the military*
9 *department concerned may pay claims for loss and damage*
10 *to personal property suffered as a direct result of the flood-*
11 *ing in the Red River Basin during April and May 1997,*
12 *by members of the Armed Forces residing in the vicinity*
13 *of Grand Forks Air Force Base, North Dakota, without re-*
14 *gard to the provisions of section 3721(e) of title 31, United*
15 *States Code.*

16 **SEC. 1082. DEFENSE BURDENSARING.**

17 (a) *EFFORTS TO INCREASE ALLIED*
18 *BURDENSARING.—The President shall seek to have each*
19 *nation that has cooperative military relations with the*
20 *United States (including security agreements, basing ar-*
21 *rangements, or mutual participation in multinational*
22 *military organizations or operations) take one or more of*
23 *the following actions:*

24 (1) *For any nation in which United States mili-*
25 *tary personnel are assigned to permanent duty*

1 *ashore, increase its financial contributions to the pay-*
2 *ment of the nonpersonnel costs incurred by the United*
3 *States Government for stationing United States mili-*
4 *tary personnel in that nation, with a goal of achiev-*
5 *ing by September 30, 2000, 75 percent of such costs.*
6 *An increase in financial contributions by any nation*
7 *under this paragraph may include the elimination of*
8 *taxes, fees, or other charges levied on United States*
9 *military personnel, equipment, or facilities stationed*
10 *in that nation.*

11 *(2) Increase its annual budgetary outlays for na-*
12 *tional defense as a percentage of its gross domestic*
13 *product by 10 percent or at least to a level commensu-*
14 *rate to that of the United States by September 30,*
15 *1998.*

16 *(3) Increase its annual budgetary outlays for for-*
17 *ign assistance (to promote democratization, economic*
18 *stabilization, transparency arrangements, defense eco-*
19 *nomie conversion, respect for the rule of law, and*
20 *internationally recognized human rights) by 10 per-*
21 *cent or at least to a level commensurate to that of the*
22 *United States by September 30, 1998.*

23 *(4) Increase the amount of military assets (in-*
24 *cluding personnel, equipment, logistics, support and*
25 *other resources) that it contributes, or would be pre-*

1 *pared to contribute, to multinational military activi-*
2 *ties worldwide.*

3 *(b) AUTHORITIES TO ENCOURAGE ACTIONS BY UNIT-*
4 *ED STATES ALLIES.—In seeking the actions described in*
5 *subsection (a) with respect to any nation, or in response*
6 *to a failure by any nation to undertake one or more of such*
7 *actions, the President may take any of the following meas-*
8 *ures to the extent otherwise authorized by law:*

9 *(1) Reduce the end strength level of members of*
10 *the Armed Forces assigned to permanent duty ashore*
11 *in that nation.*

12 *(2) Impose on that nation fees or other charges*
13 *similar to those that such nation imposes on United*
14 *States forces stationed in that nation.*

15 *(3) Reduce (through rescission, impoundment, or*
16 *other appropriate procedures as authorized by law)*
17 *the amount the United States contributes to the*
18 *NATO Civil Budget, Military Budget, or Security In-*
19 *vestment Program.*

20 *(4) Suspend, modify, or terminate any bilateral*
21 *security agreement the United States has with that*
22 *nation, consistent with the terms of such agreement.*

23 *(5) Reduce (through rescission, impoundment or*
24 *other appropriate procedures as authorized by law)*

1 *any United States bilateral assistance appropriated*
2 *for that nation.*

3 (6) *Take any other action the President deter-*
4 *mines to be appropriate as authorized by law.*

5 (c) *REPORT ON PROGRESS IN INCREASING ALLIED*
6 *BURDENSARING.*—*Not later than March 1, 1998, the Sec-*
7 *retary of Defense shall submit to Congress a report on—*

8 (1) *steps taken by other nations to complete the*
9 *actions described in subsection (a);*

10 (2) *all measures taken by the President, includ-*
11 *ing those authorized in subsection (b), to achieve the*
12 *actions described in subsection (a);*

13 (3) *the difference between the amount allocated*
14 *by other nations for each of the actions described in*
15 *subsection (a) during the period beginning on March*
16 *1, 1996, and ending on February 28, 1997, and dur-*
17 *ing the period beginning on March 1, 1997, and end-*
18 *ing on February 28, 1998; and*

19 (4) *the budgetary savings to the United States*
20 *that are expected to accrue as a result of the steps de-*
21 *scribed under paragraph (1).*

22 (d) *REPORT ON NATIONAL SECURITY BASES FOR FOR-*
23 *WARD DEPLOYMENT AND BURDENSARING RELATION-*
24 *SHIPS.*—(1) *In order to ensure the best allocation of budg-*
25 *etary resources, the President shall undertake a review of*

1 *the status of elements of the United States Armed Forces*
2 *that are permanently stationed outside the United States.*
3 *The review shall include an assessment of the following:*

4 (A) *The alliance requirements that are to be*
5 *found in agreements between the United States and*
6 *other countries.*

7 (B) *The national security interests that support*
8 *permanently stationing elements of the United States*
9 *Armed Forces outside the United States.*

10 (C) *The stationing costs associated with the for-*
11 *ward deployment of elements of the United States*
12 *Armed Forces.*

13 (D) *The alternatives available to forward deploy-*
14 *ment (such as material prepositioning, enhanced air-*
15 *lift and sealift, or joint training operations) to meet*
16 *such alliance requirements or national security inter-*
17 *ests, with such alternatives identified and described in*
18 *detail.*

19 (E) *The costs and force structure configurations*
20 *associated with such alternatives to forward deploy-*
21 *ment.*

22 (F) *The financial contributions that allies of the*
23 *United States make to common defense efforts (to pro-*
24 *mote democratization, economic stabilization, trans-*
25 *parency arrangements, defense economic conversion,*

1 *respect for the rule of law, and internationally recog-*
2 *nized human rights).*

3 *(G) The contributions that allies of the United*
4 *States make to meeting the stationing costs associated*
5 *with the forward deployment of elements of the Unit-*
6 *ed States Armed Forces.*

7 *(H) The annual expenditures of the United*
8 *States and its allies on national defense, and the rel-*
9 *ative percentages of each nation's gross domestic prod-*
10 *uct constituted by those expenditures.*

11 *(2) The President shall submit to Congress a report*
12 *on the review under paragraph (1). The report shall be sub-*
13 *mitted not later than March 1, 1998, in classified and un-*
14 *classified form.*

15 **SEC. 1083. SENSE OF THE SENATE REGARDING A FOLLOW-**
16 **ON FORCE FOR BOSNIA.**

17 *(a) The Senate finds the following:*

18 *(1) United States military forces were deployed*
19 *to Bosnia as members of the North Atlantic Treaty*
20 *Organization (NATO) Implementation Forces (IFOR)*
21 *to implement the military aspects of the Dayton*
22 *Agreement.*

23 *(2) The military aspects of the Dayton Agree-*
24 *ment were being successfully implemented.*

1 (3) *Following the recommendation of the Sec-*
2 *retary General of the North Atlantic Treaty Organi-*
3 *zation on December 11, 1996, to extend the presence*
4 *of NATO forces in Bosnia until June 1998 so that*
5 *progress could be achieved in implementing the civil*
6 *aspects of the Dayton Agreement, the President an-*
7 *nounced his decision to extend the presence of United*
8 *States forces in Bosnia to participate in the NATO*
9 *Stabilization Force (SFOR) until June 1998.*

10 (4) *The cost of United States participation in*
11 *operations in Bosnia from 1992 through June 1998*
12 *is estimated to exceed \$7,000,000,000.*

13 (5) *The President and the Secretary of Defense*
14 *have stated that United States forces are to be with-*
15 *drawn from Bosnia by June 1998.*

16 (b) *It is the sense of Congress that—*

17 (1) *United States ground combat forces should*
18 *not participate in a follow-on force in Bosnia and*
19 *Herzegovina after June 1998;*

20 (2) *the European Security and Defense Identity,*
21 *which, as facilitated by the Combined Joint Task*
22 *Forces concept, enables the Western European Union,*
23 *with the consent of the North Atlantic Alliance, to as-*
24 *sume political control and strategic direction of*
25 *NATO assets made available by the Alliance, is an*

1 *ideal instrument for a follow-on force for Bosnia and*
2 *Herzegovina;*

3 *(3) if the European Security and Defense Iden-*
4 *tity is not sufficiently developed or is otherwise*
5 *deemed inappropriate for such a mission, a NATO-*
6 *led force without the participation of United States*
7 *ground combat forces in Bosnia, may be suitable for*
8 *a follow-on force for Bosnia and Herzegovina;*

9 *(4) the United States may decide to appro-*
10 *priately provide support to a Western European*
11 *Union-led or NATO-led follow-on force, including*
12 *command and control, intelligence, logistics, and, if*
13 *necessary, a ready reserve force in the region;*

14 *(5) the President should inform our European*
15 *NATO allies of this expression of the sense of Congress*
16 *and should strongly urge them to undertake prepara-*
17 *tions for a Western European Union-led or NATO-led*
18 *force as a follow-on force to the NATO-led Stabiliza-*
19 *tion Force if needed to maintain peace and stability*
20 *in Bosnia and Herzegovina; and*

21 *(6) the President should consult with the Con-*
22 *gress with respect to any support to be provided to a*
23 *Western European Union-led or NATO-led follow-on*
24 *force in Bosnia after June 1998.*

1 **SEC. 1084. ADVICE TO THE PRESIDENT AND CONGRESS RE-**
2 **GARDING THE SAFETY, SECURITY, AND RELI-**
3 **ABILITY OF UNITED STATES NUCLEAR WEAP-**
4 **ONS STOCKPILE.**

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

6 (1) *Nuclear weapons are the most destructive*
7 *weapons on earth. The United States and its allies*
8 *continue to rely on nuclear weapons to deter potential*
9 *adversaries from using weapons of mass destruction.*
10 *The safety and reliability of the nuclear stockpile are*
11 *essential to ensure its credibility as a deterrent.*

12 (2) *On September 24, 1996, President Clinton*
13 *signed the Comprehensive Test Ban Treaty.*

14 (3) *Effective as of September 30, 1996, the Unit-*
15 *ed States is prohibited by section 507 of the Energy*
16 *and Water Development Appropriations Act, 1993*
17 *(Public Law 102–377; 42 U.S.C. 2121 note) from con-*
18 *ducting underground nuclear tests “unless a foreign*
19 *state conducts a nuclear test after this date, at which*
20 *time the prohibition on United States nuclear testing*
21 *is lifted”.*

22 (4) *Section 1436(b) of the National Defense Au-*
23 *thorization Act, Fiscal Year 1989 (Public Law 100–*
24 *456; 42 U.S.C. 2121 note) requires the Secretary of*
25 *Energy to “establish and support a program to assure*
26 *that the United States is in a position to maintain*

1 *the reliability, safety, and continued deterrent effect of*
2 *its stockpile of existing nuclear weapons designs in*
3 *the event that a low-threshold or comprehensive test*
4 *ban on nuclear explosive testing is negotiated and*
5 *ratified.”.*

6 *(5) Section 3138(d) of the National Defense Au-*
7 *thorization Act for Fiscal Year 1994 (Public Law*
8 *103–160; 42 U.S.C. 2121 note) requires the President*
9 *to submit an annual report to Congress which sets*
10 *forth “any concerns with respect to the safety, secu-*
11 *rity, effectiveness, or reliability of existing United*
12 *States nuclear weapons raised by the Stockpile Stew-*
13 *ardship Program of the Department of Energy”.*

14 *(6) President Clinton declared in July 1993 that*
15 *“to assure that our nuclear deterrent remains unques-*
16 *tioned under a test ban, we will explore other means*
17 *of maintaining our confidence in the safety, reliabil-*
18 *ity, and the performance of our weapons”. This deci-*
19 *sion was codified in a Presidential Directive.*

20 *(7) Section 3138 of the National Defense Author-*
21 *ization Act for Fiscal Year 1994 also requires that the*
22 *Secretary of Energy establish a “stewardship pro-*
23 *gram to ensure the preservation of the core intellec-*
24 *tual and technical competencies of the United States*
25 *in nuclear weapons”.*

1 (8) *The plan of the Department of Energy to*
2 *maintain the safety and reliability of the United*
3 *States nuclear stockpile is known as the Stockpile*
4 *Stewardship and Management Program. The ability*
5 *of the United States to maintain warheads without*
6 *testing will require development of new and sophisti-*
7 *cated diagnostic technologies, methods, and proce-*
8 *dures. Current diagnostic technologies and laboratory*
9 *testing techniques are insufficient to certify the future*
10 *safety and reliability of the United States nuclear*
11 *stockpile. In the past these laboratory and diagnostic*
12 *tools were used in conjunction with nuclear testing.*

13 (9) *On August 11, 1995, President Clinton di-*
14 *rected “the establishment of a new annual reporting*
15 *and certification requirement [to] ensure that our nu-*
16 *clear weapons remain safe and reliable under a com-*
17 *prehensive test ban”.*

18 (10) *On the same day, the President noted that*
19 *the Secretary of Defense and the Secretary of Energy*
20 *have the responsibility, after being “advised by the*
21 *Nuclear Weapons Council, the Directors of DOE’s nu-*
22 *clear weapons laboratories, and the Commander of*
23 *United States Strategic Command”, to provide the*
24 *President with the information to make the certifi-*
25 *cation referred to in paragraph (9).*

1 (11) *The Joint Nuclear Weapons Council estab-*
2 *lished by section 179 of title 10, United States Code,*
3 *is responsible for providing advice to the Secretary of*
4 *Energy and Secretary of Defense regarding nuclear*
5 *weapons issues, including “considering safety, secu-*
6 *rity, and control issues for existing weapons”. The*
7 *Council plays a critical role in advising Congress in*
8 *matters relating to nuclear weapons.*

9 (12) *It is essential that the President receive*
10 *well-informed, objective, and honest opinions from his*
11 *advisors and technical experts regarding the safety,*
12 *security, and reliability of the nuclear weapons stock-*
13 *pile.*

14 (b) *POLICY.—*

15 (1) *IN GENERAL.—It is the policy of the United*
16 *States—*

17 (A) *to maintain a safe, secure, and reliable*
18 *nuclear weapons stockpile; and*

19 (B) *as long as other nations covet or control*
20 *nuclear weapons or other weapons of mass de-*
21 *struction, to retain a credible nuclear deterrent.*

22 (2) *NUCLEAR WEAPONS STOCKPILE.—It is in the*
23 *security interest of the United States to sustain the*
24 *United States nuclear weapons stockpile through pro-*
25 *grams relating to stockpile stewardship, subcritical*

1 *experiments, maintenance of the weapons laboratories,*
2 *and protection of the infrastructure of the weapons*
3 *complex.*

4 (3) *SENSE OF CONGRESS.—It is the sense of*
5 *Congress that—*

6 (A) *the United States should retain a triad*
7 *of strategic nuclear forces sufficient to deter any*
8 *future hostile foreign leadership with access to*
9 *strategic nuclear forces from acting against our*
10 *vital interests;*

11 (B) *the United States should continue to*
12 *maintain nuclear forces of sufficient size and ca-*
13 *pability to hold at risk a broad range of assets*
14 *valued by such political and military leaders;*
15 *and*

16 (C) *the advice of the persons required to*
17 *provide the President and Congress with assur-*
18 *ances of the safety, security and reliability of the*
19 *nuclear weapons force should be scientifically*
20 *based, without regard for politics, and of the*
21 *highest quality and integrity.*

22 (c) *ADVICE AND OPINIONS REGARDING NUCLEAR*
23 *WEAPONS STOCKPILE.—Any director of a nuclear weapons*
24 *laboratory or member of the Joint Nuclear Weapons Coun-*
25 *cil, or the Commander of United States Strategic Com-*

1 *mand, may submit to the President or Congress advice or*
2 *opinion in disagreement with, or in addition to, the advice*
3 *presented by the Secretary of Energy or Secretary of De-*
4 *fense to the President, the National Security Council, or*
5 *Congress, as the case may be, regarding the safety, security,*
6 *and reliability of the nuclear weapons stockpile.*

7 *(d) EXPRESSION OF INDIVIDUAL VIEWS.—A represent-*
8 *ative of the President may not take any action against, or*
9 *otherwise constrain, a director of a nuclear weapons labora-*
10 *tory, a member of the Joint Nuclear Weapons Council, or*
11 *the Commander of United States Strategic Command for*
12 *presenting individual views to the President, the National*
13 *Security Council, or Congress regarding the safety, security,*
14 *and reliability of the nuclear weapons stockpile.*

15 *(e) DEFINITIONS.—*

16 *(1) REPRESENTATIVE OF THE PRESIDENT.—The*
17 *term “representative of the President” means the fol-*
18 *lowing:*

19 *(A) Any official of the Department of De-*
20 *fense, the Department of Energy who is ap-*
21 *pointed by the President and confirmed by the*
22 *Senate.*

23 *(B) Any member of the National Security*
24 *Council.*

1 (C) *Any member of the Joint Chiefs of*
2 *Staff.*

3 (D) *Any official of the Office of Manage-*
4 *ment and Budget.*

5 (2) *NUCLEAR WEAPONS LABORATORY.—The term*
6 *“nuclear weapons laboratory” means any of the fol-*
7 *lowing:*

8 (A) *Los Alamos National Laboratory.*

9 (B) *Livermore National Laboratory.*

10 (C) *Sandia National Laboratories.*

11 **SEC. 1085. LIMITATION ON USE OF COOPERATIVE THREAT**
12 **REDUCTION FUNDS FOR DESTRUCTION OF**
13 **CHEMICAL WEAPONS.**

14 (a) *LIMITATION.—No funds authorized to be appro-*
15 *priated under this or any other Act for fiscal year 1998*
16 *for Cooperative Threat Reduction programs may be obli-*
17 *gated or expended for chemical weapons destruction activi-*
18 *ties, including for the planning, design, or construction of*
19 *a chemical weapons destruction facility or for the dis-*
20 *mantlement of an existing chemical weapons production fa-*
21 *cility, until the President submits to Congress a written cer-*
22 *tification under subsection (b).*

23 (b) *PRESIDENTIAL CERTIFICATION.—A certification*
24 *under this subsection is either of the following certifications:*

25 (1) *A certification that—*

1 (A) *Russia is making reasonable progress*
2 *toward the implementation of the Bilateral De-*
3 *struction Agreement;*

4 (B) *the United States and Russia have*
5 *made substantial progress toward the resolution,*
6 *to the satisfaction of the United States, of out-*
7 *standing compliance issues under the Wyoming*
8 *Memorandum of Understanding and the Bilat-*
9 *eral Destruction Agreement; and*

10 (C) *Russia has fully and accurately de-*
11 *clared all information regarding its unitary and*
12 *binary chemical weapons, chemical weapons fa-*
13 *cilities, and other facilities associated with chem-*
14 *ical weapons.*

15 (2) *A certification that the national security in-*
16 *terests of the United States could be undermined by*
17 *a United States policy not to carry out chemical*
18 *weapons destruction activities under the Cooperative*
19 *Threat Reduction programs for which funds are au-*
20 *thorized to be appropriated under this or any other*
21 *Act for fiscal year 1998.*

22 (c) *DEFINITIONS.—In this section:*

23 (1) *The term “Bilateral Destruction Agreement”*
24 *means the Agreement Between the United States of*
25 *America and the Union of Soviet Socialist Republics*

1 *on Destruction and Nonproduction of Chemical*
2 *Weapons and on Measures to Facilitate the Multilat-*
3 *eral Convention on Banning Chemical Weapons,*
4 *signed on June 1, 1990.*

5 (2) *The term “Chemical Weapons Convention”*
6 *means the Convention on the Prohibition of the Devel-*
7 *opment, Production, Stockpiling and Use of Chemical*
8 *Weapons and on Their Destruction, opened for signa-*
9 *ture on January 13, 1993.*

10 (3) *The term “Cooperative Threat Reduction*
11 *program” means a program specified in section*
12 *1501(b) of the National Defense Authorization Act for*
13 *Fiscal Year 1997 (Public Law 104–201: 110 Stat.*
14 *2731; 50 U.S.C. 2362 note).*

15 (4) *The term “Wyoming Memorandum of Under-*
16 *standing” means the Memorandum of Understanding*
17 *Between the Government of the United States of*
18 *America and the Government of the Union of Soviet*
19 *Socialist Republics Regarding a Bilateral Verifica-*
20 *tion Experiment and Data Exchange Related to Pro-*
21 *hibition on Chemical Weapons, signed at Jackson*
22 *Hole, Wyoming, on September 23, 1989.*

1 **SEC. 1086. RESTRICTIONS ON USE OF HUMANS AS EXPERI-**
2 **MENTAL SUBJECTS IN BIOLOGICAL AND**
3 **CHEMICAL WEAPONS RESEARCH.**

4 (a) *PROHIBITED ACTIVITIES.*—No officer or employee
5 of the United States may, directly or by contract—

6 (1) *conduct any test or experiment involving the*
7 *use of any chemical or biological agent on a civilian*
8 *population; or*

9 (2) *otherwise conduct any testing of biological or*
10 *chemical agents on human subjects.*

11 (b) *INAPPLICABILITY TO CERTAIN ACTIONS.*—The pro-
12 hibition in subsection (a) does not apply to any action car-
13 ried out for any of the following purposes:

14 (1) *Any peaceful purpose that is related to a*
15 *medical, therapeutic, pharmaceutical, agricultural,*
16 *industrial, research, or other activity.*

17 (2) *Any purpose that is directly related to pro-*
18 *tection against toxic chemicals and to protection*
19 *against chemical or biological weapons.*

20 (3) *Any military purpose of the United States*
21 *that is not connected with the use of a chemical weap-*
22 *on and is not dependent on the use of the toxic or poi-*
23 *sonous properties of the chemical weapon to cause*
24 *death or other harm.*

1 (4) *Any law enforcement purpose, including any*
2 *domestic riot control purpose and any imposition of*
3 *capital punishment.*

4 (c) *BIOLOGICAL AGENT DEFINED.*—*In this section, the*
5 *term “biological agent” means any micro-organism (includ-*
6 *ing bacteria, viruses, fungi, rickettsiac, or protozoa), patho-*
7 *gen, or infectious substance, and any naturally occurring,*
8 *bioengineered, or synthesized component of any such micro-*
9 *organism, pathogen, or infectious substance, whatever its*
10 *origin or method of production, that is capable of causing—*

11 (1) *death, disease, or other biological malfunc-*
12 *tion in a human, an animal, a plant, or another liv-*
13 *ing organism;*

14 (2) *deterioration of food, water, equipment, sup-*
15 *plies, or materials of any kind; or*

16 (3) *deleterious alteration of the environment.*

17 (d) *REPORT AND CERTIFICATION.*—*Section 1703(b) of*
18 *the National Defense Authorization Act for Fiscal Year*
19 *1994 (50 U.S.C. 1523(b)) is amended by adding at the end*
20 *the following:*

21 “(9) *A description of any program involving the*
22 *testing of biological or chemical agents on human sub-*
23 *jects that was carried out by the Department of De-*
24 *fense during the period covered by the report, together*
25 *with a detailed justification for the testing, a detailed*

1 *explanation of the purposes of the testing, the chemi-*
2 *cal or biological agents tested, and the Secretary's cer-*
3 *tification that informed consent to the testing was ob-*
4 *tained from each human subject in advance of the*
5 *testing on that subject."*

6 *(e) REPEAL OF DUPLICATIVE, SUPERSEDED, AND EX-*
7 *ECUTED LAWS.—Section 808 of the Department of Defense*
8 *Appropriation Authorization Act, 1978 (50 U.S.C. 1520)*
9 *is repealed.*

10 **SEC. 1087. SENSE OF THE SENATE REGARDING EXPANSION**
11 **OF THE NORTH ATLANTIC TREATY ORGANIZA-**
12 **TION.**

13 *(a) FINDINGS.—The Senate makes the following find-*
14 *ings:*

15 *(1) The North Atlantic Treaty Organization*
16 *(NATO) met on July 8 and 9, 1997, in Madrid,*
17 *Spain, and issued invitations to the Czech Republic,*
18 *Hungary, and Poland to begin accession talks to join*
19 *NATO.*

20 *(2) Congress has expressed its support for the*
21 *process of NATO enlargement by approving the*
22 *NATO Enlargement Facilitation Act of 1996 (Public*
23 *Law 104–208; 22 U.S.C. 1928 note) by a vote of 81–*
24 *16 in the Senate, and 353–65 in the House of Rep-*
25 *resentatives.*

1 (3) *The United States has assured that the proc-*
2 *ess of enlarging NATO will continue after the first*
3 *round of invitations in July.*

4 (4) *Romania and Slovenia are to be commended*
5 *for their progress toward political and economic re-*
6 *form and meeting the guidelines for prospective mem-*
7 *bership in NATO.*

8 (5) *In furthering the purpose and objective of*
9 *NATO in promoting stability and well-being in the*
10 *North Atlantic area, NATO should invite Romania,*
11 *Slovenia, and any other democratic states of Central*
12 *and Eastern Europe to accession negotiations to be-*
13 *come NATO members as expeditiously as possible*
14 *upon the satisfaction of all relevant membership cri-*
15 *teria.*

16 (b) *SENSE OF THE SENATE.—It is the sense of the Sen-*
17 *ate that NATO should be commended—*

18 (1) *for having committed to review the process of*
19 *enlarging NATO at the next NATO summit in 1999;*
20 *and*

21 (2) *for singling out the positive developments to-*
22 *ward democracy and rule of law in Romania and*
23 *Slovenia.*

1 **SEC. 1088. SECURITY, FIRE PROTECTION, AND OTHER SERV-**
2 **ICES AT PROPERTY FORMERLY ASSOCIATED**
3 **WITH RED RIVER ARMY DEPOT, TEXAS.**

4 (a) *AUTHORITY TO ENTER INTO AGREEMENT.—(1)*
5 *The Secretary of the Army may enter into an agreement*
6 *with the local redevelopment authority for Red River Army*
7 *Depot, Texas, under which agreement the Secretary pro-*
8 *vides security services, fire protection services, or hazardous*
9 *material response services for the authority with respect to*
10 *the property at the depot that is under the jurisdiction of*
11 *the authority as a result of the realignment of the depot*
12 *under the base closure laws.*

13 (2) *The Secretary may not enter into the agreement*
14 *unless the Secretary determines that the provision of serv-*
15 *ices under the agreement is in the best interests of the Unit-*
16 *ed States.*

17 (3) *The agreement shall provide for reimbursing the*
18 *Secretary for the services provided by the Secretary under*
19 *the agreement.*

20 (b) *TREATMENT OF REIMBURSEMENT.—Any amounts*
21 *received by the Secretary under the agreement under sub-*
22 *section (a) shall be credited to the appropriations providing*
23 *funds for the services concerned. Amounts so credited shall*
24 *be merged with the appropriations to which credited and*
25 *shall be available for the purposes, and subject to the condi-*

1 tions and limitations, for which such appropriations are
2 available.

3 **SEC. 1089. AUTHORITY OF THE SECRETARY OF DEFENSE**
4 **CONCERNING DISPOSAL OF ASSETS UNDER**
5 **COOPERATIVE AGREEMENTS ON AIR DE-**
6 **FENSE IN CENTRAL EUROPE.**

7 (a) *GENERAL AUTHORITIES.*—The Secretary of De-
8 fense, pursuant to an amendment or amendments to the Eu-
9 ropean air defense agreements, may dispose of any defense
10 articles owned by the United States and acquired to carry
11 out such agreements by providing such articles to the Fed-
12 eral Republic of Germany. In carrying out such disposal,
13 the Secretary—

14 (1) may provide without monetary charge to the
15 Federal Republic of Germany articles specified in the
16 agreements; and

17 (2) may accept from the Federal Republic of
18 Germany (in exchange for the articles provided under
19 paragraph (1)) articles, services, or any other consid-
20 eration, as determined appropriate by the Secretary.

21 (b) *DEFINITION OF EUROPEAN AIR DEFENSE AGREE-*
22 *MENTS.*—For the purposes of this section, the term “Euro-
23 pean air defense agreements” means—

24 (1) the agreement entitled “Agreement between
25 the Secretary of Defense of the United States of Amer-

1 *ica and the Minister of Defense of the Federal Repub-*
 2 *lic of Germany on Cooperative Measures for Enhanc-*
 3 *ing Air Defense for Central Europe”, signed on De-*
 4 *cember 6, 1983; and*

5 (2) *the agreement entitled “Agreement between*
 6 *the Secretary of Defense of the United States of Amer-*
 7 *ica and the Minister of Defense of the Federal Repub-*
 8 *lic of Germany in implementation of the 6 December*
 9 *1983 Agreement on Cooperative Measures for Enhanc-*
 10 *ing Air Defense for Central Europe”, signed on July*
 11 *12, 1984.*

12 **SEC. 1090. RESTRICTIONS ON QUANTITIES OF ALCOHOLIC**
 13 **BEVERAGES AVAILABLE FOR PERSONNEL**
 14 **OVERSEAS THROUGH DEPARTMENT OF DE-**
 15 **FENSE SOURCES.**

16 (a) *REGULATIONS REQUIRED.*—*The Secretary of De-*
 17 *fense shall prescribe regulations relative to the quantity of*
 18 *alcoholic beverages that is available outside the United*
 19 *States through Department of Defense sources, including*
 20 *nonappropriated fund instrumentalities under the Depart-*
 21 *ment of Defense, for the use of a member of the Armed*
 22 *Forces, an employee of the Department of Defense, and de-*
 23 *pendents of such personnel.*

24 (b) *APPLICABLE STANDARD.*—*Each quantity pre-*
 25 *scribed by the Secretary shall be a quantity that is consist-*

1 *ent with the prevention of illegal resale or other illegal dis-*
 2 *position of alcoholic beverages overseas and such regulations*
 3 *shall be accompanied with elimination of barriers to exports*
 4 *of United States made beverages currently placed by other*
 5 *countries.*

6 ***TITLE XI—DEPARTMENT OF***
 7 ***DEFENSE CIVILIAN PERSONNEL***

8 ***SEC. 1101. USE OF PROHIBITED CONSTRAINTS TO MANAGE***
 9 ***DEPARTMENT OF DEFENSE PERSONNEL.***

10 *Section 129 of title 10, United States Code, is amended*
 11 *by adding at the end the following:*

12 “(f)(1) *Not later than February 1 and August 1 of each*
 13 *year, the Secretary of each military department and the*
 14 *head of each Defense Agency shall submit to the Committee*
 15 *on Armed Services of the Senate and the Committee on Na-*
 16 *tional Security of the House of Representative a report on*
 17 *the management of the civilian workforce under the juris-*
 18 *diction of that official.*

19 “(2) *Each report of an official under paragraph (1)*
 20 *shall contain the following:*

21 “(A) *The official’s certification that the civilian*
 22 *workforce under the jurisdiction of the official is not*
 23 *subject to any constraint or limitation in terms of*
 24 *man years, end strength, full-time equivalent posi-*
 25 *tions, or maximum number of employees, and that,*

1 *during the six months preceding the date on which*
 2 *the report is due, such workforce has not been subject*
 3 *to any such constraint or limitation.*

4 *“(B) A description of how the civilian workforce*
 5 *is managed.*

6 *“(C) A detailed description of the analytical*
 7 *tools used to determine civilian workforce require-*
 8 *ments during the six-month period referred to in sub-*
 9 *paragraph (A).”.*

10 **SEC. 1102. EMPLOYMENT OF CIVILIAN FACULTY AT THE MA-**
 11 **RINE CORPS UNIVERSITY.**

12 *(a) EXPANDED AUTHORITY.—Subsections (a) and (c)*
 13 *of section 7478 of title 10, United States Code, are amended*
 14 *by striking out “the Marine Corps Command and Staff Col-*
 15 *lege” and inserting in lieu thereof “a school of the Marine*
 16 *Corps University”.*

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

19 **“§ 7478. Naval War College and Marine Corps Univer-**
 20 **sity: civilian faculty members”.**

21 *(2) The table of sections at the beginning of chapter*
 22 *643 of such title is amended by striking out the item relat-*
 23 *ing to section 7478 and inserting in lieu thereof the follow-*
 24 *ing new item:*

“7478. Naval War College and Marine Corps University: civilian faculty mem-
bers.”.

1 **SEC. 1103. EXTENSION AND REVISION OF VOLUNTARY SEP-**
 2 **ARATION INCENTIVE PAY AUTHORITY.**

3 (a) *REMITTANCE TO CSRS FUND.*—Section 5597 of
 4 title 5, United States Code, is amended by adding at the
 5 end the following:

6 “(h)(1) In addition to any other payment that it is
 7 required to make under subchapter III of chapter 83 or
 8 chapter 84 of this title, the Department of Defense shall
 9 remit to the Office of Personnel Management an amount
 10 equal to 15 percent of the final basic pay of each covered
 11 employee. The remittance shall be in place of any remit-
 12 tance with respect to the employee that is otherwise required
 13 under section 4(a) of the Federal Workforce Restructuring
 14 Act of 1994 (5 U.S.C. 8331 note).

15 “(2) Amounts remitted under paragraph (1) shall be
 16 deposited in the Treasury of the United States to the credit
 17 of the Civil Service Retirement and Disability Fund.

18 “(3) For the purposes of this subsection—

19 “(A) the term ‘covered employee’ means an em-
 20 ployee who is subject to subchapter III of chapter 83
 21 or chapter 84 of this title and to whom a voluntary
 22 separation incentive has been paid under this section
 23 on the basis of a separation on or after October 1,
 24 1997; and

25 “(B) the term ‘final basic pay’ has the meaning
 26 given such term in section 4(a)(2) of the Federal

1 *Workforce Restructuring Act of 1994 (5 U.S.C. 8331*
 2 *note).”.*

3 (b) *EXTENSION OF AUTHORITY.*—(1) *Subsection (e) of*
 4 *such section is amended by striking out “September 30,*
 5 *1999” and inserting in lieu thereof “September 30, 2001”.*

6 (2) *Section 4436(d)(2) of the Defense Conversion, Re-*
 7 *investment, and Transition Assistance Act of 1992 (5*
 8 *U.S.C. 8348 note) is amended by striking “January 1,*
 9 *2000” and inserting in lieu thereof “January 1, 2002”.*

10 **SEC. 1104. REPEAL OF DEADLINE FOR PLACEMENT CONSID-**

11 **ERATION OF INVOLUNTARILY SEPARATED**

12 **MILITARY RESERVE TECHNICIANS.**

13 *Section 3329(b) of title 5, United States Code, is*
 14 *amended by striking out “a position described in subsection*
 15 *(c) not later than 6 months after the date of the applica-*
 16 *tion”.*

17 **SEC. 1105. RATE OF PAY OF DEPARTMENT OF DEFENSE**

18 **OVERSEAS TEACHER UPON TRANSFER TO**

19 **GENERAL SCHEDULE POSITION.**

20 (a) *PREVENTION OF EXCESSIVE INCREASES.*—*Section*
 21 *5334(d) of title 5, United States Code, is amended by strik-*
 22 *ing out “20 percent” and all that follows and inserting in*
 23 *lieu thereof “an amount determined under regulations*
 24 *which the Secretary of Defense shall prescribe for the deter-*
 25 *mination of the yearly rate of pay of the position. The*

1 *amount by which a rate of pay is increased under the regu-*
2 *lations may not exceed the amount equal to 20 percent of*
3 *that rate of pay.”.*

4 (b) *EFFECTIVE DATE AND SAVINGS PROVISION.—(1)*
5 *The amendment made by subsection (a) shall take effect 180*
6 *days after the date of the enactment of this Act.*

7 (2) *In the case of a person who is employed in a teach-*
8 *ing position referred to in section 5334(d) of title 5, United*
9 *States Code, on the day before the effective date determined*
10 *under paragraph (1), the rate of pay determined under such*
11 *section (as in effect on that day) shall not be reduced by*
12 *reason of the amendment made by subsection (a) for so long*
13 *as the person continues to serve in that position or another*
14 *such position without a break in service on or after that*
15 *day.*

16 **SEC. 1106. NATURALIZATION OF EMPLOYEES OF THE**
17 **GEORGE C. MARSHALL EUROPEAN CENTER**
18 **FOR SECURITY STUDIES.**

19 (a) *ELIGIBILITY WITHOUT PERMANENT RESI-*
20 *DENCE.—Subsection (a) of section 506 of the Intelligence*
21 *Authorization Act, Fiscal Year 1990 (Public Law 101–193;*
22 *103 Stat. 1709; 8 U.S.C. 1430 note) is amended to read*
23 *as follows:*

24 “(a) *For purposes of subsection (c) of section 319 of*
25 *the Immigration and Nationality Act (8 U.S.C. 1430), the*

1 *George C. Marshall European Center for Security Studies,*
 2 *located in Garmisch, Federal Republic of Germany, shall*
 3 *be considered to be an organization described in clause (1)*
 4 *of such subsection. Notwithstanding clauses (2) and (4) of*
 5 *such subsection and any other provision of title III of the*
 6 *Immigration and Nationality Act, neither prior admission*
 7 *to the United States for permanent residence nor presence*
 8 *in the United States at the time of naturalization is re-*
 9 *quired as a condition for the naturalization (under the au-*
 10 *thority of such subsection) of a person employed by the Cen-*
 11 *ter.”.*

12 (b) *REFERENCE CORRECTION.—The section heading of*
 13 *such section is amended to read as follows:*

14 “*REQUIREMENTS FOR CITIZENSHIP FOR STAFF OF GEORGE*
 15 *C. MARSHALL EUROPEAN CENTER FOR SECURITY*
 16 *STUDIES”.*

17 **SEC. 1107. GARNISHMENT AND INVOLUNTARY ALLOTMENT.**

18 *Section 5520a of title 5, United States Code, is amend-*
 19 *ed—*

20 (1) *in subsection (j), by striking out paragraph*
 21 *(2) and inserting in lieu thereof the following:*

22 “(2) *Such regulations shall provide that an agency’s*
 23 *administrative costs in executing a garnishment action*
 24 *may be added to the garnishment, and that the agency may*
 25 *retain costs recovered as offsetting collections.”;*

26 (2) *in subsection (k)—*

1 (A) by striking out paragraph (3); and

2 (B) by redesignating paragraph (4) as
3 paragraph (3); and

4 (3) by striking out subsection (l).

5 **SEC. 1108. HIGHER EDUCATION PILOT PROGRAM FOR THE**
6 **NAVAL UNDERSEA WARFARE CENTER.**

7 (a) *ESTABLISHMENT.*—The Secretary of the Navy may
8 establish under the Naval Undersea Warfare Center (here-
9 after in this section referred to as the “Center”) and the
10 Acquisition Center for Excellence of the Navy jointly a pilot
11 program of higher education with respect to the administra-
12 tion of business relationships between the Federal Govern-
13 ment and the private sector.

14 (b) *PURPOSE.*—The purpose of the pilot program is
15 to make available to employees of the Center and employees
16 of the Naval Sea Systems Command a curriculum of grad-
17 uate-level higher education that—

18 (1) is designed to prepare the employees effec-
19 tively to meet the challenges of administering Federal
20 Government contracting and other business relation-
21 ships between the Federal Government and businesses
22 in the private sector in the context of constantly
23 changing or newly emerging industries, technologies,
24 governmental organizations, policies, and procedures
25 (including governmental organizations, policies, and

1 *procedures recommended in the National Performance*
2 *Review*); and

3 *(2) leads to award of a graduate degree.*

4 *(c) PARTNERSHIP WITH INSTITUTION OF HIGHER*
5 *EDUCATION.—(1) The Secretary may enter into an agree-*
6 *ment with an institution of higher education to assist the*
7 *Center with the development of the curriculum, to offer*
8 *courses and provide instruction and materials to the extent*
9 *provided for in the agreement, to provide any other assist-*
10 *ance in support of the pilot program that is provided for*
11 *in the agreement, and to award a graduate degree under*
12 *the pilot program.*

13 *(2) An institution of higher education is eligible to*
14 *enter into an agreement under paragraph (1) if the institu-*
15 *tion has an established program of graduate-level education*
16 *that is relevant to the purpose of the pilot program.*

17 *(d) CURRICULUM.—The curriculum offered under the*
18 *pilot program shall—*

19 *(1) be designed specifically to achieve the pur-*
20 *pose of the pilot program; and*

21 *(2) include—*

22 *(A) courses that are typically offered under*
23 *curricula leading to award of the degree of Mas-*
24 *ters of Business Administration by institutions*
25 *of higher education; and*

1 (B) courses for meeting educational quali-
2 fication requirements for certification as an ac-
3 quisition program manager.

4 (e) *DISTANCE LEARNING OPTION.*—The pilot program
5 may include policies and procedures for offering distance
6 learning instruction by means of telecommunications, cor-
7 respondence, or other methods for off-site receipt of instruc-
8 tion.

9 (f) *PERIOD FOR PILOT PROGRAM.*—The Secretary
10 shall carry out the pilot program during fiscal years 1998
11 through 2002.

12 (g) *REPORT.*—Not later than 90 days after the termi-
13 nation of the pilot program, the Secretary shall submit to
14 Congress a report on the pilot program. The report shall
15 include the Secretary's assessment of the value of the pro-
16 gram for meeting the purpose of the program and the desir-
17 ability of permanently establishing a similar program for
18 all of the Department of Defense.

19 (h) *INSTITUTION OF HIGHER EDUCATION DEFINED.*—
20 In this section, the term “institution of higher education”
21 has the meaning given the term in section 1201 of the High-
22 er Education Act of 1965 (20 U.S.C. 1141).

23 (i) *AUTHORIZATION OF APPROPRIATIONS.*—(1) Funds
24 are authorized to be appropriated for the Navy for the pilot
25 program for fiscal year 1998 in the total amount of

1 \$2,500,000. *The amount authorized to be appropriated for*
2 *the pilot program is in addition to other amounts author-*
3 *ized by other provisions of this Act to be appropriated for*
4 *the Navy for fiscal year 1998.*

5 (2) *The amount authorized to be appropriated by sec-*
6 *tion 421 is hereby reduced by \$2,500,000.*

7 **TITLE XII—FEDERAL CHARTER**
8 **FOR THE AIR FORCE SER-**
9 **GEANTS ASSOCIATION**

10 **SEC. 1201. RECOGNITION AND GRANT OF FEDERAL CHAR-**
11 **TER.**

12 *The Air Force Sergeants Association, a nonprofit cor-*
13 *poration organized under the laws of the District of Colum-*
14 *bia, is recognized as such and granted a Federal charter.*

15 **SEC. 1202. POWERS.**

16 *The Air Force Sergeants Association (in this title re-*
17 *ferred to as the “association”) shall have only those powers*
18 *granted to it through its bylaws and articles of incorpora-*
19 *tion filed in the District of Columbia and subject to the*
20 *laws of the District of Columbia.*

21 **SEC. 1203. PURPOSES.**

22 *The purposes of the association are those provided in*
23 *its bylaws and articles of incorporation and shall include*
24 *the following:*

1 (1) *To help maintain a highly dedicated and*
2 *professional corps of enlisted personnel within the*
3 *United States Air Force, including the United States*
4 *Air Force Reserve, and the Air National Guard.*

5 (2) *To support fair and equitable legislation and*
6 *Department of the Air Force policies and to influence*
7 *by lawful means departmental plans, programs, poli-*
8 *cies, and legislative proposals that affect enlisted per-*
9 *sonnel of the Regular Air Force, the Air Force Re-*
10 *serve, and the Air National Guard, its retirees, and*
11 *other veterans of enlisted service in the Air Force.*

12 (3) *To actively publicize the roles of enlisted per-*
13 *sonnel in the United States Air Force.*

14 (4) *To participate in civil and military activi-*
15 *ties, youth programs, and fundraising campaigns*
16 *that benefit the United States Air Force.*

17 (5) *To provide for the mutual welfare of members*
18 *of the association and their families.*

19 (6) *To assist in recruiting for the United States*
20 *Air Force.*

21 (7) *To assemble together for social activities.*

22 (8) *To maintain an adequate Air Force for our*
23 *beloved country.*

24 (9) *To foster among the members of the associa-*
25 *tion a devotion to fellow airmen.*

1 (10) *To serve the United States and the United*
2 *States Air Force loyally, and to do all else necessary*
3 *to uphold and defend the Constitution of the United*
4 *States.*

5 **SEC. 1204. SERVICE OF PROCESS.**

6 *With respect to service of process, the association shall*
7 *comply with the laws of the District of Columbia and those*
8 *States in which it carries on its activities in furtherance*
9 *of its corporate purposes.*

10 **SEC. 1205. MEMBERSHIP.**

11 *Except as provided in section 1208(g), eligibility for*
12 *membership in the association and the rights and privileges*
13 *of members shall be as provided in the bylaws and articles*
14 *of incorporation of the association.*

15 **SEC. 1206. BOARD OF DIRECTORS.**

16 *Except as provided in section 1208(g), the composition*
17 *of the board of directors of the association and the respon-*
18 *sibilities of the board shall be as provided in the bylaws*
19 *and articles of incorporation of the association and in con-*
20 *formity with the laws of the District of Columbia.*

21 **SEC. 1207. OFFICERS.**

22 *Except as provided in section 1208(g), the positions*
23 *of officers of the association and the election of members*
24 *to such positions shall be as provided in the bylaws and*

1 *articles of incorporation of the association and in conform-*
2 *ity with the laws of the District of Columbia.*

3 **SEC. 1208. RESTRICTIONS.**

4 (a) *INCOME AND COMPENSATION.*—No part of the in-
5 come or assets of the association may inure to the benefit
6 of any member, officer, or director of the association or be
7 distributed to any such individual during the life of this
8 charter. Nothing in this subsection may be construed to pre-
9 vent the payment of reasonable compensation to the officers
10 and employees of the association or reimbursement for ac-
11 tual and necessary expenses in amounts approved by the
12 board of directors.

13 (b) *LOANS.*—The association may not make any loan
14 to any member, officer, director, or employee of the associa-
15 tion.

16 (c) *ISSUANCE OF STOCK AND PAYMENT OF DIVI-*
17 *DENDS.*—The association may not issue any shares of stock
18 or declare or pay any dividends.

19 (d) *DISCLAIMER OF CONGRESSIONAL OR FEDERAL AP-*
20 *PROVAL.*—The association may not claim the approval of
21 the Congress or the authorization of the Federal Government
22 for any of its activities by virtue of this title.

23 (e) *CORPORATE STATUS.*—The association shall main-
24 tain its status as a corporation organized and incorporated
25 under the laws of the District of Columbia.

1 (f) *CORPORATE FUNCTION.*—*The association shall*
2 *function as an educational, patriotic, civic, historical, and*
3 *research organization under the laws of the District of Co-*
4 *lumbia.*

5 (g) *NONDISCRIMINATION.*—*In establishing the condi-*
6 *tions of membership in the association and in determining*
7 *the requirements for serving on the board of directors or*
8 *as an officer of the association, the association may not dis-*
9 *criminate on the basis of race, color, religion, sex, handicap,*
10 *age, or national origin.*

11 **SEC. 1209. LIABILITY.**

12 *The association shall be liable for the acts of its offi-*
13 *cers, directors, employees, and agents whenever such indi-*
14 *viduals act within the scope of their authority.*

15 **SEC. 1210. MAINTENANCE AND INSPECTION OF BOOKS AND**
16 **RECORDS.**

17 (a) *BOOKS AND RECORDS OF ACCOUNT.*—*The associa-*
18 *tion shall keep correct and complete books and records of*
19 *account and minutes of any proceeding of the association*
20 *involving any of its members, the board of directors, or any*
21 *committee having authority under the board of directors.*

22 (b) *NAMES AND ADDRESSES OF MEMBERS.*—*The asso-*
23 *ciation shall keep at its principal office a record of the*
24 *names and addresses of all members having the right to vote*
25 *in any proceeding of the association.*

1 (c) *RIGHT TO INSPECT BOOKS AND RECORDS.*—All
 2 books and records of the association may be inspected by
 3 any member having the right to vote in any proceeding of
 4 the association, or by any agent or attorney of such member,
 5 for any proper purpose at any reasonable time.

6 (d) *APPLICATION OF STATE LAW.*—This section may
 7 not be construed to contravene any applicable State law.

8 **SEC. 1211. AUDIT OF FINANCIAL TRANSACTIONS.**

9 The first section of the Act entitled “An Act to provide
 10 for audit of accounts of private corporations established
 11 under Federal law”, approved August 30, 1964 (36 U.S.C.
 12 1101), is amended—

13 (1) by redesignating the paragraph (77) added
 14 by section 1811 of Public Law 104–201 (110 Stat.
 15 2762) as paragraph (78); and

16 (2) by adding at the end the following:

17 “(79) Air Force Sergeants Association.”.

18 **SEC. 1212. ANNUAL REPORT.**

19 The association shall annually submit to Congress a
 20 report concerning the activities of the association during
 21 the preceding fiscal year. The annual report shall be sub-
 22 mitted on the same date as the report of the audit required
 23 by reason of the amendment made in section 1211. The an-
 24 nual report shall not be printed as a public document.

1 **SEC. 1213. RESERVATION OF RIGHT TO ALTER, AMEND, OR**
 2 **REPEAL CHARTER.**

3 *The right to alter, amend, or repeal this title is ex-*
 4 *pressly reserved to Congress.*

5 **SEC. 1214. TAX-EXEMPT STATUS REQUIRED AS CONDITION**
 6 **OF CHARTER.**

7 *If the association fails to maintain its status as an*
 8 *organization exempt from taxation as provided in the Inter-*
 9 *nal Revenue Code of 1986 the charter granted in this title*
 10 *shall terminate.*

11 **SEC. 1215. TERMINATION.**

12 *The charter granted in this title shall expire if the as-*
 13 *sociation fails to comply with any of the provisions of this*
 14 *title.*

15 **SEC. 1216. DEFINITION OF STATE.**

16 *For purposes of this title, the term “State” includes*
 17 *the District of Columbia, the Commonwealth of Puerto Rico,*
 18 *the Commonwealth of the Northern Mariana Islands, and*
 19 *the territories and possessions of the United States.*

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>Alabama</i>	<i>Redstone Arsenal</i>	<i>\$27,000,000</i>
<i>Arizona</i>	<i>Fort Huachuca</i>	<i>\$20,000,000</i>
<i>California</i>	<i>Naval Weapons Station, Concord</i>	<i>\$23,000,000</i>
<i>Colorado</i>	<i>Fort Carson</i>	<i>\$7,300,000</i>
<i>Georgia</i>	<i>Fort Gordon</i>	<i>\$22,000,000</i>
<i>Hawaii</i>	<i>Schofield Barracks</i>	<i>\$44,000,000</i>
<i>Indiana</i>	<i>Crane Army Ammunition Activity</i>	<i>\$7,700,000</i>
<i>Kansas</i>	<i>Fort Leavenworth</i>	<i>\$63,000,000</i>
	<i>Fort Riley</i>	<i>\$25,800,000</i>
<i>Kentucky</i>	<i>Fort Campbell</i>	<i>\$53,600,000</i>
	<i>Fort Knox</i>	<i>\$7,200,000</i>
<i>North Carolina</i>	<i>Fort Bragg</i>	<i>\$6,500,000</i>
<i>South Carolina</i>	<i>Naval Weapons Station, Charleston</i>	<i>\$7,700,000</i>
<i>Texas</i>	<i>Fort Sam Houston</i>	<i>\$16,000,000</i>
<i>Virginia</i>	<i>Charlottesville</i>	<i>\$3,100,000</i>
	<i>Fort A.P. Hill</i>	<i>\$5,400,000</i>
	<i>Fort Myer</i>	<i>\$8,200,000</i>
<i>Washington</i>	<i>Fort Lewis</i>	<i>\$33,000,000</i>
<i>CONUS Classified</i>	<i>Classified Location</i>	<i>\$6,500,000</i>
	<i>Total:</i>	<i>\$387,000,000</i>

(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 acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
<i>Germany</i>	<i>Katterbach Kaserne, Ansbach</i>	\$22,000,000
	<i>Kitzingen</i>	\$4,365,000
	<i>Tompkins Barracks, Heidelberg</i>	\$8,800,000
	<i>Rhine Ordnance Barracks, 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>Various Overseas</i>	<i>Various Locations</i>	\$37,000,000
<i>Worldwide</i>	<i>Host Nation Support</i>	\$20,000,000
<i>Total:</i>		\$174,265,000

1 SEC. 2102. FAMILY HOUSING.

2 (a) CONSTRUCTION AND ACQUISITION.—Using
3 amounts appropriated pursuant to the authorization of ap-
4 propriations in section 2104(a)(5)(A), the Secretary of the
5 Army may construct or acquire family housing units (in-
6 cluding land acquisition) at the installations, for the pur-
7 poses, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or loca- tion	Purpose	Amount
<i>Alaska</i>	<i>Fort Richardson</i>	<i>52 Units</i>	\$9,600,000
	<i>Fort Wainwright</i>	<i>32 Units</i>	\$8,300,000
<i>Florida</i>	<i>Miami</i>	<i>8 Units</i>	\$2,300,000
<i>Hawaii</i>	<i>Schofield Barracks</i>	<i>132 Units</i>	\$26,600,000
<i>Kentucky</i>	<i>Fort Campbell</i>	<i>Family housing improvements.</i>	\$8,500,000
<i>Maryland</i>	<i>Fort Meade</i>	<i>56 Units</i>	\$7,900,000
<i>New York</i>	<i>United States Military Academy, West Point.</i>	<i>Whole neighbor- hood revital- ization.</i>	\$5,400,000
<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>			\$120,450,000

8 (b) PLANNING AND DESIGN.—Using amounts appro-
9 priated pursuant to the authorization of appropriations in
10 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 \$11,665,000.*

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 section 2104(a)(5)(A), the Sec-*
10 *retary of the Army may improve existing military family*
11 *housing units in an amount not to exceed \$44,800,000.*

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 \$1,951,478,000 as follows:*

18 *(1) For military construction projects inside the*
19 *United States authorized by section 2101(a),*
20 *\$360,500,000.*

21 *(2) For the military construction projects outside*
22 *the United States authorized by section 2101(b),*
23 *\$174,265,000.*

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, \$50,512,000.*

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, \$176,915,000.*

11 (B) *For support of military family housing*
12 *(including the functions described in section*
13 *2833 of title 10, United States Code),*
14 *\$1,143,286,000.*

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 (110 Stat. 2763),*
25 *\$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); and*

10 (2) *\$26,500,000 (the balance of the amount au-*
11 *thorized under section 2101(a) for the construction of*
12 *the United States Disciplinary Barracks, Fort Leav-*
13 *enworth, Kansas).*

14 **SEC. 2105. AUTHORITY TO USE CERTAIN PRIOR YEAR**
15 **FUNDS TO CONSTRUCT A HELIPORT AT FORT**
16 **IRWIN, CALIFORNIA.**

17 (a) *AUTHORITY TO USE FUNDS.*—*Notwithstanding*
18 *any other provision of law and subject to subsection (b),*
19 *the Secretary of the Army may carry out a project to con-*
20 *struct a heliport at Fort Irwin, California, using the follow-*
21 *ing amounts:*

22 (1) *Amounts appropriated pursuant to the au-*
23 *thorization of appropriations in section 2104(a)(1) of*
24 *the Military Construction Authorization Act for Fis-*
25 *cal Year 1995 (division B of Public Law 103–337;*

1 108 Stat. 3029) for the military construction project
 2 at Fort Irwin authorized by section 2101(a) of that
 3 Act (108 Stat. 3027).

4 (2) Amounts appropriated pursuant to the au-
 5 thorization of appropriations in section 2104(a)(1) of
 6 the Military Construction Authorization Act for Fis-
 7 cal Year 1996 (division B of Public Law 104–106;
 8 110 Stat. 524) for the military construction project at
 9 Fort Irwin authorized by section 2101(a) of that Act
 10 (110 Stat. 523).

11 (b) *LIMITATION ON AVAILABILITY.*—Unless funds
 12 available under subsection (a) are obligated for the project
 13 covered by that subsection by the later of the dates set forth
 14 in section 2701(a) of this Act, the authority in that sub-
 15 section to use funds for the project shall expire on the later
 16 of such dates.

17 **TITLE XXII—NAVY**

18 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND** 19 **ACQUISITION PROJECTS.**

20 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
 21 propriated pursuant to the authorization of appropriations
 22 in section 2204(a)(1), the Secretary of the Navy may ac-
 23 quire real property and carry out military construction
 24 projects for the installations and locations inside the United
 25 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>Navy Detachment, Camp Navajo</i>	<i>\$11,426,000</i>
	<i>Marine Corps Air Station, Yuma</i>	<i>\$14,700,000</i>
<i>California</i>	<i>Marine Corps Air Station, Camp Pendleton.</i>	<i>\$14,020,000</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>\$39,469,000</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>Connecticut</i>	<i>Naval Submarine Base, New London</i>	<i>\$23,560,000</i>
<i>Florida</i>	<i>Naval Air Station, Jacksonville</i>	<i>\$3,480,000</i>
<i>Hawaii</i>	<i>Honolulu (Fort DeRussy)</i>	<i>\$9,500,000</i>
	<i>Marine Corps Air Station, Kaneohe Bay</i> ..	<i>\$19,000,000</i>
	<i>Naval Computer 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>Mississippi</i>	<i>Navy Combat Battalion Construction Base, Gulfport.</i>	<i>\$22,440,000</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 Recruit Depot, Parris Island.</i>	<i>\$3,200,000</i>
<i>Virginia</i>	<i>Fleet Combat Training Center, Dam Neck</i>	<i>\$7,000,000</i>
	<i>Naval Air Station, Norfolk</i>	<i>\$14,240,000</i>
	<i>Naval Air Station, Oceana</i>	<i>\$28,000,000</i>
	<i>Naval Amphibious Base, Little Creek</i>	<i>\$8,685,000</i>
	<i>Naval Station, Norfolk</i>	<i>\$64,970,000</i>
	<i>Naval Surface Warfare Center, Dahlgren</i> ..	<i>\$20,480,000</i>
	<i>Naval Weapons Station, Yorktown</i>	<i>\$11,257,000</i>
	<i>Norfolk Naval Shipyard, Portsmouth</i>	<i>\$9,500,000</i>
<i>Washington</i>	<i>Naval Air Station, Whidbey Island</i>	<i>\$1,100,000</i>
	<i>Puget Sound Naval Shipyard, Bremerton</i>	<i>\$4,400,000</i>
	<i>Total:</i>	<i>\$481,257,000</i>

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions 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

Country	Installation or location	Amount
<i>Bahrain</i>	<i>Administrative Support Unit, Bahrain</i>	<i>\$30,100,000</i>
<i>Guam</i>	<i>Naval Computer and Telecommunications Area, Master Station, Western Pacific.</i>	<i>\$4,050,000</i>
<i>Italy</i>	<i>Naval Air Station, Sigonella</i>	<i>\$21,440,000</i>
	<i>Naval Support Activity, Naples</i>	<i>\$8,200,000</i>
<i>United Kingdom</i>	<i>Joint Maritime Communications Center, Saint Mawgan.</i>	<i>\$2,330,000</i>
	<i>Total:</i>	<i>\$65,920,000</i>

1 SEC. 2202. FAMILY HOUSING.

2 (a) CONSTRUCTION AND ACQUISITION.—Using
3 amounts appropriated pursuant to the authorization of ap-
4 propriations in section 2204(a)(5)(A), the Secretary of the
5 Navy may construct or acquire family housing units (in-
6 cluding land acquisition) at the installations, for the pur-
7 poses, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
<i>California</i>	<i>Marine Corps Air Sta- tion, Miramar.</i>	<i>166 Units</i>	<i>\$28,881,000</i>
	<i>Marine Corps Air- Ground Combat Cen- ter, Twentynine Palms.</i>	<i>132 Units</i>	<i>\$23,891,000</i>
	<i>Marine Corps Base, Camp Pendleton.</i>	<i>171 Units</i>	<i>\$22,518,000</i>
	<i>Naval Air Station, Lemoore.</i>	<i>128 Units</i>	<i>\$23,226,000</i>
	<i>North Carolina</i>	<i>37 Units</i>	<i>\$2,863,000</i>
<i>Texas</i>	<i>Naval Air Station, Cor- pus Christi.</i>	<i>57 Units</i>	<i>\$6,470,000</i>
<i>Washington</i>	<i>Naval Air Station, Whidbey Island.</i>	<i>198 Units</i>	<i>\$32,290,000</i>
		<i>Total:</i>	<i>\$140,139,000</i>

8 (b) PLANNING AND DESIGN.—Using amounts appro-
9 priated pursuant to the authorization of appropriations in
10 section 2204(a)(5)(A), the Secretary of the Navy may carry
11 out architectural and engineering services and construction

1 *design activities with respect to the construction or im-*
2 *provement of military family housing units in an amount*
3 *not to exceed \$15,850,000.*

4 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
5 **UNITS.**

6 *Subject to section 2825 of title 10, United States Code,*
7 *and using amounts appropriated pursuant to the author-*
8 *ization of appropriations in section 2204(a)(5)(A), the Sec-*
9 *retary of the Navy may improve existing military family*
10 *housing units in an amount not to exceed \$173,780,000.*

11 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

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*
16 *Navy in the total amount of \$1,907,387,000 as follows:*

17 *(1) For military construction projects inside the*
18 *United States authorized by section 2201(a),*
19 *\$448,637,000.*

20 *(2) For military construction projects outside the*
21 *United States authorized by section 2201(b),*
22 *\$65,920,000.*

23 *(3) For unspecified minor construction projects*
24 *authorized by section 2805 of title 10, United States*
25 *Code, \$9,960,000.*

1 (4) *For architectural and engineering services*
2 *and construction design under section 2807 of title*
3 *10, United States Code, \$47,597,000.*

4 (5) *For military family housing functions:*

5 (A) *For construction and acquisition, plan-*
6 *ning and design, and improvement of military*
7 *family housing and facilities, \$329,769,000.*

8 (B) *For support of military housing (in-*
9 *cluding functions described in section 2833 of*
10 *title 10, United States Code), \$976,504,000.*

11 (6) *For construction of a large anechoic chamber*
12 *facility at Patuxent River Naval Warfare Center,*
13 *Maryland, authorized by section 2201(a) of the Mili-*
14 *tary Construction Authorization Act for Fiscal Year*
15 *1993 (division B of Public Law 102-484; 106 Stat.*
16 *2590), \$9,000,000.*

17 (7) *For construction of a bachelor enlisted quar-*
18 *ters at Naval Hospital, Great Lakes, Illinois, author-*
19 *ized by section 2201(a) of the Military Construction*
20 *Authorization Act for Fiscal Year 1997 (division B of*
21 *Public Law 104-201; 110 Stat. 2766), \$5,200,000.*

22 (8) *For construction of a bachelor enlisted quar-*
23 *ters at Naval Station, Roosevelt Roads, Puerto Rico,*
24 *authorized by section 2201(b) of the Military Con-*

1 *struction Authorization Act for Fiscal Year 1997 (110*
2 *Stat. 2767), \$14,600,000.*

3 *(b) LIMITATION ON TOTAL COST OF CONSTRUCTION*
4 *PROJECTS.—Notwithstanding the cost variations author-*
5 *ized by section 2853 of title 10, United States Code, and*
6 *any other cost variation authorized by law, the total cost*
7 *of all projects carried out under section 2201 of this Act*
8 *may not exceed—*

9 *(1) the total amount authorized to be appro-*
10 *priated under paragraphs (1) and (2) of subsection*
11 *(a); and*

12 *(2) \$32,620,000 (the balance of the amount au-*
13 *thorized under section 2101(a) for the replacement of*
14 *the Berthing Pier at Naval Station, Norfolk, Virginia.*

15 *(c) ADJUSTMENT.—The total amount authorized to be*
16 *appropriated under paragraph (5) of subsection (a) is the*
17 *sum of the amounts authorized to be appropriated under*
18 *such paragraph, reduced by \$8,463,000 (the combination of*
19 *project savings resulting from favorable bids, reduced over-*
20 *head costs, and cancellations due to force structure changes).*

1 **SEC. 2205. AUTHORIZATION OF MILITARY CONSTRUCTION**
2 **PROJECT AT PASCAGOULA NAVAL STATION,**
3 **MISSISSIPPI, FOR WHICH FUNDS HAVE BEEN**
4 **APPROPRIATED.**

5 (a) *AUTHORIZATION.*—*The table in section 2201(a) of*
6 *the Military Construction Authorization Act for Fiscal Year*
7 *1997 (division B of Public Law 104–201; 110 Stat. 2766)*
8 *is amended by striking out the item relating to Navy*
9 *Project, Stennis Space Center, Mississippi, and inserting*
10 *in lieu thereof the following:*

<i>Mississippi</i>	<i>Naval Station Pascagoula</i>	<i>\$4,990,000</i>
	<i>Navy Project, Stennis Space Center</i>	<i>\$7,960,000</i>

11 (b) *CONFORMING AMENDMENTS.*—*Section 2204(a) of*
12 *such Act (110 Stat. 2769) is amended—*

13 (1) *in the matter preceding paragraph (1), by*
14 *striking out “\$2,213,731,000” and inserting in lieu*
15 *thereof “\$2,218,721,000”; and*

16 (2) *in paragraph (1), by striking out*
17 *“\$579,312,000” and inserting in lieu thereof*
18 *“\$584,302,000”.*

19 **SEC. 2206. INCREASE IN AUTHORIZATION FOR MILITARY**
20 **CONSTRUCTION PROJECTS AT ROOSEVELT**
21 **ROADS NAVAL STATION, PUERTO RICO.**

22 (a) *INCREASE.*—*The table in section 2201(b) of the*
23 *Military Construction Authorization Act for Fiscal Year*

1 1997 (division B of Public Law 104–201; 110 Stat. 2767)
 2 is amended in the amount column of the item relating to
 3 Naval Station, Roosevelt Roads, Puerto Rico, by striking
 4 out “\$23,600,000” and inserting in lieu thereof
 5 “\$24,100,000”.

6 (b) *CONFORMING AMENDMENT.*—Section 2204(b)(4) of
 7 such Act (110 Stat. 2770) is amended by striking out
 8 “\$14,100,000” and inserting in lieu thereof “\$14,600,000”.

9 **TITLE XXIII—AIR FORCE**

10 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 11 **LAND ACQUISITION PROJECTS.**

12 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
 13 propriated pursuant to the authorization of appropriations
 14 in section 2304(a)(1), the Secretary of the Air Force may
 15 acquire real property and carry out military construction
 16 projects for the installations and locations inside the United
 17 States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
<i>Alabama</i>	<i>Maxwell Air Force Base</i>	\$5,574,000
<i>Alaska</i>	<i>Clear Air Force Station</i>	\$67,069,000
	<i>Elmendorf Air Force Base</i>	\$6,100,000
	<i>Eielson Air Force Base</i>	\$13,764,000
	<i>Indian Mountain Long Range Radar Site.</i>	\$1,991,000
<i>California</i>	<i>Edwards Air Force Base</i>	\$2,887,000
	<i>Vandenberg Air Force Base</i>	\$26,876,000
<i>Colorado</i>	<i>Buckley Air National Guard Base</i>	\$6,718,000
	<i>Falcon Air Force Station</i>	\$10,551,000
	<i>Peterson Air Force Base</i>	\$4,081,000
	<i>United States Air Force Academy</i>	\$15,229,000
<i>Florida</i>	<i>Eglin Auxiliary Field 9</i>	\$6,470,000
	<i>MacDill Air Force Base</i>	\$1,543,000
<i>Georgia</i>	<i>Moody Air Force Base</i>	\$15,900,000
	<i>Robins Air Force Base</i>	\$18,663,000
<i>Hawaii</i>	<i>Bellows Air Force Station</i>	\$5,232,000
<i>Idaho</i>	<i>Mountain Home Air Force Base</i>	\$30,669,000
<i>Kansas</i>	<i>McConnell Air Force Base</i>	\$19,219,000

Air Force: Inside the United States—Continued

<i>State</i>	<i>Installation or location</i>	<i>Amount</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>\$17,419,000</i>
<i>Montana</i>	<i>Malmstrom Air Force Base</i>	<i>\$4,500,000</i>
<i>Nebraska</i>	<i>Offutt Air Force Base</i>	<i>\$6,900,000</i>
<i>Nevada</i>	<i>Nellis Air Force Base</i>	<i>\$5,900,000</i>
<i>New Jersey</i>	<i>McGuire Air Force Base</i>	<i>\$9,954,000</i>
<i>New Mexico</i>	<i>Cannon Air Force Base</i>	<i>\$2,900,000</i>
	<i>Kirtland Air Force Base</i>	<i>\$20,300,000</i>
<i>North Carolina</i>	<i>Pope Air Force Base</i>	<i>\$8,356,000</i>
<i>North Dakota</i>	<i>Grand Forks Air Force Base</i>	<i>\$8,560,000</i>
	<i>Minot Air Force Base</i>	<i>\$5,200,000</i>
<i>Ohio</i>	<i>Wright-Patterson Air Force Base</i>	<i>\$32,750,000</i>
<i>Oklahoma</i>	<i>Altus Air Force Base</i>	<i>\$11,000,000</i>
	<i>Tinker Air Force Base</i>	<i>\$9,655,000</i>
	<i>Vance Air Force Base</i>	<i>\$7,700,000</i>
<i>South Carolina</i>	<i>Shaw Air Force Base</i>	<i>\$6,072,000</i>
<i>South Dakota</i>	<i>Ellsworth Air Force Base</i>	<i>\$6,600,000</i>
<i>Tennessee</i>	<i>Arnold Air Force Base</i>	<i>\$10,750,000</i>
<i>Texas</i>	<i>Dyess Air Force Base</i>	<i>\$10,000,000</i>
	<i>Randolph Air Force Base</i>	<i>\$2,488,000</i>
<i>Utah</i>	<i>Hill Air Force Base</i>	<i>\$6,470,000</i>
<i>Virginia</i>	<i>Langley Air Force Base</i>	<i>\$4,031,000</i>
<i>Washington</i>	<i>Fairchild Air Force Base</i>	<i>\$24,016,000</i>
	<i>McChord Air Force Base</i>	<i>\$9,655,000</i>
<i>CONUS Classified</i>	<i>Classified Location</i>	<i>\$6,175,000</i>
	<i>Total:</i>	<i>\$546,152,000</i>

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>	<i>\$18,500,000</i>
<i>Italy</i>	<i>Aviano Air Base</i>	<i>\$15,220,000</i>
<i>Korea</i>	<i>Kunsan Air Base</i>	<i>\$10,325,000</i>
<i>Portugal</i>	<i>Lajes Field, Azores</i>	<i>\$4,800,000</i>
<i>United Kingdom</i>	<i>Royal Air Force, Lakenheath</i>	<i>\$11,400,000</i>
<i>Overseas Classified</i>	<i>Classified Location</i>	<i>\$29,100,000</i>
	<i>Total:</i>	<i>\$89,345,000</i>

1 **SEC. 2302. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using
 3 amounts appropriated pursuant to the authorization of ap-
 4 propriations in section 2304(a)(5)(A), the Secretary of the
 5 Air Force may construct or acquire family housing units
 6 (including land acquisition) at the installations, for the
 7 purposes, and in the amounts set forth in the following
 8 table:

Air Force: Family Housing

State	Installation or loca- tion	Purpose	Amount
California	Edwards Air Force Base	51 units	\$8,500,000
	Travis Air Force Base ...	70 units	\$9,714,000
	Vandenberg Air Force Base.	108 units	\$17,100,000
Delaware	Dover Air Force Base	Ancillary Facil- ity.	\$831,000
District of Columbia	Bolling Air Force Base ..	46 units	\$5,100,000
Florida	MacDill Air Force Base	58 units	\$10,000,000
	Tyndall Air Force Base	32 units	\$4,200,000
Georgia	Robins Air Force Base ...	106 units	\$12,000,000
Idaho	Mountain Home Air Force Base.	60 units	\$11,032,000
Kansas	McConnell Air Force Base.	19 units	\$2,951,000
Mississippi	Columbus Air Force Base.	50 units	\$6,200,000
	Keesler Air Force Base ..	40 units	\$5,000,000
Montana	Malmstrom Air Force Base.	956 units	\$21,447,000
	Kirtland Air Force Base	180 units	\$20,900,000
North Dakota	Grand Forks Air Force Base.	42 units	\$7,936,000
South Carolina	Charleston Air Force Base.	Improve family housing area.	\$14,300,000
Texas	Dyess Air Force Base	70 units	\$10,503,000
	Goodfellow Air Force Base.	3 units	\$500,000
Wyoming	Lackland Air Force Base	50 units	\$7,400,000
	F.E. Warren Air Force Base.	52 units	\$6,853,000
Total:			\$182,467,000

9 (b) PLANNING AND DESIGN.—Using amounts appro-
 10 priated pursuant to the authorization of appropriations in
 11 section 2304(a)(5)(A), the Secretary of the Air Force may

1 *carry out architectural and engineering services and con-*
2 *struction design activities with respect to the construction*
3 *or improvement of military family housing units in an*
4 *amount not to exceed \$13,021,000.*

5 **SEC. 2303. 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 section 2304(a)(5)(A), the Sec-*
10 *retary of the Air Force may improve existing military fam-*
11 *ily housing units in an amount not to exceed \$102,195,000.*

12 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
13 **FORCE.**

14 *(a) IN GENERAL.—Funds are hereby authorized to be*
15 *appropriated for fiscal years beginning after September 30,*
16 *1997, for military construction, land acquisition, and mili-*
17 *tary family housing functions of the Department of the Air*
18 *Force in the total amount of \$1,799,181,000 as follows:*

19 *(1) For military construction projects inside the*
20 *United States authorized by section 2301(a),*
21 *\$546,152,000.*

22 *(2) For military construction projects outside the*
23 *United States authorized by section 2301(b),*
24 *\$89,345,000.*

1 (3) *For unspecified minor construction projects*
 2 *authorized by section 2805 of title 10, United States*
 3 *Code, \$8,545,000.*

4 (4) *For architectural and engineering services*
 5 *and construction design under section 2807 of title*
 6 *10, United States Code, \$51,080,000.*

7 (5) *For military housing functions:*

8 (A) *For construction and acquisition, plan-*
 9 *ning and design, planning improvement of mili-*
 10 *tary family housing and facilities, \$297,683,000.*

11 (B) *For support of military family housing*
 12 *(including the functions described in section*
 13 *2833 of title 10, United States Code),*
 14 *\$830,234,000.*

15 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
 16 *PROJECTS.—Notwithstanding the cost variations author-*
 17 *ized by section 2853 of title 10, United States Code, and*
 18 *any other cost variation authorized by law, the total cost*
 19 *of all projects carried out under section 2301 of this Act*
 20 *may not exceed the total amount authorized to be appro-*
 21 *priated under paragraphs (1) and (2) of subsection (a).*

22 (c) *ADJUSTMENT.—The total amount authorized to be*
 23 *appropriated pursuant to paragraphs (1) through (5) of*
 24 *subsection (a) is the sum of the amounts authorized to be*
 25 *appropriated in such paragraphs, reduced by \$23,858,000*

1 *(the combination of project savings resulting from favorable*
2 *bids, reduced overhead costs, and cancellations due to force*
3 *structure changes).*

4 **SEC. 2305. AUTHORIZATION OF MILITARY CONSTRUCTION**
5 **PROJECT AT MCCONNELL AIR FORCE BASE,**
6 **KANSAS, FOR WHICH FUNDS HAVE BEEN AP-**
7 **PROPRIATED.**

8 *(a) AUTHORIZATION.—The table in section 2301(a) of*
9 *the Military Construction Authorization Act for Fiscal Year*
10 *1997 (division B of Public Law 104–201; 110 Stat. 2771)*
11 *is amended in the item relating to McConnell Air Force*
12 *Base, Kansas, by striking out “\$19,130,000” in the amount*
13 *column and inserting in lieu thereof “\$25,830,000”.*

14 *(b) CONFORMING AMENDMENT.—Section 2304 of such*
15 *Act (110 Stat. 2774) is amended—*

16 *(1) in the matter preceding paragraph (1), by*
17 *striking out “\$1,894,594,000” and inserting in lieu*
18 *thereof “\$1,901,294,000”; and*

19 *(2) in paragraph (1), by striking out*
20 *“\$603,834,000” and inserting in lieu thereof*
21 *“\$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

Agency	Installation or location	Amount
<i>Defense Commissary Agency ...</i>	<i>Fort Lee, Virginia</i>	<i>\$9,300,000</i>
	<i>Naval Station, Pearl Harbor, Hawaii</i>	<i>\$10,000,000</i>
	<i>Service.</i>	
	<i>Columbus Center, Ohio</i>	<i>\$9,722,000</i>
<i>Defense Finance & Accounting Service.</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>Redstone Arsenal, Alabama</i>	<i>\$32,700,000</i>
	<i>Bolling Air Force Base, District of Columbia</i>	<i>\$7,000,000</i>
<i>Defense Intelligence Agency</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>Westover Air Reserve Base, Massachusetts</i>	<i>\$4,700,000</i>
	<i>Defense Distribution New Cumberland—DDSP, Pennsylvania</i>	<i>\$15,500,000</i>
<i>Defense Logistics Agency</i>	<i>Defense Distribution Depot—DDNV, Virginia</i>	<i>\$16,656,000</i>
	<i>Defense Fuel Support Point, Craney Island, Virginia</i>	<i>\$22,100,000</i>
	<i>Defense General Supply Center, Richmond, Virginia</i>	<i>\$5,200,000</i>
	<i>Defense Fuel Support Center, Truax Field, Wisconsin</i>	<i>\$4,500,000</i>
<i>Defense Medical Facility Office</i>	<i>CONUS Various, CONUS Various</i>	<i>\$11,275,000</i>
	<i>Naval Station, San Diego, California</i>	<i>\$2,100,000</i>
	<i>Naval Submarine Base, New London, Connecticut</i>	<i>\$2,300,000</i>
	<i>Naval Air Station, Pensacola, Florida</i>	<i>\$2,750,000</i>
	<i>Robins Air Force Base, Georgia</i>	<i>\$19,000,000</i>
	<i>Fort Campbell, Kentucky</i>	<i>\$13,600,000</i>
	<i>Fort Detrick, Maryland</i>	<i>\$4,650,000</i>
	<i>McGuire Air Force Base, New Jersey</i>	<i>\$35,217,000</i>
	<i>Holloman Air Force Base, New Mexico</i>	<i>\$3,000,000</i>

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
<i>National Security Agency Special Operations Command</i>	<i>Wright-Patterson Air Force Base, Ohio</i>	<i>\$2,750,000</i>
	<i>Lackland Air Force Base, Texas</i>	<i>\$3,000,000</i>
	<i>Hill Air Force Base, Utah</i>	<i>\$3,100,000</i>
	<i>Marine Corps Combat Development Command, Quantico, Virginia</i>	<i>\$19,000,000</i>
	<i>Naval Station, Everett, Washington ...</i>	<i>\$7,500,000</i>
	<i>Fort Meade, Maryland</i>	<i>\$29,800,000</i>
	<i>Naval Amphibious Base, North Is- land, California</i>	<i>\$7,400,000</i>
	<i>Eglin Auxiliary Field 3, Florida</i>	<i>\$11,200,000</i>
	<i>Hurlburt Field, Florida</i>	<i>\$2,450,000</i>
	<i>Fort Benning, Georgia</i>	<i>\$9,814,000</i>
	<i>Hunter Army Air Field, Fort Stew- art, Georgia</i>	<i>\$2,500,000</i>
	<i>Naval Station, Pearl Harbor, Hawaii</i>	<i>\$7,400,000</i>
	<i>Mississippi Army Ammunition Plant, Mississippi</i>	<i>\$9,900,000</i>
	<i>Fort Bragg, North Carolina</i>	<i>\$9,800,000</i>
	<i>Total:</i>	<i>\$408,090,000</i>

1 *(b) OUTSIDE THE UNITED STATES.—Using amounts*
2 *appropriated pursuant to the authorization of appropria-*
3 *tions 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

Agency	Installation or location	Amount
<i>Ballistic Missile Defense Orga- nization. Defense Logistics Agency</i>	<i>Kwajalein Atoll</i>	<i>\$4,565,000</i>
	<i>Defense Fuel Support Point, Ander- son Air Force Base, Guam</i>	<i>\$16,000,000</i>
	<i>Defense Fuel Supply Center, Moron Air Base, Spain</i>	<i>\$14,400,000</i>
	<i>Total:</i>	<i>\$34,965,000</i>

8 **SEC. 2402. MILITARY HOUSING PLANNING AND DESIGN.**

9 *Using amounts appropriated pursuant to the author-*
10 *ization of appropriations in section 2405(a)(13)(A), the*

1 *Secretary of Defense may carry out architectural and engi-*
2 *neering services and construction design activities with re-*
3 *spect to the construction or improvement of military family*
4 *housing units in an amount not to exceed \$50,000.*

5 **SEC. 2403. 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 appropriation in section 2405(a)(13)(A), the Sec-*
10 *retary of Defense may improve existing military family*
11 *housing units in an amount not to exceed \$4,950,000.*

12 **SEC. 2404. ENERGY CONSERVATION PROJECTS.**

13 *Using amounts appropriated pursuant to the author-*
14 *ization of appropriations in section 2405(a)(11), the Sec-*
15 *retary of Defense may carry out energy conservation*
16 *projects under section 2865 of title 10, United States Code.*

17 **SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE**
18 **AGENCIES.**

19 *(a) IN GENERAL.—Funds are hereby authorized to be*
20 *appropriated for fiscal years beginning after September 30,*
21 *1997, for military construction, land acquisition, and mili-*
22 *tary family housing functions of the Department of Defense*
23 *(other than the military departments), in the total amount*
24 *of \$2,778,531,000 as follows:*

1 (1) *For military construction projects inside the*
2 *United States authorized by section 2401(a),*
3 *\$408,090,000.*

4 (2) *For military construction projects outside the*
5 *United States authorized by section 2401(b),*
6 *\$34,965,000.*

7 (3) *For military construction projects at Annis-*
8 *ton Army Depot, Alabama, authorized by section*
9 *2101(a) of the Military Construction Authorization*
10 *Act for Fiscal Year 1993 (division B of Public Law*
11 *102-484; 106 Stat. 2587), \$9,900,000.*

12 (4) *For military construction projects at Walter*
13 *Reed Army Institute of Research, Maryland, hospital*
14 *replacement, authorized by section 2401(a) of the*
15 *Military Construction Authorization Act for Fiscal*
16 *Year 1993 (106 Stat. 2599), \$20,000,000.*

17 (5) *For military construction projects at*
18 *Umatilla Army Depot, Oregon, authorized by section*
19 *2401(a) of the Military Construction Authorization*
20 *Act for Fiscal Year 1995 (division B of Public Law*
21 *103-337; 108 Stat. 3040), as amended by section*
22 *2407 of the Military Construction Authorization Act*
23 *for Fiscal Year 1996 (division B of Public Law 104-*
24 *106; 110 Stat. 539) and section 2408(2) of this Act,*
25 *\$57,427,000.*

1 (6) *For military construction projects at the De-*
2 *fense Finance and Accounting Service, Columbus,*
3 *Ohio, authorized by section 2401(a) of the Military*
4 *Construction Authorization Act of Fiscal Year 1996*
5 *(110 Stat. 535), \$14,200,000.*

6 (7) *For military construction projects at Ports-*
7 *mouth Naval Hospital, Virginia authorized by section*
8 *2401(a) of the Military Construction Authorization*
9 *Act for Fiscal Years 1990 and 1991 (division B of*
10 *Public Law 101-189; 103 Stat. 1640), \$34,600,000.*

11 (8) *For contingency construction projects of the*
12 *Secretary of Defense under section 2804 of title 10,*
13 *United States Code, \$9,844,000.*

14 (9) *For unspecified minor construction projects*
15 *under section 2805 of title 10, United States Code,*
16 *\$34,457,000.*

17 (10) *For architectural and engineering services*
18 *and construction design under section 2807 of title*
19 *10, United States Code, \$31,520,000.*

20 (11) *For energy conservation projects authorized*
21 *by section 2404 of this Act, \$25,000,000.*

22 (12) *For base closure and realignment activities*
23 *as authorized by the Defense Base Closure and Re-*
24 *alignment Act of 1990 (part A of title XXIX of Public*
25 *Law 101-510; 10 U.S.C. 2687 note), \$2,060,854,000.*

1 (13) *For military family housing functions:*

2 (A) *For improvement and planning of mili-*
3 *tary family housing and facilities, \$4,950,000.*

4 (B) *For support of military housing (in-*
5 *cluding functions described in section 2833 of*
6 *title 10, United States Code), \$32,724,000, of*
7 *which not more than \$27,673,000 may be obli-*
8 *gated or expended for the leasing of military*
9 *family housing units worldwide.*

10 (b) *LIMITATION OF TOTAL COST OF CONSTRUCTION*
11 *PROJECTS.—Notwithstanding the cost variation authorized*
12 *by section 2853 of title 10, United States Code, and any*
13 *other cost variations authorized by law, the total cost of*
14 *all projects carried out under section 2401 of this Act may*
15 *not exceed the total amount authorized to be appropriated*
16 *under paragraphs (1) and (2) of subsection (a).*

17 **SEC. 2406. CLARIFICATION OF AUTHORITY RELATING TO**
18 **FISCAL YEAR 1997 PROJECT AT NAVAL STA-**
19 **TION, PEARL HARBOR, HAWAII.**

20 *The table in section 2401(a) of the Military Construc-*
21 *tion Authorization Act for Fiscal Year 1997 (division B*
22 *of Public Law 104–201; 110 Stat. 2775) is amended in the*
23 *item relating to Special Operations Command, Naval Sta-*
24 *tion, Ford Island, Pearl Harbor, Hawaii, in the installa-*
25 *tion or location column by striking out “Naval Station,*

1 *Ford Island, Pearl Harbor, Hawaii” and inserting in lieu*
2 *thereof “Naval Station, Pearl City Peninsula, Pearl Har-*
3 *bor, Hawaii”.*

4 **SEC. 2407. AUTHORITY TO USE PRIOR YEAR FUNDS TO**
5 **CARRY OUT CERTAIN DEFENSE AGENCY MILI-**
6 **TARY CONSTRUCTION PROJECTS.**

7 (a) *AUTHORITY TO USE FUNDS.—Notwithstanding*
8 *any other provision of law and subject to subsection (c),*
9 *the Secretary of Defense may carry out the military con-*
10 *struction projects referred to in subsection (b), in the*
11 *amounts specified in that subsection, using amounts appro-*
12 *priated pursuant to the authorization of appropriations in*
13 *section 2405(a)(1) of the Military Construction Authoriza-*
14 *tion Act for Fiscal Year 1995 (division B of Public Law*
15 *103–337; 108 Stat. 3042) for the military construction*
16 *project authorized at McClellan Air Force Base, California,*
17 *by section 2401 of that Act (108 Stat. 3041).*

18 (b) *COVERED PROJECTS.—Funds available under sub-*
19 *section (a) may be used for military construction projects*
20 *as follows:*

21 (1) *Construction of an addition to the*
22 *Aeromedical Clinic at Anderson Air Base, Guam,*
23 *\$3,700,000.*

1 (2) *Construction of an occupational health clinic*
 2 *facility at Tinker Air Force Base, Oklahoma,*
 3 *\$6,500,000.*

4 (c) *LIMITATION ON AVAILABILITY.—Unless funds*
 5 *available under subsection (a) are obligated for a project*
 6 *referred to in subsection (b) by the later of the dates set*
 7 *forth in section 2701(a), the authority in subsection (a) to*
 8 *use such funds for the project shall expire on the later of*
 9 *such dates.*

10 **SEC. 2408. MODIFICATION OF AUTHORITY TO CARRY OUT**
 11 **FISCAL YEAR 1995 PROJECTS.**

12 *The table in section 2401 of the Military Construction*
 13 *Authorization Act for Fiscal Year 1995 (division B of Pub-*
 14 *lic Law 103–337; 108 Stat. 3040), as amended by section*
 15 *2407 of the Military Construction Authorization Act for*
 16 *Fiscal Year 1996 (division B of Public Law 104–106; 110*
 17 *Stat. 539), under the agency heading relating to Chemical*
 18 *Weapons and Munitions Destruction, is amended—*

19 (1) *in the item relating to Pine Bluff Arsenal,*
 20 *Arkansas, by striking out “\$115,000,000” in the*
 21 *amount column and inserting in lieu thereof*
 22 *“\$134,000,000”; and*

23 (2) *in the item relating to Umatilla Army*
 24 *Depot, Oregon, by striking out “\$186,000,000” in the*

1 *amount column and inserting in lieu thereof*
2 *“\$187,000,000”.*

3 **SEC. 2409. AVAILABILITY OF FUNDS FOR FISCAL YEAR 1995**

4 **PROJECT RELATING TO RELOCATABLE OVER-**
5 **THE-HORIZON RADAR, NAVAL STATION ROO-**
6 **SEVELT ROADS, PUERTO RICO.**

7 *(a) AVAILABILITY OF FUNDS.—Notwithstanding any*
8 *other provision of law and except as provided in subsection*
9 *(b), funds appropriated under the heading “DRUG INTER-*
10 *DICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE” in*
11 *title VI of the Department of Defense Appropriations Act,*
12 *1995 (Public Law 103–335; 108 Stat. 2615) for the con-*
13 *struction of a relocatable over-the-horizon radar at Naval*
14 *Station Roosevelt Roads, Puerto Rico, shall be available for*
15 *that purpose until the later of—*

16 *(1) October 1, 1998; or*

17 *(2) the date of enactment of an Act authorizing*
18 *funds for military construction for fiscal year 1999.*

19 *(b) EXCEPTION.—Subsection (a) shall not apply to the*
20 *use of funds covered by that subsection for the purpose speci-*
21 *fied in that subsection if such funds are obligated before*
22 *the later of the dates specified in that subsection.*

1 **TITLE XXV—NORTH ATLANTIC**
2 **TREATY ORGANIZATION SE-**
3 **CURITY INVESTMENT PRO-**
4 **GRAM**

5 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
6 **ACQUISITION PROJECTS.**

7 *The Secretary of Defense may make contributions for*
8 *the North Atlantic Treaty Organization Security Invest-*
9 *ment program as provided in section 2806 of title 10, Unit-*
10 *ed States Code, in an amount not to exceed the sum of the*
11 *amount authorized to be appropriated for this purpose in*
12 *section 2502 and the amount collected from the North At-*
13 *lantic Treaty Organization as a result of construction pre-*
14 *viously financed by the United States.*

15 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

16 *Funds are hereby authorized to be appropriated for fis-*
17 *cal years beginning after September 30, 1997, for contribu-*
18 *tions by the Secretary of Defense under section 2806 of title*
19 *10, United States Code, for the share of the United States*
20 *of the cost of projects for the North Atlantic Treaty Organi-*
21 *zation Security Investment program authorized by section*
22 *2501, in the amount of \$152,600,000.*

**TITLE XXVI—GUARD AND
RESERVE FORCES FACILITIES**

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1997, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, \$165,345,000; and

(B) for the Army Reserve, \$87,640,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, \$21,213,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, \$193,269,000; and

(B) for the Air Force Reserve, \$34,580,000.

1 **SEC. 2602. AUTHORIZATION OF ARMY NATIONAL GUARD**
 2 **CONSTRUCTION PROJECT, AVIATION SUP-**
 3 **PORT FACILITY, HILO, HAWAII, FOR WHICH**
 4 **FUNDS HAVE BEEN APPROPRIATED.**

5 *Section 2601(1)(A) of the Military Construction Au-*
 6 *thorization Act for Fiscal Year 1997 (division B of Public*
 7 *Law 104–201; 110 Stat. 2780) is amended by striking out*
 8 *“\$59,194,000” and inserting in lieu thereof “\$65,094,000”.*

9 **TITLE XXVII—EXPIRATION AND**
 10 **EXTENSION OF AUTHORIZA-**
 11 **TIONS**

12 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
 13 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
 14 **LAW.**

15 *(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE*
 16 *YEARS.—Except as provided in subsection (b), all author-*
 17 *izations contained in titles XXI through XXVI for military*
 18 *construction projects, land acquisition, family housing*
 19 *projects and facilities, and contributions to the North At-*
 20 *lantic Treaty Organization Security Investment program*
 21 *(and authorizations of appropriations therefor) shall expire*
 22 *on the later of—*

23 *(1) October 1, 2000; or*

24 *(2) the date for the enactment of an Act author-*
 25 *izing funds for military construction for fiscal year*
 26 *2001.*

1 (b) *EXCEPTION.*—Subsection (a) shall not apply to au-
 2 thorizations for military construction projects, land acqui-
 3 sition, family housing projects and facilities, and contribu-
 4 tions to the North Atlantic Treaty Organization Security
 5 Investment program (and authorizations of appropriations
 6 therefor), for which appropriated funds have been obligated
 7 before the later of—

8 (1) October 1, 2000; or

9 (2) the date of the enactment of an Act authoriz-
 10 ing funds for fiscal year 2001 for military construc-
 11 tion projects, land acquisition, family housing
 12 projects and facilities, or contributions to the North
 13 Atlantic Treaty Organization Security Investment
 14 program.

15 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 16 **FISCAL YEAR 1995 PROJECTS.**

17 (a) *EXTENSIONS.*—Notwithstanding section 2701 of
 18 the Military Construction Authorization Act for Fiscal Year
 19 1995 (division B of Public Law 103–337; 108 Stat. 3046),
 20 authorizations for the projects set forth in the tables in sub-
 21 section (b), as provided in section 2101, 2201, 2202, 2301,
 22 2302, 2401, or 2601 of that Act, shall remain in effect until
 23 October 1, 1998, or the date of the enactment of an Act
 24 authorizing funds for military construction for fiscal year
 25 1999, whichever is later.

- 1 (b) TABLES.—The tables referred to in subsection (a)
 2 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>	<i>\$10,000,000</i>

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>	<i>\$4,000,000</i>
	<i>Indian Head Naval Surface Warfare Center.</i>	<i>Denitrification/Acid Mixing Facility.</i>	<i>\$6,400,000</i>
<i>Virginia</i>	<i>Norfolk Marine Corps Security Force Battalion Atlantic.</i>	<i>Bachelor Enlisted Quarters.</i>	<i>\$6,480,000</i>
<i>Washington</i>	<i>Naval Station, Everett.</i>	<i>Housing Office</i>	<i>\$780,000</i>
<i>CONUS Classified</i>	<i>Classified Location ...</i>	<i>Aircraft Fire and Rescue and Vehicle Maintenance Facilities.</i>	<i>\$2,200,000</i>

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>	<i>\$10,400,000</i>
	<i>Los Angeles Air Force Station.</i>	<i>Family Housing (50 units).</i>	<i>\$8,962,000</i>
<i>North Carolina</i>	<i>Pope Air Force Base</i>	<i>Combat Control Team Facility.</i>	<i>\$2,450,000</i>
	<i>Pope Air Force Base</i>	<i>Fire Training Facility.</i>	<i>\$1,100,000</i>

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>	<i>\$5,000,000</i>
<i>Arkansas</i>	<i>Pine Bluff Arsenal ...</i>	<i>Ammunition Demilitarization Facility.</i>	<i>\$115,000,000</i>
<i>California</i>	<i>Defense Contract Management Area Office, El Segundo.</i>	<i>Administrative Building.</i>	<i>\$5,100,000</i>

**Defense Agencies: Extension of 1995 Project
Authorizations—Continued**

State	Installation or location	Project	Amount
<i>Oregon</i>	<i>Umatilla Army Depot.</i>	<i>Ammunition Demilitarization Facility.</i>	<i>\$186,000,000</i>

**Army National Guard: Extension of 1995 Project
Authorizations**

State	Installation or location	Project	Amount
<i>California</i>	<i>Camp Roberts</i>	<i>Modify Record Fire/Maintenance Shop.</i>	<i>\$3,910,000</i>
	<i>Camp Roberts</i>	<i>Combat Pistol Range.</i>	<i>\$952,000</i>
<i>Pennsylvania</i>	<i>Fort Indiantown Gap</i>	<i>Barracks</i>	<i>\$6,200,000</i>

Naval Reserve: Extension of 1995 Project Authorization

State	Installation or location	Project	Amount
<i>Georgia</i>	<i>Naval Air Station Marietta.</i>	<i>Training Center</i>	<i>\$2,650,000</i>

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(a) of the Military Construction Au-*
9 *thorization Act for Fiscal Year 1997 (division B of Public*
10 *Law 104–201; 110 Stat. 2783), shall remain in effect until*
11 *October 1, 1998, or the date of the enactment of an Act*
12 *authorizing funds for military construction for fiscal year*
13 *1999, whichever is later.*

(b) *TABLE.*—The table referred to in subsection (a) is 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>	<i>\$7,930,000</i>
<i>Connecticut</i>	<i>New London Naval Submarine Base.</i>	<i>Hazardous Waste Transfer Facility.</i>	<i>\$1,450,000</i>

SEC. 2704. EXTENSION OF AUTHORIZATION OF FISCAL YEAR 1993 PROJECT.

(a) *EXTENSION.*—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2602), the authorization for the project set forth in the table in subsection (b), as provided in section 2101 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 541) and section 2703 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2784), shall remain in effect until October 1, 1998, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) *TABLE.*—The table referred to in subsection (a) is as follows:

Army: Extension of 1993 Project Authorization

State	Installation or location	Project	Amount
<i>Arkansas</i>	<i>Pine Bluff Arsenal ...</i>	<i>Ammunition Demilitarization Support Facility.</i>	<i>\$15,000,000</i>

1 **SEC. 2705. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
2 **FISCAL YEAR 1992 PROJECTS.**

3 (a) *EXTENSIONS.*—Notwithstanding section 2701 of
4 *the Military Construction Authorization Act for Fiscal Year*
5 *1992 (division B of Public Law 102–190; 105 Stat. 1535),*
6 *authorizations for the projects set forth in the table in sub-*
7 *section (b), as provided in section 2101 of that Act and ex-*
8 *tended by section 2702 of the Military Construction Author-*
9 *ization Act for Fiscal Year 1995 (division B of Public Law*
10 *103–337; 108 Stat. 3047), section 2703 of the Military Con-*
11 *struction Authorization Act for Fiscal Year 1996 (division*
12 *B of Public Law 104–106; 110 Stat. 543), and section 2704*
13 *of the Military Construction Authorization Act for Fiscal*
14 *Year 1997 (division B of Public Law 104–201; 110 Stat.*
15 *2785), shall remain in effect until October 1, 1998, or the*
16 *date of enactment of an Act authorizing funds for military*
17 *construction for fiscal year 1999, whichever is later.*

18 (b) *TABLE.*—The table referred to in subsection (a) is
19 *as follows:*

Army: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
<i>Oregon</i>	<i>Umatilla Army Depot.</i>	<i>Ammunition Demilitarization Support Facility.</i>	<i>\$3,600,000</i>
	<i>Umatilla Army Depot.</i>	<i>Ammunition Demilitarization Utilities.</i>	<i>\$7,500,000</i>

1 **SEC. 2706. EFFECTIVE DATE.**

2 *Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall*
3 *take effect on the later of—*

4 *(1) October 1, 1997; or*

5 *(2) the date of the enactment of this Act.*

6 **TITLE XXVIII—GENERAL**
7 **PROVISIONS**

8 **Subtitle A—Military Construction**
9 **Program and Military Family**
10 **Housing Changes**

11 **SEC. 2801. INCREASE IN CEILING FOR MINOR LAND ACQUI-**
12 **SITION PROJECTS.**

13 *(a) INCREASE.—Section 2672 of title 10, United States*
14 *Code, is amended by striking out “\$200,000” each place it*
15 *appears in subsection (a) and inserting in lieu thereof*
16 *“\$500,000”.*

17 *(b) CONFORMING AMENDMENTS.—(1) The section*
18 *heading for such section is amended by striking out*
19 *“\$200,000” and inserting in lieu thereof “\$500,000”.*

1 (2) *The table of sections at the beginning of chapter*
 2 *159 of such title is amended in the item relating to section*
 3 *2672 by striking out “\$200,000” and inserting in lieu*
 4 *thereof “\$500,000”.*

5 **SEC. 2802. SALE OF UTILITY SYSTEMS OF THE MILITARY DE-**
 6 **PARTMENTS.**

7 (a) *IN GENERAL.*—Chapter 159 of title 10, United
 8 *States Code, is amended by adding at the end the following:*

9 **“§ 2695. Sale of utility systems**

10 “(a) *AUTHORITY.*—The Secretary of the military de-
 11 *partment concerned may convey all right, title, and interest*
 12 *of the United States, or any lesser estate thereof, in and*
 13 *to all or part of a utility system located on or adjacent*
 14 *to a military installation under the jurisdiction of the Sec-*
 15 *retary to a municipal utility, private utility, regional or*
 16 *district utility, or cooperative utility or other appropriate*
 17 *entity.*

18 “(b) *SELECTION OF PURCHASER.*—If more than one
 19 *utility or entity referred to in subsection (a) notifies the*
 20 *Secretary concerned of an interest in a conveyance under*
 21 *that subsection, the Secretary shall carry out the conveyance*
 22 *through the use of competitive procedures.*

23 “(c) *CONSIDERATION.*—

24 “(1) *IN GENERAL.*—The Secretary concerned
 25 *shall accept as consideration for a conveyance under*

1 *subsection (a) an amount equal to the fair market*
2 *value (as determined by the Secretary) of the right,*
3 *title, or interest conveyed.*

4 *“(2) FORM OF CONSIDERATION.—Consideration*
5 *under this subsection may take the form of—*

6 *“(A) a lump sum payment; or*

7 *“(B) a reduction in charges for utility serv-*
8 *ices provided the military installation concerned*
9 *by the utility or entity concerned.*

10 *“(3) TREATMENT OF PAYMENTS.—*

11 *“(A) CREDITING.—A lump sum payment*
12 *received under paragraph (2)(A) shall be cred-*
13 *ited, at the election of the Secretary—*

14 *“(i) to an appropriation of the mili-*
15 *tary department concerned available for the*
16 *procurement of the same utility services as*
17 *are provided by the utility system conveyed*
18 *under this section;*

19 *“(ii) to an appropriation of the mili-*
20 *tary department available for carrying out*
21 *energy savings projects or water conserva-*
22 *tion projects; or*

23 *“(iii) to an appropriation of the mili-*
24 *tary department available for improvements*

1 to other utility systems on the installation
2 concerned.

3 “(B) AVAILABILITY.—Amounts so credited
4 shall be merged with funds in the appropriation
5 to which credited and shall be available for the
6 same purposes, and subject to the same condi-
7 tions and limitations, as the appropriation with
8 which merged.

9 “(d) INAPPLICABILITY OF CERTAIN CONTRACTING RE-
10 QUIREMENTS.—Sections 2461, 2467, and 2468 of this title
11 shall not apply to the conveyance of a utility system under
12 subsection (a).

13 “(e) NOTICE AND WAIT REQUIREMENT.—The Sec-
14 retary concerned may not make a conveyance under sub-
15 section (a) until—

16 “(1) the Secretary submits to the Committees on
17 Armed Services and Appropriations of the Senate and
18 the Committees on National Security and Appropria-
19 tions of the House of Representatives an economic
20 analysis (based upon accepted life-cycle costing proce-
21 dures) demonstrating that—

22 “(A) the long-term economic benefit of the
23 conveyance to the United States exceeds the long-
24 term economic cost of the conveyance to the
25 United States; and

1 “(B) the conveyance will reduce the long-
2 term costs of the United States for utility serv-
3 ices provided by the utility system concerned;
4 and

5 “(2) a period of 21 days has elapsed after the
6 date on which the economic analysis is received by the
7 committees.

8 “(f) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
9 retary concerned may require such additional terms and
10 conditions in connection with a conveyance under sub-
11 section (a) as such Secretary considers appropriate to pro-
12 tect the interests of the United States.

13 “(g) *UTILITY SYSTEM DEFINED.*—For purposes of this
14 section:

15 “(1) *IN GENERAL.*—The term ‘utility system’
16 means the following:

17 “(A) A system for the generation and sup-
18 ply of electric power.

19 “(B) A system for the treatment or supply
20 of water.

21 “(C) A system for the collection or treat-
22 ment of wastewater.

23 “(D) A system for the generation and sup-
24 ply of steam, hot water, and chilled water.

1 “(E) A system for the supply of natural
2 gas.

3 “(2) *INCLUSIONS*.—The term ‘utility system’ in-
4 cludes the following:

5 “(A) Equipment, fixtures, structures, and
6 other improvements utilized in connection with a
7 system referred to in paragraph (1).

8 “(B) Easements and rights-of-ways associ-
9 ated with a system referred to in that para-
10 graph.”.

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

 “2695. Sale of utility systems.”.

14 **SEC. 2803. ADMINISTRATIVE EXPENSES FOR CERTAIN REAL**
15 **PROPERTY TRANSACTIONS.**

16 (a) *IN GENERAL*.—(1) Chapter 159 of title 10, United
17 States Code, as amended by section 2802 of this Act, is fur-
18 ther amended by adding at the end the following:

19 **“§2696. Administrative expenses relating to certain**
20 **real property transactions**

21 “(a) *AUTHORITY TO COLLECT*.—Upon entering into
22 a transaction referred to in subsection (b) with a non-Fed-
23 eral person or entity, the Secretary of a military depart-
24 ment may collect from the person or entity an amount equal

1 *to the administrative expenses incurred by the Secretary in*
 2 *entering into the transaction.*

3 “(b) *COVERED TRANSACTIONS.*—Subsection (a) ap-
 4 *plies to the following transactions:*

5 “(1) *The exchange of real property.*

6 “(2) *The grant of an easement over, in, or upon*
 7 *real property of the United States.*

8 “(3) *The lease or license of real property of the*
 9 *United States.*

10 “(c) *USE OF AMOUNTS COLLECTED.*—Amounts col-
 11 *lected under subsection (a) for administrative expenses shall*
 12 *be credited to the appropriation, fund, or account from*
 13 *which such expenses were paid. Amounts so credited shall*
 14 *be merged with funds in such appropriation, fund, or ac-*
 15 *count and shall be available for the same purposes and sub-*
 16 *ject to the same limitations as the funds with which*
 17 *merged.”.*

18 (2) *The table of sections at the beginning of chapter*
 19 *159 of such title, as so amended, is further amended by add-*
 20 *ing at the end the following:*

“2696. Administrative expenses relating to certain real property transactions.”.

21 (b) *CONFORMING AMENDMENT.*—Section 2667(d)(4) of
 22 *such title is amended by striking out “to cover the adminis-*
 23 *trative expenses of leasing for such purposes and”.*

1 **SEC. 2804. USE OF FINANCIAL INCENTIVES FOR ENERGY**
2 **SAVINGS AND WATER COST SAVINGS.**

3 (a) *IN GENERAL.*—Section 2865(b) of title 10, United
4 States Code, is amended—

5 (1) in paragraph (1), by striking out “and fi-
6 nancial incentives described in subsection (d)(2)”;

7 (2) in paragraph (2)—

8 (A) by striking out “section 2866(b)” in the
9 matter preceding subparagraph (A) and insert-
10 ing in lieu thereof “section 2866(b)(2)”; and

11 (B) by striking out “section 2866(b)” in
12 subparagraph (A) and inserting in lieu thereof
13 “section 2866(b)(2)”; and

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

15 “(3)(A) Financial incentives received from gas or elec-
16 tric utilities under subsection (d)(2), and from utilities for
17 water demand or conservation under section 2866(b)(1) of
18 this title, shall be credited to an appropriation designated
19 by the Secretary of Defense. Amounts so credited shall be
20 merged with the appropriation to which credited and shall
21 be available for the same purposes and the same period as
22 the appropriation with which merged.

23 “(B) The Secretary shall include in the annual report
24 under subsection (f) the amounts of financial incentives
25 credited under this paragraph during the year of the report

1 *and the purposes for which such amounts were utilized in*
 2 *that year.”.*

3 (b) *CONFORMING AMENDMENT.*—Section 2866(b) of
 4 *such title is amended to read as follows:*

5 “(b) *USE OF FINANCIAL INCENTIVES AND WATER*
 6 *COST SAVINGS.*—(1) *Financial incentives received under*
 7 *subsection (a)(2) shall be used as provided in paragraph*
 8 *(3) of section 2865(b) of this title.*

9 “(2) *Water cost savings realized under subsection*
 10 *(a)(3) shall be used as provided in paragraph (2) of that*
 11 *section.”.*

12 **SEC. 2805. SCREENING OF REAL PROPERTY TO BE CON-**
 13 **VEYED BY THE DEPARTMENT OF DEFENSE.**

14 (a) *REQUIREMENT.*—(1) *Chapter 159 of title 10, Unit-*
 15 *ed States Code, as amended by section 2803 of this Act,*
 16 *is further amended by adding at the end the following:*

17 **“§ 2697. Screening of certain real property before con-**
 18 **veyance**

19 “(a) *REQUIREMENT.*—(1) *Notwithstanding any other*
 20 *provision of law and except as provided in subsection (b),*
 21 *the Secretary concerned may not convey real property that*
 22 *is authorized or required to be conveyed, whether for or*
 23 *without consideration, by any provision of law unless the*
 24 *Administrator of General Services determines that the prop-*
 25 *erty is surplus property to the United States in accordance*

1 *with the Federal Property and Administrative Services Act*
2 *of 1949.*

3 “(2) *The Administrator shall complete the screening*
4 *required for purposes of paragraph (1) not later than 30*
5 *days after the date of enactment of the provision authoriz-*
6 *ing or requiring the conveyance of the real property con-*
7 *cerned.*

8 “(3)(A) *As part of the screening of real property under*
9 *this subsection, the Administrator shall determine the fair*
10 *market value of the property, including any improvements*
11 *thereon.*

12 “(B) *In the case of real property determined to be sur-*
13 *plus, the Administrator shall submit to Congress a state-*
14 *ment of the fair market value of the property, including*
15 *any improvements thereon, not later than 30 days after the*
16 *completion of the screening.*

17 “(b) *EXCEPTED AUTHORITY.—Subsection (a) shall not*
18 *apply to real property authorized or required to be disposed*
19 *of under the following provisions of law:*

20 “(1) *Section 2687 of this title.*

21 “(2) *Title II of the Defense Authorization*
22 *Amendments and Base Closure and Realignment Act*
23 *(Public Law 100–526; 10 U.S.C. 2687 note).*

1 “(3) *The Defense Base Closure and Realignment*
 2 *Act of 1990 (part A of title XXIX of Public Law 101–*
 3 *510; 10 U.S.C. 2687 note).*

4 “(4) *Any provision of law authorizing the clo-*
 5 *sure or realignment of a military installation that is*
 6 *enacted after the date of enactment of the National*
 7 *Defense Authorization Act for Fiscal Year 1998.*

8 “(5) *Title II of the Federal Property and Ad-*
 9 *ministrative Services Act of 1949 (40 U.S.C. 481 et*
 10 *seq.).*

11 “(c) *LIMITATION ON MODIFICATION OR WAIVER.—A*
 12 *provision of law may not be construed as modifying or su-*
 13 *perseding the provisions of subsection (a) unless that provi-*
 14 *sion of law—*

15 “(A) *specifically refers to this section; and*

16 “(B) *specifically states that such provision of*
 17 *law modifies or supersedes the provisions of subsection*
 18 *(a).”.*

19 “(2) *The table of sections at the beginning of such chap-*
 20 *ter, as so amended, is further amended by adding at the*
 21 *end the following:*

 “2697. *Screening of certain real property before conveyance.*”.

22 “(b) *APPLICABILITY.—Section 2697 of title 10, United*
 23 *States Code, as added by subsection (a) of this section, shall*
 24 *apply with respect to any real property authorized or re-*

1 *quired to be conveyed under a provision of law covered by*
2 *such section that is enacted after December 31, 1996.*

3 ***Subtitle B—Land Conveyances***

4 ***SEC. 2811. MODIFICATION OF AUTHORITY FOR DISPOSAL***
5 ***OF CERTAIN REAL PROPERTY, FORT BELVOIR,***
6 ***VIRGINIA.***

7 (a) *REPEAL OF AUTHORITY TO CONVEY.*—Section
8 *2821 of the Military Construction Authorization Act for*
9 *Fiscal Years 1990 and 1991 (division B of Public Law 101–*
10 *189; 103 Stat. 1658), as amended by section 2854 of the*
11 *Military Construction Authorization Act for Fiscal Year*
12 *1996 (division B of Public Law 104–106; 110 Stat. 568),*
13 *is repealed.*

14 (b) *TREATMENT AS SURPLUS PROPERTY.*—(1) *Not-*
15 *withstanding any other provision of law, the real property*
16 *described in paragraph (2) shall be deemed to be surplus*
17 *property for purposes of section 203 of the Federal Property*
18 *and Administrative Services Act of 1949 (40 U.S.C. 484).*

19 (2) *Paragraph (1) applies to a parcel of real property,*
20 *including improvements thereon, at Fort Belvoir, Virginia,*
21 *consisting of approximately 820 acres and known as the*
22 *Engineer Proving Ground.*

1 **SEC. 2812. CORRECTION OF LAND CONVEYANCE AUTHOR-**
 2 **ITY, ARMY RESERVE CENTER, ANDERSON,**
 3 **SOUTH CAROLINA.**

4 (a) *CORRECTION OF CONVEYEE.*—Subsection (a) of
 5 section 2824 of the Military Construction Authorization Act
 6 for Fiscal Year 1997 (division B of Public Law 104–201;
 7 110 Stat. 2793) is amended by striking out “County of An-
 8 derson, South Carolina (in this section referred to as the
 9 ‘County’)” and inserting in lieu thereof “Board of Edu-
 10 cation, Anderson County, South Carolina (in this section
 11 referred to as the ‘Board’)”.

12 (b) *CONFORMING AMENDMENTS.*—Subsections (b) and
 13 (c) of such section are each amended by striking out “Coun-
 14 ty” and inserting in lieu thereof “Board”.

15 **SEC. 2813. LAND CONVEYANCE, HAWTHORNE ARMY AMMU-**
 16 **NITION DEPOT, MINERAL COUNTY, NEVADA.**

17 (a) *CONVEYANCE AUTHORIZED.*—The Secretary of the
 18 Army may convey, without consideration, to Mineral Coun-
 19 ty, Nevada (in this section referred to as the “County”),
 20 all right, title, and interest of the United States in and to
 21 a parcel of excess real property, including improvements
 22 thereon, consisting of approximately 33.1 acres located at
 23 Hawthorne Army Ammunition Depot, Mineral County, Ne-
 24 vada, and commonly referred to as the Schweer Drive Hous-
 25 ing Area.

1 (b) *CONDITIONS OF CONVEYANCE.*—*The conveyance*
2 *authorized by subsection (a) shall be subject to the following*
3 *conditions:*

4 (1) *That the County accept the conveyed prop-*
5 *erty subject to such easements and rights of way in*
6 *favor of the United States as the Secretary considers*
7 *appropriate.*

8 (2) *That the County, if the County sells any por-*
9 *tion of the property conveyed under subsection (a) be-*
10 *fore the end of the 10-year period beginning on the*
11 *date of enactment of this Act, pay to the United*
12 *States an amount equal to the lesser of—*

13 (A) *the amount of sale of the property sold;*

14 *or*

15 (B) *the fair market value of the property*
16 *sold as determined without taking into account*
17 *any improvements to such property by the Coun-*
18 *ty.*

19 (c) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
20 *and legal description of the real property to be conveyed*
21 *under subsection (a), and of any easement or right of way*
22 *granted under subsection (b)(1), shall be determined by a*
23 *survey satisfactory to the Secretary. The cost of the survey*
24 *shall be borne by the County.*

1 (d) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
2 *retary may require such additional terms and conditions*
3 *in connection with the conveyance under subsection (a), and*
4 *any easement or right of way granted under subsection*
5 *(b)(1), as the Secretary considers appropriate to protect the*
6 *interests of the United States.*

7 **SEC. 2814. LONG-TERM LEASE OF PROPERTY, NAPLES,**
8 **ITALY.**

9 (a) *AUTHORITY.*—*The Secretary of the Navy may ac-*
10 *quire by long-term lease structures and real property relat-*
11 *ing to a regional hospital complex in Naples, Italy, that*
12 *the Secretary determines to be necessary for purposes of the*
13 *Naples Improvement Initiative.*

14 (b) *LEASE TERM.*—*Notwithstanding section 2675 of*
15 *title 10, United States Code, the lease authorized by sub-*
16 *section (a) shall be for a term of not more than 20 years.*

17 (c) *EXPIRATION OF AUTHORITY.*—*The authority of the*
18 *Secretary to enter into a lease under subsection (a) shall*
19 *expire on September 30, 2002.*

20 (d) *AUTHORITY CONTINGENT ON APPROPRIATIONS*
21 *ACTS.*—*The Secretary may exercise the authority under*
22 *subsection (a) only to the extent and in the amounts pro-*
23 *vided in advance in appropriations Acts.*

1 **SEC. 2815. LAND CONVEYANCE, TOPSHAM ANNEX, NAVAL**
2 **AIR STATION, BRUNSWICK, MAINE.**

3 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
4 *Navy may convey, without consideration, to the Maine*
5 *School Administrative District No. 75, Topsham, Maine (in*
6 *this section referred to as the “District”), all right, title,*
7 *and interest of the United States in and to a parcel of real*
8 *property, including improvements thereon, consisting of ap-*
9 *proximately 40 acres located at the Topsham Annex, Naval*
10 *Air Station, Brunswick, Maine.*

11 (b) *CONDITION OF CONVEYANCE.*—*The conveyance*
12 *under subsection (a) shall be subject to the condition that*
13 *the District use the property conveyed for educational pur-*
14 *poses.*

15 (c) *REVERSION.*—*If the Secretary determines at any*
16 *time that the real property conveyed pursuant to this sec-*
17 *tion is not being used for the purpose specified in subsection*
18 *(b), all right, title, and interest in and to the property, in-*
19 *cluding any improvements thereon, shall revert to the Unit-*
20 *ed States, and the United States shall have the right of im-*
21 *mediate entry thereon.*

22 (d) *INTERIM LEASE.*—(1) *Until such time as the real*
23 *property described in subsection (a) is conveyed by deed,*
24 *the Secretary may lease the property, together with the im-*
25 *provements thereon, to the District.*

1 (2) *As consideration for the lease under this subsection,*
 2 *the District shall provide such security services for the prop-*
 3 *erty covered by the lease, and carry out such maintenance*
 4 *work with respect to the property, as the Secretary shall*
 5 *specify in the lease.*

6 (e) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
 7 *and legal description of the property conveyed under sub-*
 8 *section (a) shall be determined by a survey satisfactory to*
 9 *the Secretary. The District shall bear the cost of the survey.*

10 (f) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
 11 *retary may require such additional terms and conditions*
 12 *in connection with the conveyance under subsection (a), and*
 13 *the lease, if any, under subsection (d), as the Secretary con-*
 14 *siders appropriate to protect the interests of the United*
 15 *States.*

16 **SEC. 2816. LAND CONVEYANCE, NAVAL WEAPONS INDUS-**
 17 **TRIAL RESERVE PLANT NO. 464, OYSTER BAY,**
 18 **NEW YORK.**

19 (a) *CONVEYANCE AUTHORIZED.*—(1) *The Secretary of*
 20 *the Navy may convey, without consideration, to the County*
 21 *of Nassau, New York (in this section referred to as the*
 22 *“County”), all right, title, and interest of the United States*
 23 *in and to parcels of real property consisting of approxi-*
 24 *mately 110 acres and comprising the Naval Weapons In-*
 25 *dustrial Reserve Plant No. 464, Oyster Bay, New York.*

1 (2)(A) *As part of the conveyance authorized in para-*
2 *graph (1), the Secretary may convey to the County such*
3 *improvements, equipment, fixtures, and other personal*
4 *property (including special tooling equipment and special*
5 *test equipment) located on the parcels as the Secretary de-*
6 *termines to be not required by the Navy for other purposes.*

7 (B) *The Secretary may permit the County to review*
8 *and inspect the improvements, equipment, fixtures, and*
9 *other personal property located on the parcels for purposes*
10 *of the conveyance authorized by this paragraph.*

11 (b) *CONDITION OF CONVEYANCE.—The conveyance of*
12 *the parcels authorized in subsection (a) shall be subject to*
13 *the condition that the County—*

14 (1) *use the parcels, directly or through an agree-*
15 *ment with a public or private entity, for economic re-*
16 *development purposes or such other public purposes as*
17 *the County determines appropriate; or*

18 (2) *convey the parcels to an appropriate public*
19 *or private entity for use for such purposes.*

20 (c) *REVERSIONARY INTEREST.—If during the 5-year*
21 *period beginning on the date the Secretary makes the con-*
22 *veyance authorized under subsection (a) the Secretary deter-*
23 *mines that the conveyed real property is not being used for*
24 *a purpose specified in subsection (b), all right, title, and*
25 *interest in and to the property, including any improve-*

1 ments thereon, shall revert to the United States and the
2 United States shall have the right of immediate entry onto
3 the property. Any determination of the Secretary under this
4 subsection shall be made on the record after an opportunity
5 for a hearing.

6 (d) *INTERIM LEASE.*—(1) *Until such time as the real*
7 *property described in subsection (a) is conveyed by deed,*
8 *the Secretary may lease the property, together with im-*
9 *provements thereon, to the County.*

10 (2) *As consideration for the lease under this subsection,*
11 *the County shall provide such security services and fire pro-*
12 *tection services for the property covered by the lease, and*
13 *carry out such maintenance work with respect to the prop-*
14 *erty, as the Secretary shall specify in the lease.*

15 (e) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
16 *and legal description of the real property to be conveyed*
17 *under subsection (a) shall be determined by a survey satis-*
18 *factory to the Secretary. The cost of the survey shall be borne*
19 *by the County.*

20 (f) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
21 *retary may require such additional terms and conditions*
22 *in connection with the conveyance under subsection (a), and*
23 *the lease, if any, under subsection (d), as the Secretary con-*
24 *siders appropriate to protect the interests of the United*
25 *States.*

1 **SEC. 2817. LAND CONVEYANCE, CHARLESTON FAMILY**
2 **HOUSING COMPLEX, BANGOR, MAINE.**

3 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
4 *Air Force may convey, without consideration, to the City*
5 *of Bangor, Maine (in this section referred to as the “City”),*
6 *all right, title, and interest of the United States in and to*
7 *a parcel of real property consisting of approximately 19.8*
8 *acres, including improvements thereon, located in Bangor,*
9 *Maine, and known as the Charleston Family Housing Com-*
10 *plex.*

11 (b) *PURPOSE OF CONVEYANCE.*—*The purpose of the*
12 *conveyance under subsection (a) is to facilitate the reuse*
13 *of the real property, currently unoccupied, which the City*
14 *proposes to use to provide housing opportunities for first-*
15 *time home buyers.*

16 (c) *CONDITION OF CONVEYANCE.*—*The conveyance au-*
17 *thorized by subsection (a) shall be subject to the condition*
18 *that the City, if the City sells any portion of the property*
19 *conveyed under subsection (a) before the end of the 10-year*
20 *period beginning on the date of enactment of this Act, pay*
21 *to the United States an amount equal to the lesser of—*

22 (1) *the amount of sale of the property sold; or*

23 (2) *the fair market value of the property sold as*
24 *determined without taking into account any improve-*
25 *ments to such property by the City.*

1 (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
 2 *and legal description of the real property conveyed under*
 3 *subsection (a) shall be determined by a survey satisfactory*
 4 *to the Secretary. The cost of the survey shall be borne by*
 5 *the City.*

6 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
 7 *retary may require such additional terms and conditions*
 8 *in connection with the conveyance under subsection (a) as*
 9 *the Secretary considers appropriate to protect the interests*
 10 *of the United States.*

11 **SEC. 2818. LAND CONVEYANCE, ELLSWORTH AIR FORCE**
 12 **BASE, SOUTH DAKOTA.**

13 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
 14 *Air Force may convey, without consideration, to the Greater*
 15 *Box Elder Area Economic Development Corporation, Box*
 16 *Elder, South Dakota (in this section referred to as the “Cor-*
 17 *poration”), all right, title, and interest of the United States*
 18 *in and to the parcels of real property located at Ellsworth*
 19 *Air Force Base, South Dakota, referred to in subsection (b).*

20 (b) *COVERED PROPERTY.*—(1) *Subject to paragraph*
 21 *(2), the real property referred to in subsection (a) is the*
 22 *following:*

23 (A) *A parcel of real property, together with any*
 24 *improvements thereon, consisting of approximately*

1 53.32 acres and comprising the Skyway Military
2 Family Housing Area.

3 (B) A parcel of real property, together with any
4 improvements thereon, consisting of approximately
5 137.56 acres and comprising the Renal Heights Mili-
6 tary Family Housing Area.

7 (C) A parcel of real property, together with any
8 improvements thereon, consisting of approximately
9 14.92 acres and comprising the East Nike Military
10 Family Housing Area.

11 (D) A parcel of real property, together with any
12 improvements thereon, consisting of approximately
13 14.69 acres and comprising the South Nike Military
14 Family Housing Area.

15 (E) A parcel of real property, together with any
16 improvements thereon, consisting of approximately
17 14.85 acres and comprising the West Nike Military
18 Family Housing Area.

19 (2) The real property referred to in subsection (a) does
20 not include the portion of the real property referred to in
21 paragraph (1)(B) that the Secretary determines to be re-
22 quired for the construction of an access road between the
23 main gate of Ellsworth Air Force Base and an interchange
24 on Interstate Route 90 located in the vicinity of mile mark-
25 er 67 in South Dakota.

1 (c) *CONDITIONS OF CONVEYANCE.*—*The conveyance of*
2 *the real property referred to in subsection (b) shall be sub-*
3 *ject to the following conditions:*

4 (1) *That the Corporation, and any person or en-*
5 *tity to which the Corporation transfers the property,*
6 *comply in the use of the property with the applicable*
7 *provisions of the Ellsworth Air Force Base Air Instal-*
8 *lation Compatible Use Zone Study.*

9 (2) *That the Corporation convey a portion of the*
10 *real property referred to in paragraph (1)(A) of that*
11 *subsection, together with any improvements thereon,*
12 *consisting of approximately 20 acres to the Douglas*
13 *School District, South Dakota, for use for education*
14 *purposes.*

15 (d) *REVERSIONARY INTEREST.*—*If the Secretary deter-*
16 *mines that any portion of the real property conveyed under*
17 *subsection (a) is not being utilized in accordance with the*
18 *applicable provision of subsection (c), all right, title, and*
19 *interest in and to that portion of the real property shall*
20 *revert to the United States, and the United States shall have*
21 *the right of immediate entry thereon.*

22 (e) *LEGAL DESCRIPTION.*—*The exact acreage and legal*
23 *description of the property conveyed under subsection (a)*
24 *shall be determined by a survey satisfactory to the Sec-*

1 *retary. The cost of the survey shall be borne by the Corpora-*
 2 *tion.*

3 (f) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
 4 *retary may require such additional terms and conditions*
 5 *in connection with the conveyance under subsection (a) as*
 6 *the Secretary considers appropriate to protect the interests*
 7 *of the United States.*

8 **SEC. 2819. MODIFICATION OF LAND CONVEYANCE AUTHOR-**
 9 **ITY, ROCKY MOUNTAIN ARSENAL, COLORADO.**

10 *Section 5(c)(1) of the Rocky Mountain Arsenal Na-*
 11 *tional Wildlife Refuge Act of 1992 (Public Law 102–402;*
 12 *106 Stat. 1966; 16 U.S.C. 668dd note) is amended by strik-*
 13 *ing out the second sentence and inserting in lieu thereof*
 14 *the following new sentence: “The Administrator shall con-*
 15 *vey the transferred property to Commerce City, Colorado,*
 16 *upon the approval of the City, for consideration equal to*
 17 *the fair market value of the property (as determined jointly*
 18 *by the Administrator and the City).”.*

19 **SEC. 2820. LAND CONVEYANCE, ARMY RESERVE CENTER,**
 20 **GREENSBORO, ALABAMA.**

21 (a) *CONVEYANCE AUTHORIZED.—The Secretary of the*
 22 *Army may convey, without consideration, to Hale County,*
 23 *Alabama, all right, title, and interest of the United States*
 24 *in and to a parcel of real property consisting of approxi-*
 25 *mately 5.17 acres and located at the Army Reserve Center,*

1 *Greensboro, Alabama, that was conveyed by Hale County,*
 2 *Alabama, to the United States by warranty deed dated Sep-*
 3 *tember 12, 1988.*

4 *(b) DESCRIPTION OF PROPERTY.—The exact acreage*
 5 *and legal description of the property conveyed under sub-*
 6 *section (a) shall be as described in the deed referred to in*
 7 *that subsection.*

8 *(c) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
 9 *retary may require such additional terms and conditions*
 10 *in connection with the conveyance under this section as the*
 11 *Secretary considers appropriate to protect the interests of*
 12 *the United States.*

13 **SEC. 2821. LAND CONVEYANCE, HANCOCK FIELD, SYRA-**
 14 **CUSE, NEW YORK.**

15 *(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of*
 16 *the Air Force may convey, without consideration, to Onon-*
 17 *daga County, New York (in this section referred to as the*
 18 *“County”), all right, title, and interest of the United States*
 19 *in and to a parcel of real property, including any improve-*
 20 *ments thereon, consisting of approximately 14.9 acres and*
 21 *located at Hancock Field, Syracuse, New York, the site of*
 22 *facilities no longer required for use by the 152nd Air Con-*
 23 *trol Group of the New York Air National Guard.*

24 *(2) If at the time of the conveyance authorized by*
 25 *paragraph (1) the property is under the jurisdiction of the*

1 *Administrator of General Services, the Administrator shall*
2 *make the conveyance.*

3 (b) *CONDITION OF CONVEYANCE.—The conveyance au-*
4 *thorized by subsection (a) shall be subject to the condition*
5 *that the County use the property conveyed for economic de-*
6 *velopment purposes.*

7 (c) *REVERSION.—If the Secretary determines at any*
8 *time that the property conveyed pursuant to this section*
9 *is not being used for the purposes specified in subsection*
10 *(b), all right, title, and interest in and to the property, in-*
11 *cluding any improvements thereon, shall revert to the Unit-*
12 *ed States, and the United States shall have the right of im-*
13 *mediate entry thereon.*

14 (d) *DESCRIPTION OF PROPERTY.—The exact acreage*
15 *and legal description of the property to be conveyed under*
16 *subsection (a) shall be determined by a survey satisfactory*
17 *to the Secretary. The cost of the survey shall be borne by*
18 *the County.*

19 (e) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
20 *retary may require such additional terms and conditions*
21 *in connection with the conveyance under subsection (a) as*
22 *the Secretary considers appropriate to protect the interests*
23 *of the United States.*

1 **SEC. 2822. LAND CONVEYANCE, HAVRE AIR FORCE STATION,**
2 **MONTANA, AND HAVRE TRAINING SITE, MON-**
3 **TANA.**

4 (a) *CONVEYANCE AUTHORIZED.*—(1) *The Secretary of*
5 *the Air Force may convey, without consideration, to the*
6 *Bear Paw Development Corporation, Havre, Montana (in*
7 *this section referred to as the “Corporation”), all, right,*
8 *title, and interest of the United States in and to the real*
9 *property described in paragraph (2).*

10 (2) *The authority in paragraph (1) applies to the fol-*
11 *lowing real property:*

12 (A) *A parcel of real property, including any im-*
13 *provements thereon, consisting of approximately 85*
14 *acres and comprising the Havre Air Force Station,*
15 *Montana.*

16 (B) *A parcel of real property, including any im-*
17 *provements thereon, consisting of approximately 9*
18 *acres and comprising the Havre Training Site, Mon-*
19 *tana.*

20 (b) *CONDITIONS OF CONVEYANCE.*—*The conveyance*
21 *authorized by subsection (a) shall be subject to the following*
22 *conditions:*

23 (1) *That the Corporation—*

24 (A) *convey to the Box Elder School District*
25 *13G, Montana, 10 single-family homes located on*
26 *the property to be conveyed under that subsection*

1 *as jointly agreed upon by the Corporation and*
2 *the school district; and*

3 *(B) grant the school district access to the*
4 *property for purposes of removing the homes*
5 *from the property.*

6 *(2) That the Corporation—*

7 *(A) convey to the Hays/Lodgepole School*
8 *District 50, Montana—*

9 *(i) 27 single-family homes located on*
10 *the property to be conveyed under that sub-*
11 *section as jointly agreed upon by the Cor-*
12 *poration and the school district;*

13 *(ii) one barracks housing unit located*
14 *on the property;*

15 *(iii) two steel buildings (nos. 7 and 8)*
16 *located on the property;*

17 *(iv) two tin buildings (nos. 37 and 44)*
18 *located on the property; and*

19 *(v) miscellaneous personal property lo-*
20 *cated on the property that is associated*
21 *with the buildings conveyed under this sub-*
22 *paragraph; and*

23 *(B) grant the school district access to the*
24 *property for purposes of removing such homes*

1 *and buildings, the housing unit, and such per-*
2 *sonal property from the property.*

3 *(3) That the Corporation—*

4 *(A) convey to the District 4 Human Re-*
5 *sources Development Council, Montana, eight*
6 *single-family homes located on the property to be*
7 *conveyed under that subsection as jointly agreed*
8 *upon by the Corporation and the council; and*

9 *(B) grant the council access to the property*
10 *for purposes of removing such homes from the*
11 *property.*

12 *(4) That any property conveyed under subsection*
13 *(a) that is not conveyed under this subsection be used*
14 *for economic development purposes or housing pur-*
15 *poses.*

16 *(c) REVERSION.—If the Secretary determines at any*
17 *time that the property conveyed pursuant to this section*
18 *which is covered by the condition specified in subsection*
19 *(b)(4) is not being used for the purposes specified in that*
20 *subsection, all right, title, and interest in and to such prop-*
21 *erty, including any improvements thereon, shall revert to*
22 *the United States, and the United States shall have the*
23 *right of immediate entry thereon.*

24 *(d) DESCRIPTION OF PROPERTY.—The exact acreages*
25 *and legal description of the parcels of property conveyed*

1 *under subsection (a) shall be determined by surveys satis-*
 2 *factory to the Secretary. The cost of the surveys shall be*
 3 *borne by the Corporation.*

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. 2823. LAND CONVEYANCE, FORT BRAGG, NORTH CARO-**
 10 **LINA.**

11 *(a) CONVEYANCE AUTHORIZED.—Subject to the provi-*
 12 *sions of this section and notwithstanding any other law,*
 13 *the Secretary of the Army shall convey, without consider-*
 14 *ation, by fee simple absolute deed to Harnett County, North*
 15 *Carolina, all right, title, and interest of the United States*
 16 *of America in and to two parcels of land containing a total*
 17 *of 300 acres, more or less, located at Fort Bragg, North*
 18 *Carolina, together with any improvements thereon, for edu-*
 19 *cational and economic development purposes.*

20 *(b) TERMS AND CONDITIONS.—The conveyance by the*
 21 *United States under this section shall be subject to the fol-*
 22 *lowing conditions to protect the interests of the United*
 23 *States, including—*

24 *(1) the County shall pay all costs associated with*
 25 *the conveyance, authorized by this section, including*

1 *but not limited to environmental analysis and docu-*
 2 *mentation, survey costs and recording fees;*

3 *(2) notwithstanding the Comprehensive Environ-*
 4 *mental Response, Compensation and Liability Act of*
 5 *1980, as amended (42 U.S.C. 9601 et seq.) the Solid*
 6 *Waste Disposal Act, as amended (42 U.S.C. 6901 et*
 7 *seq.) or any other law, the County, and not the Unit-*
 8 *ed States, shall be responsible for any environmental*
 9 *restoration or remediation required on the property*
 10 *conveyed and the United States shall be forever re-*
 11 *leased and held harmless from any obligation to con-*
 12 *duct such restoration or remediation and any claims*
 13 *or causes of action stemming from such remediation.*

14 *(c) LEGAL DESCRIPTION OF REAL PROPERTY AND*
 15 *PAYMENT OF COSTS.—The exact acreage and legal descrip-*
 16 *tion of the real property described in subsection (a) shall*
 17 *be determined by a survey, the costs of which the County*
 18 *shall bear.*

19 ***Subtitle C—Other Matters***

20 ***SEC. 2831. DISPOSITION OF PROCEEDS OF SALE OF AIR*** 21 ***FORCE PLANT NO. 78, BRIGHAM CITY, UTAH.***

22 *Notwithstanding the provisions of section 204(h)(2)(A)*
 23 *of the Federal Property and Administrative Services Act*
 24 *of 1949 (40 U.S.C. 485(h)(2)(A)), the entire amount depos-*
 25 *ited by the Administrator of General Services in the account*

1 *in the Treasury under section 204 of that Act as a result*
2 *of the sale of Air Force Plant No. 78, Brigham City, Utah,*
3 *shall, to the extent provided in appropriations Acts, be*
4 *available to the Secretary of the Air Force for maintenance*
5 *and repair of facilities, or environmental restoration, at*
6 *other industrial plants of the Air Force.*

7 **SEC. 2832. REPORT ON CLOSURE AND REALIGNMENT OF**
8 **MILITARY BASES.**

9 (a) *REPORT.*—*The Secretary of Defense shall prepare*
10 *and submit to the congressional defense committees a report*
11 *on the costs and savings attributable to the base closure*
12 *rounds before 1996 and on the need, if any, for additional*
13 *base closure rounds.*

14 (b) *ELEMENTS.*—*The report under subsection (a) shall*
15 *include the following:*

16 (1) *A statement, using data consistent with*
17 *budget data, of the actual costs and savings (in the*
18 *case of prior fiscal years) and the estimated costs and*
19 *savings (in the case of future fiscal years) attributable*
20 *to the closure and realignment of military installa-*
21 *tions as a result of the base closure rounds before*
22 *1996, set forth by Armed Force, type of facility, and*
23 *fiscal year, including—*

24 (A) *operation and maintenance costs, in-*
25 *cluding costs associated with expanded oper-*

1 *ations and support, maintenance of property,*
2 *administrative support, and allowances for hous-*
3 *ing at installations to which functions are trans-*
4 *ferred as a result of the closure or realignment*
5 *of other installations;*

6 *(B) military construction costs, including*
7 *costs associated with rehabilitating, expanding,*
8 *and constructing facilities to receive personnel*
9 *and equipment that are transferred to installa-*
10 *tions as a result of the closure or realignment of*
11 *other installations;*

12 *(C) environmental cleanup costs, including*
13 *costs associated with assessments and restoration;*

14 *(D) economic assistance costs, including—*

15 *(i) expenditures on Department of De-*
16 *fense demonstration projects relating to eco-*
17 *nomics assistance;*

18 *(ii) expenditures by the Office of Eco-*
19 *nomics Adjustment; and*

20 *(iii) to the extent available, expendi-*
21 *tures by the Economic Development Admin-*
22 *istration, the Federal Aviation Administra-*
23 *tion, and the Department of Labor relating*
24 *to economic assistance;*

1 (E) unemployment compensation costs,
2 early retirement benefits (including benefits paid
3 under section 5597 of title 5, United States
4 Code), and worker retraining expenses under the
5 Priority Placement Program, the Job Training
6 Partnership Act, and any other Federally-funded
7 job training program;

8 (F) costs associated with military health
9 care;

10 (G) savings attributable to changes in mili-
11 tary force structure; and

12 (H) savings due to lower support costs with
13 respect to installations that are closed or re-
14 aligned.

15 (2) A comparison, set forth by base closure
16 round, of the actual costs and savings stated under
17 paragraph (1) to the annual estimates of costs and
18 savings previously submitted to Congress.

19 (3) A list of each military installation at which
20 there is authorized to be employed 300 or more civil-
21 ian personnel, set forth by Armed Force.

22 (4) An estimate of current excess capacity at
23 military installations, set forth—

1 (A) as a percentage of the total capacity of
2 the installations of the Armed Forces with re-
3 spect to all installations of the Armed Forces;

4 (B) as a percentage of the total capacity of
5 the installations of each Armed Force with re-
6 spect to the installations of such Armed Force;
7 and

8 (C) as a percentage of the total capacity of
9 a type of installation with respect to installa-
10 tions of such type.

11 (5) The types of facilities that would be rec-
12 ommended for closure or realignment in the event of
13 an additional base closure round, set forth by Armed
14 Force.

15 (6) The criteria to be used by the Secretary in
16 evaluating installations for closure or realignment in
17 such event.

18 (7) The methodologies to be used by the Secretary
19 in identifying installations for closure or realignment
20 in such event.

21 (8) An estimate of the costs and savings to be
22 achieved as a result of the closure or realignment of
23 installations in such event, set forth by Armed Force
24 and by year.

1 (9) *An assessment whether the costs of the closure*
2 *or realignment of installations in such event are con-*
3 *tained in the current Future Years Defense Plan, and,*
4 *if not, whether the Secretary will recommend modi-*
5 *fications in future defense spending in order to ac-*
6 *commodate such costs.*

7 (c) *DEADLINE.—The Secretary shall submit the report*
8 *under subsection (a) not later than the date on which the*
9 *President submits to Congress the budget for fiscal year*
10 *2000 under section 1105(a) of title 31, United States Code.*

11 (d) *REVIEW.—The Congressional Budget Office and*
12 *the Comptroller General shall conduct a review of the report*
13 *prepared under subsection (a).*

14 (e) *PROHIBITION ON USE OF FUNDS.—No funds au-*
15 *thorized to be appropriated or otherwise made available to*
16 *the Department of Defense by this Act or any other Act*
17 *may be used for any activities of the Defense Base Closure*
18 *and Realignment Commission established by section*
19 *2902(a) of the Defense Base Closure and Realignment Act*
20 *of 1990 (part A of title XXIX of Public Law 101–510; 10*
21 *U.S.C. 2687 note) until the later of—*

22 (1) *the date on which the Secretary submits the*
23 *report required by subsection (a); or*

1 (2) *the date on which the Congressional Budget*
2 *Office and the Comptroller General complete a review*
3 *of the report under subsection (d).*

4 (f) *SENSE OF SENATE.—It is the sense of the Senate*
5 *that—*

6 (1) *the Secretary should develop a system having*
7 *the capacity to quantify the actual costs and savings*
8 *attributable to the closure and realignment of mili-*
9 *tary installations pursuant to the base closure proc-*
10 *ess; and*

11 (2) *the Secretary should develop the system in*
12 *expedient fashion, so that the system may be used to*
13 *quantify costs and savings attributable to the 1995*
14 *base closure round.*

15 **SEC. 2833. SENSE OF SENATE ON UTILIZATION OF SAVINGS**

16 **DERIVED FROM BASE CLOSURE PROCESS.**

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

18 (1) *Since 1988, the Department of Defense has*
19 *conducted 4 rounds of closures and realignments of*
20 *military installations in the United States, resulting*
21 *in the closure of 97 installations.*

22 (2) *The cost of carrying out the closure or re-*
23 *alignment of installations covered by such rounds is*
24 *estimated by the Secretary of Defense to be*
25 *\$23,000,000,000.*

1 (3) *The savings expected as a result of the closure*
2 *or realignment of such installations are estimated by*
3 *the Secretary to be \$10,300,000,000 through fiscal*
4 *year 1996 and \$36,600,000,000 through 2001.*

5 (4) *In addition to such savings, the Secretary*
6 *has estimated recurring savings as a result of the clo-*
7 *sure or realignment of such installations of approxi-*
8 *mately \$5,600,000,000 annually.*

9 (5) *The fiscal year 1997 budget request for the*
10 *Department assumes a savings of between*
11 *\$2,000,000,000 and \$3,000,000,000 as a result of the*
12 *closure or realignment of such installations, which*
13 *savings were to be dedicated to modernization of the*
14 *Armed Forces. The savings assumed in the budget re-*
15 *quest were not realized.*

16 (6) *The fiscal year 1998 budget request for the*
17 *Department assumes a savings of \$5,000,000,000 as a*
18 *result of the closure or realignment of such installa-*
19 *tions, which savings are to be dedicated to moderniza-*
20 *tion of the Armed Forces.*

21 (b) *SENSE OF SENATE ON USE OF SAVINGS RESULT-*
22 *ING FROM BASE CLOSURE PROCESS.—It is the sense of the*
23 *Senate that the savings identified in the report under sec-*
24 *tion 2832 should be made available to the Department of*
25 *Defense solely for purposes of modernization of new weapon*

1 *systems (including research, development, test, and evalua-*
 2 *tion relating to such modernization) and should be used by*
 3 *the Department solely for such purposes.*

4 ***DIVISION C—DEPARTMENT OF***
 5 ***ENERGY NATIONAL SECURITY***
 6 ***AUTHORIZATIONS AND***
 7 ***OTHER AUTHORIZATIONS***
 8 ***TITLE XXXI—DEPARTMENT OF***
 9 ***ENERGY NATIONAL SECURITY***
 10 ***PROGRAMS***
 11 ***Subtitle A—National Security***
 12 ***Programs Authorizations***

13 ***SEC. 3101. WEAPONS ACTIVITIES.***

14 *(a) STOCKPILE STEWARDSHIP.—Funds are hereby au-*
 15 *thorized to be appropriated to the Department of Energy*
 16 *for fiscal year 1998 for stockpile stewardship in carrying*
 17 *out weapons activities necessary for national security pro-*
 18 *grams in the amount of \$1,726,900,000, to be allocated as*
 19 *follows:*

20 *(1) For core stockpile stewardship,*
 21 *\$1,243,100,000, to be allocated as follows:*

22 *(A) For operation and maintenance,*
 23 *\$1,144,290,000.*

24 *(B) For the accelerated strategic computing*
 25 *initiative, \$190,800,000.*

1 (C) *For plant projects (including mainte-*
2 *nance, restoration, planning, construction, ac-*
3 *quisition, modification of facilities, and the con-*
4 *tinuation of projects authorized in prior years,*
5 *and land acquisition related thereto),*
6 *\$98,810,000, to be allocated as follows:*

7 *Project 97–D–102, Dual-Axis Radio-*
8 *graphic Hydrodynamic facility, Los Alamos*
9 *National Laboratory, Los Alamos, New*
10 *Mexico, \$46,300,000.*

11 *Project 96–D–102, stockpile steward-*
12 *ship facilities revitalization, Phase VI, var-*
13 *ious locations, \$19,810,000.*

14 *Project 96–D–103, ATLAS, Los Ala-*
15 *mos National Laboratory, Los Alamos, New*
16 *Mexico, \$13,400,000.*

17 *Project 96–D–105, Contained Firing*
18 *Facility addition, Lawrence Livermore Na-*
19 *tional Laboratory, Livermore, California,*
20 *\$19,300,000.*

21 (2) *For inertial confinement fusion,*
22 *\$414,800,000, to be allocated as follows:*

23 (A) *For operation and maintenance,*
24 *\$217,000,000.*

1 (B) *For the following plant project (includ-*
2 *ing maintenance, restoration, planning, con-*
3 *struction, acquisition, modification of facilities,*
4 *and land acquisition related thereto):*

5 *Project 96–D–111, National Ignition*
6 *Facility, Lawrence Livermore National*
7 *Laboratory, Livermore, California,*
8 *\$197,800,000.*

9 (3) *For technology transfer and education,*
10 *\$69,000,000.*

11 (b) *STOCKPILE MANAGEMENT.—Funds are hereby au-*
12 *thorized to be appropriated to the Department of Energy*
13 *for fiscal year 1998 for stockpile management in carrying*
14 *out weapons activities necessary for national security pro-*
15 *grams in the amount of \$2,033,050,000, to be allocated as*
16 *follows:*

17 (1) *For operation and maintenance,*
18 *\$1,861,465,000.*

19 (2) *For plant projects (including maintenance,*
20 *restoration, planning, construction, acquisition, modi-*
21 *fication of facilities, and the continuation of projects*
22 *authorized in prior years, and land acquisition relat-*
23 *ed thereto), \$171,585,000, to be allocated as follows:*

24 *Project 98–D–123, stockpile management*
25 *restructuring initiative, tritium facility mod-*

1 *ernization and consolidation, Savannah River*
2 *Site, Aiken, South Carolina, \$11,000,000.*

3 *Project 98-D-124, stockpile management*
4 *restructuring initiative, Y-12 consolidation, Oak*
5 *Ridge, Tennessee, \$6,450,000.*

6 *Project 98-D-125, Tritium Extraction Fa-*
7 *cility, Savannah River Site, Aiken, South Caro-*
8 *lina, \$9,650,000.*

9 *Project 98-D-126, accelerator production of*
10 *tritium, various locations, \$67,865,000.*

11 *Project 97-D-122, nuclear materials stor-*
12 *age facility renovation, Los Alamos National*
13 *Laboratory, Los Alamos, New Mexico,*
14 *\$9,200,000.*

15 *Project 97-D-124, steam plant wastewater*
16 *treatment facility upgrade, Y-12 Plant, Oak*
17 *Ridge, Tennessee, \$1,900,000.*

18 *Project 96-D-122, sewage treatment quality*
19 *upgrade, Pantex Plant, Amarillo, Texas,*
20 *\$6,900,000.*

21 *Project 96-D-123, retrofit heating, ventila-*
22 *tion, and air conditioning and chillers for ozone*
23 *protection, Y-12 Plant, Oak Ridge, Tennessee,*
24 *\$2,700,000.*

1 *Project 95–D–102, Chemical and Metal-*
2 *lurgy Research Building upgrades project, Los*
3 *Alamos National Laboratory, Los Alamos, New*
4 *Mexico, \$15,700,000.*

5 *Project 95–D–122, sanitary sewer upgrade,*
6 *Y–12 Plant, Oak Ridge, Tennessee, \$12,600,000.*

7 *Project 94–D–124, hydrogen fluoride supply*
8 *system, Y–12 Plant, Oak Ridge, Tennessee,*
9 *\$1,400,000.*

10 *Project 94–D–125, upgrade life safety, Kan-*
11 *sas City Plant, Kansas City, Missouri,*
12 *\$2,000,000.*

13 *Project 93–D–122, life safety upgrades, Y–*
14 *12 Plant, Oak Ridge, Tennessee, \$2,100,000.*

15 *Project 92–D–126, replace emergency notifi-*
16 *cation systems, various locations, \$3,200,000.*

17 *Project 88–D–122, facilities capability as-*
18 *surance program, various locations, \$18,920,000.*

19 *(c) PROGRAM DIRECTION.—Funds are hereby author-*
20 *ized to be appropriated to the Department of Energy for*
21 *fiscal year 1998 for program direction in carrying out*
22 *weapons activities necessary for national security programs*
23 *in the amount of \$268,500,000.*

1 **SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE**
2 **MANAGEMENT.**

3 (a) *ENVIRONMENTAL RESTORATION.*—Funds are here-
4 by authorized to be appropriated to the Department of En-
5 ergy for fiscal year 1998 for environmental restoration in
6 carrying out environmental restoration and waste manage-
7 ment activities necessary for national security programs in
8 the amount of \$1,741,373,000.

9 (b) *WASTE MANAGEMENT.*—Funds are hereby author-
10 ized to be appropriated to the Department of Energy for
11 fiscal year 1998 for waste management in carrying out en-
12 vironmental restoration and waste management activities
13 necessary for national security programs in the amount of
14 \$1,559,644,000, to be allocated as follows:

15 (1) For operation and maintenance,
16 \$1,478,876,000.

17 (2) For plant projects (including maintenance,
18 restoration, planning, construction, acquisition, modi-
19 fication of facilities, and the continuation of projects
20 authorized in prior years, and land acquisition relat-
21 ed thereto), \$80,768,000, to be allocated as follows:

22 Project 98–D–401, H-tank farm storm
23 water systems upgrade, Savannah River Site,
24 Aiken, South Carolina, \$1,000,000.

1 *Project 97-D-402, tank farm restoration*
2 *and safe operations, Richland, Washington,*
3 *\$13,961,000.*

4 *Project 96-D-408, waste management up-*
5 *grades, various locations, \$8,200,000.*

6 *Project 95-D-402, install permanent elec-*
7 *trical service, Waste Isolation Pilot Plant, Carls-*
8 *bad, New Mexico, \$176,000.*

9 *Project 95-D-405, industrial landfill V and*
10 *construction/demolition landfill VII, Y-12 Plant,*
11 *Oak Ridge, Tennessee, \$3,800,000.*

12 *Project 95-D-407, 219-S secondary con-*
13 *tainment upgrade, Richland, Washington,*
14 *\$2,500,000.*

15 *Project 94-D-404, Melton Valley storage*
16 *tank capacity increase, Oak Ridge National Lab-*
17 *oratory, Oak Ridge, Tennessee, \$1,219,000.*

18 *Project 94-D-407, initial tank retrieval*
19 *systems, Richland, Washington, \$15,100,000.*

20 *Project 93-D-187, high-level waste removal*
21 *from filled waste tanks, Savannah River Site,*
22 *Aiken, South Carolina, \$17,520,000.*

23 *Project 92-D-172, hazardous waste treat-*
24 *ment and processing facility, Pantex Plant,*
25 *Amarillo, Texas, \$5,000,000.*

1 *Project 89–D–174, replacement high-level*
2 *waste evaporator, Savannah River Site, Aiken,*
3 *South Carolina, \$1,042,000.*

4 *Project 86–D–103, decontamination and*
5 *waste treatment facility, Lawrence Livermore*
6 *National Laboratory, Livermore, California,*
7 *\$11,250,000.*

8 *(c) TECHNOLOGY DEVELOPMENT.—Funds are hereby*
9 *authorized to be appropriated to the Department of Energy*
10 *for fiscal year 1998 for technology development in carrying*
11 *out environmental restoration and waste management ac-*
12 *tivities necessary for national security programs in the*
13 *amount of \$237,881,000.*

14 *(d) NUCLEAR MATERIAL AND FACILITY STABILIZA-*
15 *TION.—Funds are hereby authorized to be appropriated to*
16 *the Department of Energy for fiscal year 1998 for nuclear*
17 *material and facility stabilization in carrying out environ-*
18 *mental restoration and waste management activities nec-*
19 *essary for national security programs in the amount of*
20 *\$1,266,021,000, to be allocated as follows:*

21 *(1) For operation and maintenance,*
22 *\$1,181,114,000.*

23 *(2) For plant projects (including maintenance,*
24 *restoration, planning, construction, acquisition, modi-*
25 *fication of facilities, and the continuation of projects*

1 *authorized in prior years, and land acquisition relat-*
2 *ed thereto), \$84,907,000, to be allocated as follows:*

3 *Project 98–D–453, plutonium stabilization*
4 *and handling system for plutonium finishing*
5 *plant, Richland, Washington, \$8,136,000.*

6 *Project 98–D–700, road rehabilitation,*
7 *Idaho National Engineering and Environmental*
8 *Laboratory, Idaho, \$500,000.*

9 *Project 97–D–450, actinide packaging and*
10 *storage facility, Savannah River Site, Aiken,*
11 *South Carolina, \$18,000,000.*

12 *Project 97–D–451, B-Plant safety class ven-*
13 *tilation upgrades, Richland, Washington,*
14 *\$2,000,000.*

15 *Project 97–D–470, environmental monitor-*
16 *ing laboratory, Savannah River Site, Aiken,*
17 *South Carolina, \$5,600,000.*

18 *Project 97–D–473, health physics site sup-*
19 *port facility, Savannah River Site, Aiken, South*
20 *Carolina, \$4,200,000.*

21 *Project 96–D–406, spent nuclear fuels can-*
22 *ister storage and stabilization facility, Richland,*
23 *Washington, \$16,744,000.*

1 *Project 96–D–461, electrical distribution*
2 *upgrade, Idaho National Engineering and Envi-*
3 *ronmental Laboratory, Idaho, \$2,927,000.*

4 *Project 96–D–464, electrical and utility sys-*
5 *tems upgrade, Idaho Chemical Processing Plant,*
6 *Idaho National Engineering and Environmental*
7 *Laboratory, Idaho, \$14,985,000.*

8 *Project 96–D–471, chlorofluorocarbon heat-*
9 *ing, ventilation, and air conditioning and chiller*
10 *retrofit, Savannah River Site, Aiken, South*
11 *Carolina, \$8,500,000.*

12 *Project 95–D–155, upgrade site road infra-*
13 *structure, Savannah River Site, Aiken, South*
14 *Carolina, \$2,713,000.*

15 *Project 95–D–456, security facilities con-*
16 *solidation, Idaho Chemical Processing Plant,*
17 *Idaho National Engineering and Environmental*
18 *Laboratory, Idaho, \$602,000.*

19 *(e) POLICY AND MANAGEMENT.—Funds are hereby au-*
20 *thorized to be appropriated to the Department of Energy*
21 *for fiscal year 1998 for policy and management in carrying*
22 *out environmental restoration and waste management ac-*
23 *tivities necessary for national security programs in the*
24 *amount of \$18,104,000.*

1 (f) *ENVIRONMENTAL MANAGEMENT SCIENCE PRO-*
2 *GRAM.—Funds are hereby authorized to be appropriated to*
3 *the Department of Energy for fiscal year 1998 for environ-*
4 *mental science and risk policy in carrying out environ-*
5 *mental restoration and waste management activities nec-*
6 *essary for national security programs in the amount of*
7 *\$40,000,000.*

8 (g) *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 *\$373,251,000.*

14 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

15 *Funds are hereby authorized to be appropriated to the*
16 *Department of Energy for fiscal year 1998 for other defense*
17 *activities in carrying out programs necessary for national*
18 *security in the amount of \$1,582,981,000, to be allocated*
19 *as follows:*

20 (1) *For verification and control technology,*
21 *\$458,200,000, to be allocated as follows:*

22 (A) *For nonproliferation and verification*
23 *research and development, \$210,000,000.*

24 (B) *For arms control, \$214,600,000.*

25 (C) *For intelligence, \$33,600,000.*

1 (2) *For nuclear safeguards and security,*
2 \$47,200,000.

3 (3) *For security investigations, \$20,000,000.*

4 (4) *For emergency management, \$27,700,000.*

5 (5) *For program direction, nonproliferation, and*
6 *national security, \$84,900,000.*

7 (6) *For environment, safety and health, defense,*
8 \$54,000,000.

9 (7) *For worker and community transition assist-*
10 *ance:*

11 (A) *For assistance, \$65,800,000.*

12 (B) *For program direction, \$4,700,000.*

13 (8) *For fissile materials disposition:*

14 (A) *For operation and maintenance,*
15 \$99,451,000.

16 (B) *For program direction, \$4,345,000.*

17 (9) *For naval reactors development,*
18 \$683,000,000, *to be allocated as follows:*

19 (A) *For program direction, \$20,080,000.*

20 (B) *For plant projects (including mainte-*
21 *nance, restoration, planning, construction, ac-*
22 *quisition, modification of facilities, and the con-*
23 *tinuation of projects authorized in prior years,*
24 *and land acquisition related thereto),*
25 \$14,000,000, *to be allocated as follows:*

1 *Project 98–D–200, site laboratory/facil-*
2 *ity upgrade, various locations, \$5,700,000.*

3 *Project 97–D–201, advanced test reac-*
4 *tor secondary coolant system refurbishment,*
5 *Idaho National Engineering and Environ-*
6 *mental Laboratory, Idaho, \$4,100,000.*

7 *Project 95–D–200, laboratory systems*
8 *and hot cell upgrades, various locations,*
9 *\$1,100,000.*

10 *Project 90–N–102, expended core facil-*
11 *ity dry cell project, Naval Reactors Facility,*
12 *Idaho, \$3,100,000.*

13 *(10) For the Chernobyl shutdown initiative,*
14 *\$2,000,000.*

15 *(11) For nuclear technology research and devel-*
16 *opment, \$25,000,000.*

17 *(12) For nuclear security, \$4,000,000.*

18 *(13) For the Office of Hearings and Appeals,*
19 *\$2,685,000.*

20 **SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT PRI-**
21 **VATIZATION.**

22 *Funds are hereby authorized to be appropriated to the*
23 *Department of Energy for fiscal year 1998 to carry out en-*
24 *vironmental management privatization projects in connec-*

1 *tion with national security programs in the amount of*
2 *\$274,700,000, to be allocated as follows:*

3 *Project 98-PVT-1, contact handled transuranic*
4 *waste transportation, Carlsbad, New Mexico,*
5 *\$21,000,000.*

6 *Project 98-PVT-4, spent nuclear fuel dry stor-*
7 *age, Idaho Falls, Idaho, \$27,000,000.*

8 *Project 98-PVT-7, waste pits remedial action,*
9 *Fernald, Ohio, \$25,000,000.*

10 *Project 98-PVT-11, spent nuclear fuel transfer*
11 *and storage, Savannah River, South Carolina,*
12 *\$25,000,000.*

13 *Project 98-PVT-___, waste disposal, Oak Ridge,*
14 *Tennessee, \$5,000,000.*

15 *Project 98-PVT-___, Ohio silo 3 waste treatment,*
16 *Fernald, Ohio, \$6,700,000.*

17 *Project 97-PVT-1, tank waste remediation sys-*
18 *tem phase 1, Hanford, Washington, \$157,000,000.*

19 **SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.**

20 *Funds are hereby authorized to be appropriated to the*
21 *Department of Energy for fiscal year 1998 for payment to*
22 *the Nuclear Waste Fund established in section 302(c) of the*
23 *Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in*
24 *the amount of \$190,000,000.*

1 ***Subtitle B—Recurring General***
2 ***Provisions***

3 ***SEC. 3121. REPROGRAMMING.***

4 (a) *IN GENERAL.*—Until the Secretary of Energy sub-
5 mits to the congressional defense committees the report re-
6 ferred to in subsection (b) and a period of 30 days has
7 elapsed after the date on which such committees receive the
8 report, the Secretary may not use amounts appropriated
9 pursuant to this title for any program—

10 (1) *in amounts that exceed, in a fiscal year—*

11 (A) *110 percent of the amount authorized*
12 *for that program by this title; or*

13 (B) *\$1,000,000 more than the amount au-*
14 *thorized for that program by this title; or*

15 (2) *which has not been presented to, or requested*
16 *of, Congress.*

17 (b) *REPORT.*—(1) *The report referred to in subsection*
18 *(a) is a report containing a full and complete statement*
19 *of the action proposed to be taken and the facts and cir-*
20 *cumstances relied upon in support of such proposed action.*

21 (2) *In the computation of the 30-day period under sub-*
22 *section (a), there shall be excluded any day on which either*
23 *House of Congress is not in session because of an adjourn-*
24 *ment of more than 3 days to a day certain.*

1 (c) *LIMITATIONS.*—(1) *In no event may the total*
2 *amount of funds obligated pursuant to this title exceed the*
3 *total amount authorized to be appropriated by this title.*

4 (2) *Funds appropriated pursuant to this title may not*
5 *be used for an item for which Congress has specifically de-*
6 *nied funds.*

7 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

8 (a) *IN GENERAL.*—*The Secretary of Energy may carry*
9 *out any construction project under the general plant*
10 *projects authorized by this title if the total estimated cost*
11 *of the construction project does not exceed \$5,000,000.*

12 (b) *REPORT TO CONGRESS.*—*If, at any time during*
13 *the construction of any general plant project authorized by*
14 *this title, the estimated cost of the project is revised because*
15 *of unforeseen cost variations and the revised cost of the*
16 *project exceeds \$5,000,000, the Secretary shall immediately*
17 *furnish a complete report to the congressional defense com-*
18 *mittees explaining the reasons for the cost variation.*

19 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

20 (a) *IN GENERAL.*—(1) *Except as provided in para-*
21 *graph (2), construction on a construction project may not*
22 *be started or additional obligations incurred in connection*
23 *with the project above the total estimated cost, whenever the*
24 *current estimated cost of the construction project, which is*
25 *authorized by sections 3101, 3102, or 3103, or which is in*

1 *support of national security programs of the Department*
2 *of Energy and was authorized by any previous Act, exceeds*
3 *by more than 25 percent the higher of—*

4 *(A) the amount authorized for the project; or*

5 *(B) the amount of the total estimated cost for the*
6 *project as shown in the most recent budget justifica-*
7 *tion data submitted to Congress.*

8 *(2) An action described in paragraph (1) may be taken*
9 *if—*

10 *(A) the Secretary of Energy has submitted to the*
11 *congressional defense committees a report on the ac-*
12 *tions and the circumstances making such action nec-*
13 *essary; and*

14 *(B) a period of 30 days has elapsed after the*
15 *date on which the report is received by the commit-*
16 *tees.*

17 *(3) In the computation of the 30-day period under*
18 *paragraph (2), there shall be excluded any day on which*
19 *either House of Congress is not in session because of an*
20 *adjournment of more than 3 days to a day certain.*

21 *(b) EXCEPTION.—Subsection (a) shall not apply to*
22 *any construction project which has a current estimated cost*
23 *of less than \$5,000,000.*

1 **SEC. 3124. FUND TRANSFER AUTHORITY.**

2 (a) *TRANSFER TO OTHER FEDERAL AGENCIES.*—The
3 Secretary of Energy may transfer funds authorized to be
4 appropriated to the Department of Energy pursuant to this
5 title to other Federal agencies for the performance of work
6 for which the funds were authorized. Funds so transferred
7 may be merged with and be available for the same purposes
8 and for the same time period as the authorizations of the
9 Federal agency to which the amounts are transferred.

10 (b) *TRANSFER WITHIN DEPARTMENT OF ENERGY;*
11 *LIMITATIONS.*—(1) Subject to paragraph (2), the Secretary
12 of Energy may transfer funds authorized to be appropriated
13 to the Department of Energy pursuant to this title between
14 any such authorizations. Amounts of authorizations so
15 transferred may be merged with and be available for the
16 same purposes and for the same time period as the author-
17 ization to which the amounts are transferred.

18 (2) Not more than five percent of any such authoriza-
19 tion may be transferred between authorizations under para-
20 graph (1). No such authorization may be increased or de-
21 creased by more than five percent by a transfer under such
22 paragraph.

23 (3) The authority provided by this subsection to trans-
24 fer authorizations may only be used to provide funds for
25 items relating to activities necessary for national security

1 *programs that have a higher priority than the items from*
2 *which the funds are transferred.*

3 (c) *NOTICE TO CONGRESS.—The Secretary of Energy*
4 *shall promptly notify the Committee on Armed Services of*
5 *the Senate and the Committee on National Security of the*
6 *House of Representatives of any transfer of funds to or from*
7 *authorizations under this title.*

8 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUC-**
9 **TION DESIGN.**

10 (a) *REQUIREMENT OF CONCEPTUAL DESIGN.—(1)*
11 *Subject to paragraph (2) and except as provided in para-*
12 *graph (3), before submitting to Congress a request for funds*
13 *for a construction project that is in support of a national*
14 *security program of the Department of Energy, the Sec-*
15 *retary of Energy shall complete a conceptual design report*
16 *for that project.*

17 (2) *If the estimated cost of completing a conceptual*
18 *design for a construction project exceeds \$3,000,000, the*
19 *Secretary shall submit to Congress a request for funds for*
20 *the conceptual design before submitting a request for funds*
21 *for the construction project.*

22 (3) *The requirement in paragraph (1) does not apply*
23 *to a request for funds—*

24 (A) *for a construction project the total estimated*
25 *cost of which is less than \$5,000,000; or*

1 (B) *for emergency planning, design, and con-*
2 *struction activities under section 3126.*

3 (b) *AUTHORITY FOR CONSTRUCTION DESIGN.—(1)*
4 *Within the amounts authorized by the title, the Secretary*
5 *of Energy may carry out construction design (including ar-*
6 *chitectural and engineering services) in connection with*
7 *any proposed construction project if the total estimated cost*
8 *for such design does not exceed \$600,000.*

9 (2) *If the total estimated cost for construction design*
10 *in connection with any construction project exceeds*
11 *\$600,000, funds for such design must be specifically author-*
12 *ized by law.*

13 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
14 **SIGN, AND CONSTRUCTION ACTIVITIES.**

15 (a) *AUTHORITY.—The Secretary of Energy may use*
16 *any funds available to the Department of Energy, pursuant*
17 *to an authorization in this title, including those funds au-*
18 *thorized to be appropriated for advance planning and con-*
19 *struction design under sections 3101, 3102, or 3103, to per-*
20 *form planning, design, and construction activities for any*
21 *Department of Energy national security program construc-*
22 *tion project that, as determined by the Secretary, must pro-*
23 *ceed expeditiously in order to protect public health and safe-*
24 *ty, to meet the needs of national defense, or to protect prop-*
25 *erty.*

1 (b) *LIMITATION.*—*The Secretary may not exercise the*
2 *authority under subsection (a) in the case of any construc-*
3 *tion project until the Secretary has submitted to the con-*
4 *gressional defense committees a report on the activities that*
5 *the Secretary intends to carry out under this section and*
6 *the circumstances making such activities necessary.*

7 (c) *SPECIFIC AUTHORITY.*—*The requirement of section*
8 *3125(b)(2) does not apply to emergency planning, design,*
9 *and construction activities conducted under this section.*

10 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**
11 **RITY PROGRAMS OF THE DEPARTMENT OF**
12 **ENERGY.**

13 *Subject to the provisions of appropriation Acts and*
14 *section 3121, amounts appropriated pursuant to this title*
15 *for management and support activities and for general*
16 *plant projects are available for use, when necessary, in con-*
17 *nection with all national security programs of the Depart-*
18 *ment of Energy.*

19 **SEC. 3128. AVAILABILITY OF FUNDS.**

20 *When so specified in an appropriation Act, amounts*
21 *appropriated for operation and maintenance or for plant*
22 *projects may remain available until expended.*

1 **Subtitle C—Program Authoriza-**
2 **tions, Restrictions, and Limita-**
3 **tions**

4 **SEC. 3131. DEFENSE ENVIRONMENTAL MANAGEMENT PRI-**
5 **VATIZATION PROJECTS.**

6 (a) *LIMITATION ON CONTRACTS.*—Funds authorized to
7 be appropriated by section 3104 for a project referred to
8 in that section are available for a contract under the project
9 only if the contract—

10 (1) *is awarded on a competitive basis;*

11 (2) *requires the contractor to construct or ac-*
12 *quire any equipment or facilities required to carry*
13 *out the contract before the commencement of the pro-*
14 *vision of goods or services under the contract;*

15 (3) *requires the contractor to bear any of the*
16 *costs of the design, construction, acquisition, and op-*
17 *eration of such equipment or facilities that arise be-*
18 *fore the commencement of the provision of goods or*
19 *services under the contract; and*

20 (4) *provides for payment to the contractor under*
21 *the contract only upon the meeting of performance ob-*
22 *jectives specified in the contract.*

23 (b) *NOTICE AND WAIT.*—The Secretary of Energy may
24 not enter into a contract or option to enter into a contract,
25 or otherwise incur any contractual obligation, under a

1 *project authorized by section 3104 until 30 days after the*
2 *date which the Secretary submits to the congressional de-*
3 *fense committees a report with respect to the contract. The*
4 *report shall set forth—*

5 *(1) the anticipated costs and fees of the Depart-*
6 *ment under the contract, including the anticipated*
7 *maximum amount of such costs and fees;*

8 *(2) any performance objectives specified in the*
9 *contract;*

10 *(3) the anticipated dates of commencement and*
11 *completion of the provision of goods or services under*
12 *the contract;*

13 *(4) the allocation between the Department and*
14 *the contractor of any financial, regulatory, or envi-*
15 *ronmental obligations under the contract;*

16 *(5) any activities planned or anticipated to be*
17 *required with respect to the project after completion*
18 *of the contract;*

19 *(6) the site services or other support to be pro-*
20 *vided the contractor by the Department under the*
21 *contract;*

22 *(7) the goods or services to be provided by the*
23 *Department or contractor under the contract, includ-*
24 *ing any additional obligations to be borne by the De-*

1 *partment or contractor with respect to such goods or*
2 *services;*

3 *(8) the schedule for the contract;*

4 *(9) the costs the Department would otherwise*
5 *have incurred in obtaining the goods or services cov-*
6 *ered by the contract if the Department had not pro-*
7 *posed to obtain the goods or services under this sec-*
8 *tion;*

9 *(10) an estimate and justification of the cost sav-*
10 *ings, if any, to be realized through the contract, in-*
11 *cluding the assumptions underlying the estimate;*

12 *(11) the effect of the contract on any ancillary*
13 *schedules applicable to the facility concerned, includ-*
14 *ing milestones in site compliance agreements; and*

15 *(12) the plans for maintaining financial and*
16 *programmatic accountability for activities under the*
17 *contract.*

18 *(c) COST VARIATIONS.—(1) The Secretary may not*
19 *enter into a contract under a project referred to in para-*
20 *graph (2), or incur additional obligations attributable to*
21 *the capital portion of the cost of such a contract, whenever*
22 *the current estimated cost of the project exceeds the amount*
23 *of the estimated cost of the project as shown in the most*
24 *recent budget justification data submitted to Congress.*

1 (2) *Paragraph (1) applies to an environmental man-*
2 *agement privatization project that is—*

3 (A) *authorized by section 3104; or*

4 (B) *carried out under section 3103 of the Na-*
5 *tional Defense Authorization Act for Fiscal Year 1997*
6 *(Public Law 104–201; 110 Stat. 2824).*

7 (d) *USE OF FUNDS FOR TERMINATION OF CON-*
8 *TRACT.—Not less than 15 days before the Secretary obli-*
9 *gates funds available for a project authorized by section*
10 *3104 to terminate the contract or contracts under the*
11 *project, the Secretary shall notify the congressional defense*
12 *committees of the Secretary’s intent to obligate the funds*
13 *for that purpose.*

14 (e) *ANNUAL REPORT ON CONTRACTS.—Not later than*
15 *February 28 of each year, the Secretary shall submit to the*
16 *congressional defense committees a report on the activities,*
17 *if any, carried out under each contract under a project au-*
18 *thorized by section 3104 during the preceding year. The re-*
19 *port shall include an update with respect to each such con-*
20 *tract of the matters specified under subsection (b)(1) as of*
21 *the date of the report.*

22 (f) *REPORT ON CONTRACTING WITHOUT SUFFICIENT*
23 *APPROPRIATIONS.—Not later than 90 days after the date*
24 *of enactment of this Act, the Secretary shall submit to the*
25 *congressional defense committees a report assessing whether,*

1 *and under what circumstances, the Secretary could enter*
2 *into contracts under defense environmental management*
3 *privatization projects in the absence of sufficient appro-*
4 *priations to meet obligations under such contracts without*
5 *thereby violating the provisions of section 1341 of title 31,*
6 *United States Code.*

7 **SEC. 3132. INTERNATIONAL COOPERATIVE STOCKPILE**
8 **STEWARDSHIP PROGRAMS.**

9 (a) *FUNDING PROHIBITION.*—No funds authorized to
10 be appropriated or otherwise available to the Department
11 of Energy for fiscal year 1998 may be obligated or expended
12 to conduct any activities associated with international co-
13 operative stockpile stewardship.

14 (b) *EXCEPTIONS.*—Subsection (a) does not apply to the
15 following:

16 (1) *Activities conducted between the United*
17 *States and the United Kingdom.*

18 (2) *Activities conducted between the United*
19 *States and France.*

20 (3) *Activities carried out under title III of this*
21 *Act relating to cooperative threat reduction with*
22 *states of the former Soviet Union.*

1 **SEC. 3133. MODERNIZATION OF ENDURING NUCLEAR WEAP-**
2 **ONS COMPLEX.**

3 (a) *FUNDING.*—Subject to subsection (b), of the funds
4 authorized to be appropriated to the Department of Energy
5 pursuant to section 3101, \$15,000,000 shall be available for
6 carrying out the program described in section 3137(a) of
7 the National Defense Authorization Act for Fiscal Year
8 1996 (42 U.S.C. 2121 note).

9 (b) *LIMITATION ON AVAILABILITY.*—None of the funds
10 available under subsection (a) for carrying out the program
11 referred to in that subsection may be obligated or expended
12 until 30 days after the date of the receipt by Congress of
13 the report required under subsection (c).

14 (c) *REPORT ON ALLOCATION OF FUNDS.*—Not later
15 than 30 days after the date of enactment of this Act, the
16 Secretary of Energy shall submit to the congressional de-
17 fense committees a report setting forth the proposed alloca-
18 tion among specific Department of Energy sites of the funds
19 available under subsection (a).

20 **SEC. 3134. TRITIUM PRODUCTION.**

21 (a) *FUNDING.*—Subject to subsection (c), of the funds
22 authorized to be appropriated to the Department of Energy
23 pursuant to section 3101, \$262,000,000 shall be available
24 for activities related to tritium production.

25 (b) *ACCELERATION OF TRITIUM PRODUCTION.*—(1)
26 Not later than June 30, 1998, the Secretary of Energy shall

1 *make a final decision on the technologies to be utilized, and*
2 *the accelerated schedule to be adopted, for tritium produc-*
3 *tion in order to meet the requirements in the Nuclear Weap-*
4 *ons Stockpile Memorandum relating to tritium production,*
5 *including the tritium production date of 2005 specified in*
6 *the Nuclear Weapons Stockpile Memorandum.*

7 (2) *In making the final decision, the Secretary shall*
8 *take into account the following:*

9 (A) *The requirements for tritium production*
10 *specified in the Nuclear Weapons Stockpile Memoran-*
11 *dum, including, in particular, the requirements for*
12 *the so-called “upload hedge” component of the nuclear*
13 *weapons stockpile.*

14 (B) *The ongoing activities of the Department of*
15 *Energy relating to the evaluation and demonstration*
16 *of technologies under the accelerator program and the*
17 *commercial light water reactor program.*

18 (C) *The potential liabilities and benefits of each*
19 *potential technology for tritium production, includ-*
20 *ing—*

21 (i) *regulatory and other barriers that might*
22 *prevent the production of tritium using the tech-*
23 *nology by the production date referred to in sub-*
24 *section (a);*

1 (ii) potential difficulties, if any, in licens-
2 ing the technology;

3 (iii) the variability, if any, in tritium pro-
4 duction rates using the technology; and

5 (iv) any other benefits (including scientific
6 or research benefits or the generation of revenue)
7 associated with the technology.

8 (c) *REPORT*.—If the Secretary determines that it is not
9 possible to make the final decision by the date specified in
10 subsection (b), the Secretary shall submit to the congres-
11 sional defense committees on that date a report that ex-
12 plains in detail why the final decision cannot be made by
13 that date.

14 (d) *LIMITATION ON AVAILABILITY OF FUNDS*.—The
15 Secretary may not obligate or expend any funds authorized
16 to be appropriated or otherwise made available for the De-
17 partment of Energy by this Act for the purpose of evaluat-
18 ing or utilizing any technology for the production of tritium
19 other than a commercial light water reactor or an accelera-
20 tor until the later of—

21 (1) July 30, 1998; or

22 (2) the date that is 30 days after the date on
23 which the Secretary makes a final decision under sub-
24 section (b).

1 **SEC. 3135. PROCESSING, TREATMENT, AND DISPOSITION OF**
2 **SPENT NUCLEAR FUEL RODS AND OTHER**
3 **LEGACY NUCLEAR MATERIALS AT THE SAVAN-**
4 **NAH RIVER SITE.**

5 (a) *FUNDING.*—Of the funds authorized to be appro-
6 priated pursuant to section 3102(d), not more than
7 \$47,000,000 shall be available for the implementation of a
8 program to accelerate the receipt, processing (including the
9 H-canyon restart operations), reprocessing, separation, re-
10 duction, deactivation, stabilization, isolation, and interim
11 storage of high level nuclear waste associated with Depart-
12 ment of Energy spent fuel rods, foreign spent fuel rods, and
13 other nuclear materials that are located at the Savannah
14 River Site.

15 (b) *REQUIREMENT FOR CONTINUING OPERATIONS AT*
16 *SAVANNAH RIVER SITE.*—The Secretary of Energy shall
17 continue operations and maintain a high state of readiness
18 at the F-canyon and H-canyon facilities at the Savannah
19 River Site and shall provide technical staff necessary to op-
20 erate and maintain such facilities at that state of readiness.

21 **SEC. 3136. LIMITATIONS ON USE OF FUNDS FOR LABORA-**
22 **TORY DIRECTED RESEARCH AND DEVELOP-**
23 **MENT PURPOSES.**

24 (a) *GENERAL LIMITATIONS.*—(1) No funds authorized
25 to be appropriated or otherwise made available to the De-
26 partment of Energy in any fiscal year after fiscal year 1997

1 *for weapons activities may be obligated or expended for ac-*
2 *tivities under the Department of Energy Laboratory Di-*
3 *rected Research and Development Program, or under any*
4 *Department of Energy technology transfer program or coop-*
5 *erative research and development agreement, unless such ac-*
6 *tivities under such program or agreement support the na-*
7 *tional security mission of the Department of Energy.*

8 (2) *No funds authorized to be appropriated or other-*
9 *wise made available to the Department of Energy in any*
10 *fiscal year after fiscal year 1997 for environmental restora-*
11 *tion, waste management, or nuclear materials and facilities*
12 *stabilization may be obligated or expended for activities*
13 *under the Department of Energy Laboratory Directed Re-*
14 *search and Development Program, or under any Depart-*
15 *ment of Energy technology transfer program or cooperative*
16 *research and development agreement, unless such activities*
17 *support the environmental restoration mission, waste man-*
18 *agement mission, or materials stabilization mission, as the*
19 *case may be, of the Department of Energy.*

20 (b) *LIMITATION IN FISCAL YEAR 1998 PENDING SUB-*
21 *MITTAL OF ANNUAL REPORT.—Not more than 30 percent*
22 *of the funds authorized to be appropriated or otherwise*
23 *made available to the Department of Energy in fiscal year*
24 *1998 for laboratory directed research and development may*
25 *be obligated or expended for such research and development*

1 *until the Secretary of Energy submits to the congressional*
2 *defense committees the report required by section 3136(b)*
3 *of the National Defense Authorization Act for Fiscal Year*
4 *1997 (Public Law 104–201; 110 Stat. 2831; 42 U.S.C.*
5 *7257b) in 1998.*

6 *(c) SUBMITTAL DATE FOR ANNUAL REPORT ON LAB-*
7 *ORATORY DIRECTED RESEARCH AND DEVELOPMENT PRO-*
8 *GRAM.—Section 3136(b)(1) of the National Defense Author-*
9 *ization Act for Fiscal Year 1997 (42 U.S.C. 7257b(1)) is*
10 *amended by striking out “The Secretary of Energy shall*
11 *annually submit” and inserting in lieu thereof “Not later*
12 *than February 1 each year, the Secretary of Energy shall*
13 *submit”.*

14 *(d) ASSESSMENT OF FUNDING LEVEL FOR LABORA-*
15 *TORY DIRECTED RESEARCH AND DEVELOPMENT.—The*
16 *Secretary shall include in the report submitted under such*
17 *section 3136(b)(1) in 1998 an assessment of the funding re-*
18 *quired to carry out laboratory directed research and devel-*
19 *opment, including a recommendation for the percentage of*
20 *the funds provided to Government-owned, contractor-oper-*
21 *ated laboratories for national security activities that should*
22 *be made available for such research and development under*
23 *section 3132(c) of the National Defense Authorization Act*
24 *for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1832;*
25 *42 U.S.C. 7257a(c)).*

1 (e) *DEFINITION.*—*In this section, the term “laboratory*
 2 *directed research and development” has the meaning given*
 3 *that term in section 3132(d) of the National Defense Au-*
 4 *thorization Act for Fiscal Year 1991 (42 U.S.C. 7257a(d)).*

5 **SEC. 3137. PERMANENT AUTHORITY FOR TRANSFERS OF**
 6 **DEFENSE ENVIRONMENTAL MANAGEMENT**
 7 **FUNDS.**

8 (a) *PERMANENT AUTHORITY.*—*Section 3139 of the Na-*
 9 *tional Defense Authorization Act for Fiscal Year 1997 (Pub-*
 10 *lic Law 104–201; 110 Stat. 2832) is amended—*

11 (1) *by striking out subsection (g); and*
 12 (2) *by redesignating subsection (h) as subsection*
 13 *(g).*

14 (b) *EXEMPTION FROM REPROGRAMMING REQUIRE-*
 15 *MENTS.*—*Subsection (c) of that section is amended by strik-*
 16 *ing out “The requirements of section 3121” and inserting*
 17 *in lieu thereof “No recurring limitation on reprogramming*
 18 *of Department of Energy funds contained in an annual au-*
 19 *thorization Act for national defense”.*

20 (c) *DEFINITIONS.*—*Subsection (f)(1) of that section is*
 21 *amended by striking out “any of the following:” and all*
 22 *that follows and inserting in lieu thereof “any program or*
 23 *project of the Department of Energy relating to environ-*
 24 *mental restoration and waste management activities nec-*
 25 *essary for national security programs of the Department.”.*

1 (d) *REPORT*.—Subsection (g) of that section, as reded-
 2 ignated by subsection (a)(2), is amended—

3 (1) by striking out “September 1, 1997,” and in-
 4 serting in lieu thereof “November 1 each year”;

5 (2) by inserting “during the preceding fiscal
 6 year” after “in subsection (b)”; and

7 (3) by striking out the second sentence.

8 (e) *CONFORMING AMENDMENT*.—The section heading
 9 of that section is amended by striking out “**TEMPORARY**
 10 **AUTHORITY RELATING TO**” and inserting in lieu thereof
 11 “**AUTHORITY FOR**”.

12 **SEC. 3138. REPORT ON REMEDIATION UNDER THE FOR-**
 13 **MERLY UTILIZED SITES REMEDIAL ACTION**
 14 **PROGRAM.**

15 Not later than March 1, 1998, the Secretary of Energy
 16 shall submit to Congress a report containing the following
 17 information regarding the Formerly Utilized Sites Reme-
 18 dial Action Program:

19 (1) *How many Formerly Utilized Sites remain*
 20 *to be remediated, what portions of these remaining*
 21 *sites have completed remediation (including any off-*
 22 *site contamination), what portions of the sites remain*
 23 *to be remediated (including any offsite contamina-*
 24 *tion), what types of contaminants are present at each*

1 *site, and what are the projected timeframes for com-*
2 *pleting remediation at each site?*

3 *(2) What is the cost of the remaining response*
4 *actions necessary to address actual or threatened re-*
5 *leases of hazardous substances at each Formerly Uti-*
6 *lized Site, including any contamination that is*
7 *present beyond the perimeter of the facilities?*

8 *(3) For each site, how much it will cost to reme-*
9 *diate the radioactive contamination, and how much*
10 *will it cost to remediate the non-radioactive contami-*
11 *nation?*

12 *(4) How many sites potentially involve private*
13 *parties that could be held responsible for remediation*
14 *costs, including remediation costs related to offsite*
15 *contamination?*

16 *(5) What type of agreements under the Formerly*
17 *Utilized Sites Remedial Action Program have been*
18 *entered into with private parties to resolve the level*
19 *of liability for remediation costs at these facilities,*
20 *and to what extent have these agreements been tied to*
21 *a distinction between radioactive and non-radioactive*
22 *contamination present at these sites?*

23 *(6) What efforts have been undertaken by the De-*
24 *partment to ensure that the settlement agreements en-*
25 *tered into with private parties to resolve liability for*

1 *remediation costs at these facilities have been consist-*
 2 *ent on a program wide basis?*

3 **SEC. 3139. TRITIUM PRODUCTION IN COMMERCIAL FACILI-**
 4 **TIES.**

5 *Section 91 of the Atomic Energy Act of 1954 (42*
 6 *U.S.C. 2121) is amended by adding at the end the following:*

7 *“(d) The Secretary may—*

8 *“(A) demonstrate the feasibility of, and*

9 *“(B)(i) acquire facilities by lease or purchase, or*

10 *“(ii) enter into an agreement with an owner or*
 11 *operator of a facility, for*

12 *the production of tritium for defense-related uses in a facil-*
 13 *ity licensed under section 103 of this Act.”.*

14 **SEC. 3140. PILOT PROGRAM RELATING TO USE OF PRO-**
 15 **CEEDS OF DISPOSAL OR UTILIZATION OF**
 16 **CERTAIN DEPARTMENT OF ENERGY ASSETS.**

17 *(a) PURPOSE.—The purpose of this section is encour-*
 18 *age the Secretary of Energy to dispose of or otherwise utilize*
 19 *certain assets of the Department of Energy by making*
 20 *available to the Secretary the proceeds of such disposal or*
 21 *utilization for purposes of activities funded by the defense*
 22 *Environmental Restoration and Waste Management ac-*
 23 *count.*

24 *(b) CREDITING OF PROCEEDS.—(1) Notwithstanding*
 25 *section 3302 of title 31, United States Code, the Secretary*

1 *may retain from the proceeds of the sale, lease, or disposal*
2 *of an asset under subsection (c) an amount equal to the*
3 *cost of the sale, lease, or disposal of the asset. The Secretary*
4 *shall utilize amounts retained under this paragraph to de-*
5 *fray the cost of the sale, lease, or disposal.*

6 (2) *For purposes of paragraph (1), the cost of a sale,*
7 *lease, or disposal shall include—*

8 (A) *the cost of administering the sale, lease, or*
9 *disposal;*

10 (B) *the cost of recovering or preparing the asset*
11 *concerned for the sale, lease, or disposal; and*

12 (C) *any other cost associated with the sale, lease,*
13 *or disposal.*

14 (3) *If after amounts from proceeds are retained under*
15 *paragraph (1) a balance of the proceeds remains, the Sec-*
16 *retary shall—*

17 (A) *credit to the defense Environmental Restora-*
18 *tion and Waste Management account an amount*
19 *equal to 50 percent of the balance of the proceeds; and*

20 (B) *cover over into the Treasury as miscellane-*
21 *ous receipts an amount equal to 50 percent of the bal-*
22 *ance of the proceeds.*

23 (c) *COVERED TRANSACTIONS.—Subsection (b) applies*
24 *to the following transactions:*

1 (1) *The sale of heavy water at the Savannah*
2 *River Site, South Carolina.*

3 (2) *The sale of precious metals under the juris-*
4 *isdiction of the Environmental Management Program.*

5 (3) *The lease of buildings and other facilities lo-*
6 *cated at the Hanford Reservation, Washington and*
7 *under the jurisdiction of the Environmental Manage-*
8 *ment Program.*

9 (4) *The lease of buildings and other facilities lo-*
10 *cated at the Savannah River Site and under the ju-*
11 *risisdiction of the Environmental Management Pro-*
12 *gram.*

13 (5) *The disposal of equipment and other personal*
14 *property located at the Rocky Flats Environmental*
15 *Technology Site, Colorado and under the jurisdiction*
16 *of the Environmental Management Program.*

17 (6) *The disposal of materials at the National*
18 *Electronics Recycling Center, Oak Ridge, Tennessee*
19 *and under the jurisdiction of the Environmental*
20 *Management Program.*

21 (d) *AVAILABILITY OF AMOUNTS.—To the extent pro-*
22 *vided in advance in appropriations Acts, the Secretary may*
23 *use amounts credited to the defense Environmental Restora-*
24 *tion and Waste Management account under subsection*

1 (b)(3)(A) for any purposes for which funds in that account
2 are available.

3 (e) *APPLICABILITY OF DISPOSAL AUTHORITY.*—*Noth-*
4 *ing in this section shall be construed to limit the applica-*
5 *tion of sections 202 and 203(j) of the Federal Property and*
6 *Administrative Services Act of 1949 (40 U.S.C. 483 and*
7 *484(j)) to the disposal of equipment and other personal*
8 *property covered by this section.*

9 (f) *ANNUAL REPORT.*—*Not later than January 31 each*
10 *year, the Secretary shall submit to the congressional defense*
11 *committees a report on the amounts credited by the Sec-*
12 *retary under subsection (b)(3)(A) during the preceding fis-*
13 *cal year.*

14 ***Subtitle D—Other Matters***

15 ***SEC. 3151. ADMINISTRATION OF CERTAIN DEPARTMENT OF*** 16 ***ENERGY ACTIVITIES.***

17 (a) *PROCEDURES FOR PRESCRIBING REGULATIONS.*—
18 *Section 501 of the Department of Energy Organization Act*
19 *(42 U.S.C. 7191) is amended—*

20 (1) *by striking out subsections (b) and (d);*

21 (2) *by redesignating subsections (c), (e), (f), and*
22 *(g) as subsections (b), (c), (d), and (e), respectively;*
23 *and*

1 (3) in subsection (c), as so redesignated, by strik-
 2 ing out “subsections (b), (c), and (d)” and inserting
 3 in lieu thereof “subsection (b)”.

4 (b) *ADVISORY COMMITTEES.*—(1) Section 624 of the
 5 Department of Energy Organization Act (42 U.S.C. 7234)
 6 is amended—

7 (A) by striking out “(a)”; and

8 (B) by striking out subsection (b).

9 (2) Section 17 of the Federal Energy Administration
 10 Act of 1974 (15 U.S.C. 776) is repealed.

11 **SEC. 3152. MODIFICATION AND EXTENSION OF AUTHORITY**
 12 **RELATING TO APPOINTMENT OF CERTAIN**
 13 **SCIENTIFIC, ENGINEERING, AND TECHNICAL**
 14 **PERSONNEL.**

15 (a) *REPEAL OF REQUIREMENT FOR EPA STUDY.*—
 16 Section 3161 of the National Defense Authorization Act for
 17 Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3095;
 18 42 U.S.C. 7231 note) is amended—

19 (1) by striking out subsection (c); and

20 (2) by redesignating subsection (d) as subsection
 21 (c).

22 (b) *EXTENSION OF AUTHORITY.*—Paragraph (1) of
 23 subsection (c) of such section, as so redesignated, is amended
 24 by striking out “September 30, 1997” and inserting in lieu
 25 thereof “September 30, 1999”.

1 **SEC. 3153. ANNUAL REPORT ON PLAN AND PROGRAM FOR**
2 **STEWARDSHIP, MANAGEMENT, AND CERTIFI-**
3 **CATION OF WARHEADS IN THE NUCLEAR**
4 **WEAPONS STOCKPILE.**

5 (a) *IN GENERAL.*—(1) *Not later than March 15, 1998,*
6 *the Secretary of Energy shall submit to the congressional*
7 *defense committees a plan and program for maintaining*
8 *the warheads in the nuclear weapons stockpile (including*
9 *stockpile stewardship, stockpile management, and program*
10 *direction).*

11 (2) *Not later than March 15 of each year after 1998,*
12 *the Secretary shall submit to the congressional defense com-*
13 *mittees an update of the plan and program submitted under*
14 *paragraph (1) current as of the date of submittal of the*
15 *updated plan and program.*

16 (3) *The plan and program, and each update of the*
17 *plan and program, shall be consistent with the pro-*
18 *grammatic and technical requirements of the Nuclear*
19 *Weapons Stockpile Memorandum current as of the date of*
20 *submittal of the plan and program or update.*

21 (b) *ELEMENTS.*—*The plan and program, and each up-*
22 *date of the plan and program, shall set forth the following:*

23 (1) *The numbers of warheads (including active*
24 *and inactive warheads) for each type of warhead in*
25 *the nuclear stockpile.*

1 (2) *The current age of each warhead type and*
2 *any plans for stockpile life extensions and modifica-*
3 *tions or replacement of each warhead type.*

4 (3) *The process by which the Secretary is assess-*
5 *ing the lifetime and requirements for life extension or*
6 *replacement of the nuclear and non-nuclear compo-*
7 *nents of the warheads (including active and inactive*
8 *warheads) in the nuclear stockpile.*

9 (4) *The process used in recertifying the safety,*
10 *reliability, and performance of each warhead type*
11 *(including active and inactive warheads) in the nu-*
12 *clear weapons stockpile.*

13 (5) *Any concerns which would affect the recertifi-*
14 *cation of the safety, security, or reliability of war-*
15 *heads (including active and inactive warheads) in the*
16 *nuclear stockpile.*

17 (c) *FORM.—The Secretary shall submit the plan and*
18 *program, and each update of the plan and program, in un-*
19 *classified form, but may include a classified annex.*

20 **SEC. 3154. SUBMITTAL OF BIENNIAL WASTE MANAGEMENT**
21 **REPORTS.**

22 *Section 3153(b)(2)(B) of the National Defense Author-*
23 *ization Act for Fiscal Year 1994 (42 U.S.C. 7274k(b)(2)(B))*
24 *is amended by striking out “odd-numbered year after 1995”*

1 *and inserting in lieu thereof “odd-numbered year after*
2 *1997”.*

3 **SEC. 3155. REPEAL OF OBSOLETE REPORTING REQUIRE-**
4 **MENTS.**

5 (a) *ANNUAL REPORT ON ACTIVITIES OF THE ATOMIC*
6 *ENERGY COMMISSION.*—(1) *Section 251 of the Atomic En-*
7 *ergy Act of 1954 (42 U.S.C. 2016) is repealed.*

8 (2) *The table of sections at the beginning of that Act*
9 *is amended by striking out the item relating to section 251.*

10 (b) *ANNUAL REPORT ON WEAPONS ACTIVITIES BUDG-*
11 *ETS.*—*Section 3156 of the National Defense Authorization*
12 *Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat.*
13 *2841; 42 U.S.C. 7271c) is repealed.*

14 (c) *ANNUAL UPDATE OF MASTER PLAN FOR NUCLEAR*
15 *WEAPONS STOCKPILE.*—*Section 3153 of the National De-*
16 *fense Authorization Act for Fiscal Year 1996 (Public Law*
17 *104–106; 110 Stat. 624; 42 U.S.C. 2121 note) is repealed.*

18 (d) *ANNUAL REPORT ON WEAPONS ACTIVITIES BUDG-*
19 *ETS.*—*Section 3159 of the National Defense Authorization*
20 *Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat.*
21 *626; 42 U.S.C. 7271b note) is repealed.*

22 (e) *ANNUAL REPORT ON STOCKPILE STEWARDSHIP*
23 *PROGRAM.*—*Section 3138 of the National Defense Author-*
24 *ization Act for Fiscal Year 1994 (Public Law 103–160; 107*
25 *Stat. 1946; 42 U.S.C. 2121 note) is amended—*

1 (1) *by striking out subsections (d) and (e);*

2 (2) *by redesignating subsections (f), (g), and (h)*

3 *as subsections (d), (e), and (f), respectively; and*

4 (3) *in subsection (e), as so redesignated, by strik-*

5 *ing out “and the 60-day period referred to in sub-*

6 *section (e)(2)(A)(ii)”.*

7 (f) *ANNUAL REPORT ON DEVELOPMENT OF TRITIUM*

8 *PRODUCTION CAPACITY.—Section 3134 of the National De-*

9 *fense Authorization Act for Fiscal Year 1993 (Public Law*

10 *102–484; 106 Stat. 2639) is repealed.*

11 (g) *ANNUAL REPORT ON RESEARCH RELATING TO DE-*

12 *FENSE WASTE CLEANUP TECHNOLOGY PROGRAM.—Section*

13 *3141 of the National Defense Authorization Act for Fiscal*

14 *Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1679;*

15 *42 U.S.C. 7274a) is amended—*

16 (1) *by striking out subsection (c); and*

17 (2) *by redesignating subsection (d) as subsection*

18 *(c).*

19 (h) *QUARTERLY REPORT ON MAJOR DOE NATIONAL*

20 *SECURITY PROGRAMS.—Section 3143 of the National De-*

21 *fense Authorization Act for Fiscal Years 1990 and 1991*

22 *(Public Law 101–189; 103 Stat. 1681; 42 U.S.C. 7271a)*

23 *is repealed.*

24 (i) *ANNUAL REPORT ON NUCLEAR TEST BAN READI-*

25 *NESS PROGRAM.—Section 1436 of the National Defense Au-*

1 *thorization Act, Fiscal Year 1989 (Public Law 100–456;*
2 *102 Stat. 2075; 42 U.S.C. 2121 note) is amended by strik-*
3 *ing out subsection (e).*

4 **SEC. 3156. COMMISSION ON SAFEGUARDING AND SECURITY**
5 **OF NUCLEAR WEAPONS AND MATERIALS AT**
6 **DEPARTMENT OF ENERGY FACILITIES.**

7 (a) *ESTABLISHMENT.*—*There is hereby established a*
8 *commission to be known as the Commission on Safeguards*
9 *and Security at Department of Energy Facilities (in this*
10 *section referred to as the “Commission”).*

11 (b) *ORGANIZATIONAL MATTERS.*—(1)(A) *The Commis-*
12 *sion shall be composed of eight members appointed from*
13 *among individuals in the public and private sectors who*
14 *have significant experience in matters relating to the safe-*
15 *guarding and security of nuclear weapons and materials,*
16 *as follows:*

17 (i) *Two shall be appointed by the chairman of*
18 *the Committee on Armed Services of the Senate, in*
19 *consultation with the ranking member of the commit-*
20 *tee.*

21 (ii) *One shall be appointed by the ranking mem-*
22 *ber of the Committee on Armed Services of the Senate,*
23 *in consultation with the chairman of the committee.*

24 (iii) *Two shall be appointed by the chairman of*
25 *the Committee on National Security of the House of*

1 *Representatives, in consultation with the ranking*
2 *member of the committee.*

3 *(iv) One shall be appointed by the ranking mem-*
4 *ber of the Committee on National Security of the*
5 *House of Representatives, in consultation with the*
6 *chairman of the committee.*

7 *(v) Two shall be appointed by the Secretary of*
8 *Energy.*

9 *(B) Members shall be appointed for the life of the Com-*
10 *mission. Any vacancy in the Commission shall not affect*
11 *its powers, but shall be filled in the same manner as the*
12 *original appointment.*

13 *(C) The chairman of the Commission shall be des-*
14 *ignated from among the members of the Commission by the*
15 *chairman of the Committee on Armed Services of the Sen-*
16 *ate, in consultation with the chairman of the Committee*
17 *on National Security of the House of Representatives, the*
18 *ranking member of the committee on Armed Services of the*
19 *Senate, and the ranking member of the Committee on Na-*
20 *tional Security of the House of Representatives.*

21 *(D) Members shall be appointed not later than 60 days*
22 *after the date of enactment of this Act.*

23 *(2) The members of the Commission shall establish pro-*
24 *cedures for the activities of the Commission, including pro-*

1 *cedures for calling meetings, requirements for quorums, and*
2 *the manner of taking votes.*

3 *(c) DUTIES.—(1) The Commission shall—*

4 *(A) conduct a review of the specifications in the*
5 *document entitled “Design Threat Basis” relating to*
6 *the safeguarding and security of nuclear weapons and*
7 *materials in order to determine whether or not the*
8 *specifications establish procedures adequate for the*
9 *safeguarding and security of such weapons and mate-*
10 *rials at Department of Energy facilities; and*

11 *(B) determine whether or not the document takes*
12 *into account all relevant guidelines for the safeguard-*
13 *ing and security of such weapons and materials at*
14 *such facilities, including Presidential Decision Direc-*
15 *tive 39, relating to United States policy on*
16 *counterterrorism.*

17 *(2) In conducting the review, the Commission shall—*

18 *(A) visit various Department facilities, includ-*
19 *ing the Rocky Flats Plant, Colorado, Los Alamos Na-*
20 *tional Laboratory, New Mexico, the Savannah River*
21 *Site, South Carolina, the Pantex Plant, Texas, Oak*
22 *Ridge National Laboratory, Tennessee, and the Han-*
23 *ford Reservation, Washington, in order to assess the*
24 *adequacy of safeguards and security with respect to*
25 *nuclear weapons and materials at such facilities;*

1 (B) evaluate the specific concerns with respect to
2 the safeguarding and security of nuclear weapons and
3 materials raised in the report of the Office of Safe-
4 guards and Security of the Department of Energy en-
5 titled “Status of Safeguards and Security for 1996”;
6 and

7 (C) review applicable orders and other require-
8 ments governing the safeguarding and security of nu-
9 clear weapons and materials at Department facilities.

10 (d) *REPORT.*—(1) Not later than February 15, 1998,
11 the Commission shall submit to the Secretary and to the
12 congressional defense committees a report on the review con-
13 ducted under subsection (c).

14 (2) The report may include—

15 (A) recommendations regarding any modifica-
16 tions of policy or procedures applicable to Depart-
17 ment facilities that the Commission considers appro-
18 priate to provide adequate safeguards and security for
19 nuclear weapons and materials at such facilities
20 without impairing the mission of such facilities;

21 (B) recommendations for modifications in fund-
22 ing priorities necessary to ensure basic funding for
23 the safeguarding and security of such weapons and
24 materials at such facilities; and

1 (C) *such other recommendations for additional*
2 *legislation or administrative action as the Commis-*
3 *sion considers appropriate.*

4 (e) *PERSONNEL MATTERS.*—(1)(A) *Each member of*
5 *the Commission who is not an officer or employee of the*
6 *Federal Government shall be compensated at a rate equal*
7 *to the daily equivalent of the annual rate of basic pay pre-*
8 *scribed for Level IV of the Executive Schedule under section*
9 *53115 of title 5, United States Code, for each day (includ-*
10 *ing travel time) during which such member is engaged in*
11 *the performance of the duties of the Commission.*

12 (B) *All members of the Commission who are officers*
13 *or employees of the United States shall serve without com-*
14 *pensation in addition to that received for their services as*
15 *officers or employees of the United States.*

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

22 (3)(A) *The Commission may, without regard to the*
23 *civil service laws and regulations, appoint and terminate*
24 *such personnel as may be necessary to enable the Commis-*
25 *sion to perform its duties.*

1 (B) *The Commission may fix the compensation of the*
 2 *personnel of the Commission without regard to the provi-*
 3 *sions of chapter 51 and subchapter III of chapter 53 of title*
 4 *5, United States Code, relating to classification of positions*
 5 *and General Schedule pay rates.*

6 (4) *Any Federal Government employee may be detailed*
 7 *to the Commission without reimbursement, and such detail*
 8 *shall be without interruption or loss of civil status or privi-*
 9 *lege.*

10 (f) *APPLICABILITY OF FACA.—The provisions of the*
 11 *Federal Advisory Committee Act (5 U.S.C. App.) shall not*
 12 *apply to the activities of the Commission.*

13 (g) *TERMINATION.—The Commission shall terminate*
 14 *30 days after the date on which the Commission submits*
 15 *its report under subsection (d).*

16 (h) *FUNDING.—Of the amounts authorized to be appro-*
 17 *priated pursuant to section 3101, not more than \$500,000*
 18 *shall be available for the activities of the Commission under*
 19 *this section. Funds made available to the Commission under*
 20 *this section shall remain available until expended.*

21 **SEC. 3157. MODIFICATION OF AUTHORITY ON COMMISSION**
 22 **ON MAINTAINING UNITED STATES NUCLEAR**
 23 **WEAPONS EXPERTISE.**

24 (a) *COMMENCEMENT OF ACTIVITIES.—Subsection*
 25 *(b)(1) of section 3162 of the National Defense Authorization*

1 *Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat.*
 2 *2844; 42 U.S.C. 2121 note) is amended—*

3 *(1) in subparagraph (C), by adding at the end*
 4 *the following new sentence: “The chairman may be*
 5 *designated once five members of the Commission have*
 6 *been appointed under subparagraph (A).”;* and

7 *(2) by adding at the end the following:*

8 *“(E) The Commission may commence its activities*
 9 *under this section upon the designation of the chairman of*
 10 *the Commission under subparagraph (C).”.*

11 *(b) DEADLINE FOR REPORT.—Subsection (d) of that*
 12 *section is amended by striking out “March 15, 1998,” and*
 13 *inserting in lieu thereof “March 15, 1999.”.*

14 **SEC. 3158. LAND TRANSFER, BANDELIER NATIONAL MONU-**
 15 **MENT.**

16 *(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—*
 17 *The Secretary of Energy shall transfer to the Secretary of*
 18 *the Interior administrative jurisdiction over a parcel of real*
 19 *property consisting of approximately 4.47 acres as depicted*
 20 *on the map entitled “Boundary Map, Bandelier National*
 21 *Monument”, No. 315/80,051, dated March 1995.*

22 *(b) BOUNDARY MODIFICATION.—The boundary of the*
 23 *Bandelier National Monument established by Proclamation*
 24 *No. 1322 (16 U.S.C. 431 note) is modified to include the*
 25 *real property transferred under subsection (a).*

1 (c) *PUBLIC AVAILABILITY OF MAP.*—*The map de-*
2 *scribed in subsection (a) shall be on file and available for*
3 *public inspection in the Lands Office at the Southwest Sys-*
4 *tem Support Office of the National Park Service, Santa Fe,*
5 *New Mexico, and in the office of the Superintendent of Ban-*
6 *delier National Monument.*

7 (d) *ADMINISTRATION.*—*The real property and interests*
8 *in real property transferred under subsection (a) shall be—*

9 (1) *administered as part of Bandelier National*
10 *Monument; and*

11 (2) *subject to all laws applicable to the Bandelier*
12 *National Monument and all laws generally applicable*
13 *to units of the National Park System.*

14 **SEC. 3159. PARTICIPATION OF NATIONAL SECURITY ACTIVI-**
15 **TIES IN HISPANIC OUTREACH INITIATIVE OF**
16 **THE DEPARTMENT OF ENERGY.**

17 *The Secretary of Energy shall take appropriate ac-*
18 *tions, including the allocation of funds, to ensure the par-*
19 *ticipation of the national security activities of the Depart-*
20 *ment of Energy in the Hispanic Outreach Initiative of the*
21 *Department of Energy.*

1 **SEC. 3160. FINAL SETTLEMENT OF DEPARTMENT OF EN-**
2 **ERGY COMMUNITY ASSISTANCE PAYMENTS**
3 **TO LOS ALAMOS COUNTY UNDER AUSPICES**
4 **OF ATOMIC ENERGY COMMUNITY ACT OF 1955.**

5 (a) *The Secretary of Energy on behalf of the Federal*
6 *Government shall convey without consideration fee title to*
7 *Government-owned land under the administrative control*
8 *of the Department of Energy to the Incorporated County*
9 *of Los Alamos, New Mexico, or its designee, and to the Sec-*
10 *retary of the Interior in trust for the Pueblo of San*
11 *Ildefonso for purposes of preservation, community self-suffi-*
12 *ciency or economic diversification in accordance with this*
13 *section.*

14 (b) *In order to carry out the requirement of subsection*
15 *(a) the Secretary shall—*

16 (1) *no later than 3 months from the date of en-*
17 *actment of this Act, submit to the appropriate com-*
18 *mittees of Congress a report identifying parcels of*
19 *land considered suitable for conveyance, taking into*
20 *account the need to provide lands—*

21 (A) *which are not required to meet the na-*
22 *tional security missions of the Department of*
23 *Energy;*

24 (B) *which are likely to be available for*
25 *transfer within 10 years; and*

1 (C) which have been identified by the De-
2 partment, the County of Los Alamos, or the
3 Pueblo of San Ildefonso, as being able to meet the
4 purposes stated in subsection (a);

5 (2) no later than 12 months after the date of en-
6 actment of this Act, submit to the appropriate con-
7 gressional committees a report containing the results
8 of a title search on all parcels of land identified in
9 paragraph (1), including an analysis of any claims
10 of former owners, or their heirs and assigns, to such
11 parcels. During this period, the Secretary shall en-
12 gage in concerted efforts to provide claimants with
13 every reasonable opportunity to legally substantiate
14 their claims. The Secretary shall only transfer land
15 for which the United States Government holds clear
16 title;

17 (3) no later than 21 months from the date of en-
18 actment of this Act, complete any review required by
19 the National Environmental Policy Act of 1969 (42
20 U.S.C. 4321–4375) with respect to anticipated envi-
21 ronmental impact of the conveyance of the parcels of
22 land identified in the report to Congress; and

23 (4) no later than 3 months after the date, which
24 is the later of—

1 (A) the date of completion of the review re-
2 quired by paragraph (3); or

3 (B) the date on which the County of Los Al-
4 amos and the Pueblo of San Ildefonso submit to
5 the Secretary a binding agreement allocating the
6 parcels of land identified in paragraph (1) to
7 which the government has clear title—
8 submit to the appropriate Congressional committees a
9 plan for conveying the parcels of land in accordance
10 with the agreement between the county and the Pueblo
11 and the findings of the environmental review in para-
12 graph (3).

13 (c) The Secretary shall complete the conveyance of all
14 portions of the lands identified in the plan with all due
15 haste, and no later than 9 months, after the date of submis-
16 sion of the plan under paragraph (b)(4).

17 (d) If the Secretary finds that a parcel of land identi-
18 fied in subsection (b) continues to be necessary for national
19 security purposes for a period of time less than ten years
20 or requires remediation of hazardous substances in accord-
21 ance with applicable laws that delays the parcel's convey-
22 ance beyond the time limits provided in subsection (c), the
23 Secretary shall convey title of that parcel upon completion
24 of the remediation or after that parcel is no longer necessary
25 for national security purposes.

1 (e) *Following transfer of the land pursuant to sub-*
2 *section (c), the Secretary shall make no further assistance*
3 *payments under section 91 or section 94 of the Atomic En-*
4 *ergy Community Act of 1955 (42 U.S.C. 2391; 2394) to*
5 *county or city governments in the vicinity of Los Alamos*
6 *National Laboratory.*

7 **SEC. 3161. DESIGNATING THE Y-12 PLANT IN OAK RIDGE,**
8 **TENNESSEE AS THE NATIONAL PROTOTYPE**
9 **CENTER.**

10 *The Y-12 plant in Oak Ridge, Tennessee is designated*
11 *as the National Prototype Center. Other executive agencies*
12 *are encouraged to utilize this center, where appropriate, to*
13 *maximize their efficiency and cost effectiveness.*

14 **SEC. 3162. NORTHERN NEW MEXICO EDUCATIONAL FOUN-**
15 **DATION.**

16 (a) *Of the funds authorized to be appropriated to the*
17 *Department of Energy by this Act, \$5,000,000 shall be*
18 *available for payment by the Secretary of Energy to a non-*
19 *profit or not-for-profit educational foundation chartered to*
20 *enhance the educational enrichment activities in public*
21 *schools in the area around the Los Alamos National Lab-*
22 *oratory (in this section referred to as the “Foundation”).*

23 (b) *Funds provided by the Department of Energy to*
24 *the Foundation shall be used solely as corpus for an endow-*
25 *ment fund. The Foundation shall invest the corpus and use*

1 *the income generated from such an investment to fund pro-*
 2 *grams designed to support the educational needs of public*
 3 *schools in Northern New Mexico educating children in the*
 4 *area around the Los Alamos National Laboratory.*

5 **SEC. 3163. TO AUTHORIZE APPROPRIATIONS FOR THE**
 6 **GREENVILLE ROAD IMPROVEMENT PROJECT,**
 7 **LIVERMORE, CALIFORNIA.**

8 *Of the funds authorized to be appropriated by this Act*
 9 *to the Department of Energy, \$3,500,000 are authorized to*
 10 *be appropriated for fiscal year 1998, and \$3,800,000 are*
 11 *authorized to be appropriated for fiscal year 1999, for im-*
 12 *provements to Greenville Road in Livermore, California.*

13 **TITLE XXXII—DEFENSE NU-**
 14 **CLEAR FACILITIES SAFETY**
 15 **BOARD**

16 **SEC. 3201. AUTHORIZATION.**

17 *There are authorized to be appropriated for fiscal year*
 18 *1998, \$17,500,000 for the operation of the Defense Nuclear*
 19 *Facilities Safety Board under chapter 21 of the Atomic En-*
 20 *ergy Act of 1954 (42 U.S.C. 2286 et seq.).*

21 **TITLE XXXIII—NATIONAL**
 22 **DEFENSE STOCKPILE**

23 **SEC. 3301. DEFINITIONS.**

24 *In this title:*

1 (1) *The term “National Defense Stockpile”*
2 *means the stockpile provided for in section 4 of the*
3 *Strategic and Critical Materials Stock Piling Act (50*
4 *U.S.C. 98c).*

5 (2) *The term “National Defense Stockpile Trans-*
6 *action Fund” means the fund in the Treasury of the*
7 *United States established under section 9(a) of the*
8 *Strategic and Critical Materials Stock Piling Act (50*
9 *U.S.C. 98h(a)).*

10 **SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.**

11 (a) *OBLIGATIONS AUTHORIZED.—During fiscal year*
12 *1998, the National Defense Stockpile Manager may obligate*
13 *up to \$60,000,000 of the funds in the National Defense*
14 *Stockpile Transaction Fund established under subsection*
15 *(a) of section 9 of the Strategic and Critical Materials Stock*
16 *Piling Act (50 U.S.C. 98h) for the authorized uses of such*
17 *funds under subsection (b)(2) of such section.*

18 (b) *ADDITIONAL OBLIGATIONS.—The National Defense*
19 *Stockpile Manager may obligate amounts in excess of the*
20 *amount specified in subsection (a) if the National Defense*
21 *Stockpile Manager notifies Congress that extraordinary or*
22 *emergency conditions necessitate the additional obligations.*
23 *The National Defense Stockpile Manager may make the ad-*
24 *ditional obligations described in the notification after the*

1 *end of the 45-day period beginning on the date Congress*
 2 *receives the notification.*

3 (c) *LIMITATIONS.—The authorities provided by this*
 4 *section shall be subject to such limitations as may be pro-*
 5 *vided in appropriations Acts.*

6 **SEC. 3303. AUTHORITY TO DISPOSE OF CERTAIN MATE-**
 7 **RIALS IN NATIONAL DEFENSE STOCKPILE.**

8 (a) *DISPOSAL REQUIRED.—Subject to subsection (c),*
 9 *the President shall dispose of materials contained in the Na-*
 10 *tional Defense Stockpile and specified in the table in sub-*
 11 *section (b) so as to result in receipts to the United States*
 12 *in amounts equal to—*

13 (1) *\$9,222,000 by the end of fiscal year 1998;*

14 (2) *\$134,840,000 by the end of fiscal year 2002;*

15 *and*

16 (3) *\$331,886,000 by the end of fiscal year 2007.*

17 (b) *LIMITATION ON DISPOSAL QUANTITY.—The total*
 18 *quantities of materials authorized for disposal by the Presi-*
 19 *dent under subsection (a) may not exceed the amounts set*
 20 *forth in the following table:*

Authorized Stockpile Disposals

<i>Material for disposal</i>	<i>Quantity</i>
<i>Beryllium Copper Master Alloy</i>	<i>7,387 short tons</i>
<i>Chromium Metal</i>	<i>8,511 short tons</i>
<i>Cobalt</i>	<i>14,058,014 pounds</i>
<i>Columbium Carbide</i>	<i>21,372 pounds</i>
<i>Columbium Ferro</i>	<i>249,395 pounds</i>
<i>Diamond, Bort</i>	<i>61,543 carats</i>
<i>Diamond, Dies</i>	<i>25,473 pieces</i>
<i>Diamond, Stone</i>	<i>3,047,900 carats</i>
<i>Germanium</i>	<i>28,200 kilograms</i>

Authorized Stockpile Disposals—Continued

Material for disposal	Quantity
<i>Indium</i>	<i>14,248 troy ounces</i>
<i>Palladium</i>	<i>1,249,485 troy ounces</i>
<i>Platinum</i>	<i>442,641 troy ounces</i>
<i>Tantalum, Carbide Powder</i>	<i>22,688 pounds contained</i>
<i>Tantalum, Minerals</i>	<i>1,751,364 pounds contained</i>
<i>Tantalum, Oxide</i>	<i>123,691 pounds contained</i>
<i>Titanium Sponge</i>	<i>34,831 short tons</i>
<i>Tungsten, Ores & Concentrate</i>	<i>76,358,235 pounds</i>
<i>Tungsten, Carbide</i>	<i>2,032,954 pounds</i>
<i>Tungsten, Metal Powder</i>	<i>1,899,283 pounds</i>
<i>Tungsten, Ferro</i>	<i>2,024,143 pounds</i>

1 (c) *MINIMIZATION OF DISRUPTION AND LOSS.—The*
2 *President may not dispose of materials under subsection (a)*
3 *to the extent that the disposal will result in—*

4 (1) *undue disruption of the usual markets of*
5 *producers, processors, and consumers of the materials*
6 *proposed for disposal; or*

7 (2) *avoidable loss to the United States.*

8 (d) *RELATIONSHIP TO OTHER DISPOSAL AUTHOR-*
9 *ITY.—The disposal authority provided in subsection (a) is*
10 *new disposal authority and is in addition to, and shall not*
11 *affect, any other disposal authority provided by law regard-*
12 *ing the materials specified in such subsection.*

13 **SEC. 3304. RETURN OF SURPLUS PLATINUM FROM THE DE-**
14 **PARTMENT OF THE TREASURY.**

15 (a) *RETURN OF PLATINUM TO STOCKPILE.—Subject to*
16 *subsection (b), the Secretary of the Treasury, upon the re-*
17 *quest of the Secretary of Defense, shall return to the Sec-*
18 *retary of Defense for sale or other disposition platinum of*
19 *the National Defense Stockpile that has been loaned to the*

1 *Department of the Treasury by the Secretary of Defense,*
 2 *acting as the stockpile manager. The quantity requested and*
 3 *transferred shall be any quantity that the Secretary of De-*
 4 *fense determines appropriate for sale or other disposition.*

5 (b) *ALTERNATIVE TRANSFER OF FUNDS.—The Sec-*
 6 *retary of the Treasury, with the concurrence of the Sec-*
 7 *retary of Defense, may transfer to the Secretary of Defense*
 8 *funds in a total amount that is equal to the fair market*
 9 *value of any platinum requested under subsection (a) and*
 10 *not returned. A transfer of funds under this subsection shall*
 11 *be a substitute for a return of platinum under subsection*
 12 *(a). Upon a transfer of funds as a substitute for a return*
 13 *of platinum, the platinum shall cease to be part of the Na-*
 14 *tional Defense Stockpile. A transfer of funds under this sub-*
 15 *section shall be charged to any appropriation for the De-*
 16 *partment of the Treasury and shall be credited to the Na-*
 17 *tional Defense Stockpile Transaction Fund.*

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. LEASING OF CERTAIN OIL SHALE RESERVES.**

4 (a) *REQUIREMENT TO LEASE.*—*The Secretary of En-*
5 *ergy may lease, subject to valid existing rights, the United*
6 *States interest in Oil Shale Reserves Numbered 1, 2, and*
7 *3 to one or more private entities for the purpose of provid-*
8 *ing for the exploration of such reserves for, and the develop-*
9 *ment and production of, petroleum.*

10 (b) *MAXIMIZATION OF FINANCIAL RETURN TO THE*
11 *UNITED STATES.*—*A lease under this section shall be made*
12 *under terms that result in the maximum practicable finan-*
13 *cial return to the United States, without regard to produc-*
14 *tion limitations provided under chapter 641 of title 10,*
15 *United States Code.*

16 (c) *DISPOSITION OF WELLS, GATHERING LINES, AND*
17 *EQUIPMENT.*—*A lease of a reserve under subsection (a) may*
18 *include the sale or other disposition, at fair market value,*
19 *of any well, gathering line, or related equipment owned by*
20 *the United States that is located at the reserve and is suit-*
21 *able for use in the exploration, development, or production*
22 *of petroleum on the reserve.*

23 (d) *DISPOSITION OF ROYALTIES AND OTHER PRO-*
24 *CEEDS.*—*All royalties and other proceeds accruing to the*
25 *United States from a lease under this section shall be dis-*

1 posed of in accordance with section 7433 of title 10, United
2 States Code.

3 (e) *INAPPLICABILITY OF CERTAIN SECTIONS OF TITLE*
4 *10, UNITED STATES CODE.*—The following provisions of
5 chapter 641 of title 10, United States Code, do not apply
6 to the leasing of a reserve under this section nor to a reserve
7 while under a lease entered into under this section: section
8 7422(b), subsections (d), (e), (g), and (k) of section 7430,
9 section 7431, and section 7438(c)(1).

10 (f) *DEFINITIONS.*—In this section:

11 (1) The term “Oil Shale Reserves Numbered 1, 2,
12 and 3” means the oil shale reserves identified in sec-
13 tion 7420(2) of title 10, United States Code, as Oil
14 Shale Reserve Numbered 1, Oil Shale Reserve Num-
15 bered 2, and Oil Shale Reserve Numbered 3.

16 (2) The term “petroleum” has the meaning given
17 such term in section 7420(3) of such title.

18 **SEC. 3403. REPEAL OF REQUIREMENT TO ASSIGN NAVY OF-**
19 **FICERS TO OFFICE OF NAVAL PETROLEUM**
20 **AND OIL SHALE RESERVES.**

21 Section 2 of Public Law 96–137 (42 U.S.C. 7156a)
22 is repealed.

1 **TITLE XXXV—PANAMA CANAL**
2 **COMMISSION**
3 **Subtitle A—Authorization of**
4 **Expenditures From Revolving Fund**

5 **SEC. 3501. SHORT TITLE.**

6 *This subtitle may be cited as the “Panama Canal*
7 *Commission Authorization Act for Fiscal Year 1998”.*

8 **SEC. 3502. AUTHORIZATION OF EXPENDITURES.**

9 *(a) IN GENERAL.—Subject to subsection (b), the Pan-*
10 *ama Canal Commission is authorized to use amounts in*
11 *the Panama Canal Revolving Fund to make such expendi-*
12 *tures within the limits of funds and borrowing authority*
13 *available to it in accordance with law, and to make such*
14 *contracts and commitments, as may be necessary under the*
15 *Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for*
16 *the operation, maintenance, improvement, and administra-*
17 *tion of the Panama Canal for fiscal year 1998.*

18 *(b) LIMITATIONS.—For fiscal year 1998, the Panama*
19 *Canal Commission may expend from funds in the Panama*
20 *Canal Revolving Fund not more than \$85,000 for official*
21 *reception and representation expenses, of which—*

22 *(1) not more than \$23,000 may be used for offi-*
23 *cial reception and representation expenses of the Su-*
24 *pervisory Board of the Commission;*

1 (2) *not more than \$12,000 may be used for offi-*
 2 *cial reception and representation expenses of the Sec-*
 3 *retary of the Commission; and*

4 (3) *not more than \$50,000 may be used for offi-*
 5 *cial reception and representation expenses of the Ad-*
 6 *ministrator of the Commission.*

7 **SEC. 3503. PURCHASE OF VEHICLES.**

8 *Notwithstanding any other provision of law, the funds*
 9 *available to the Commission shall be available for the pur-*
 10 *chase and transportation to the Republic of Panama of pas-*
 11 *senger motor vehicles, the purchase price of which shall not*
 12 *exceed \$22,000 per vehicle.*

13 **SEC. 3504. EXPENDITURES ONLY IN ACCORDANCE WITH**
 14 **TREATIES.**

15 *Expenditures authorized under this subtitle may be*
 16 *made only in accordance with the Panama Canal Treaties*
 17 *of 1977 and any law of the United States implementing*
 18 *those treaties.*

19 **Subtitle B—Facilitation of Panama**
 20 **Canal Transition**

21 **SEC. 3511. SHORT TITLE; REFERENCES.**

22 (a) *SHORT TITLE.*—*This subtitle may be cited as the*
 23 *“Panama Canal Transition Facilitation Act of 1997”.*

24 (b) *REFERENCES.*—*Except as otherwise expressly pro-*
 25 *vided, whenever in this subtitle an amendment or repeal*

1 *is expressed in terms of an amendment to, or repeal of, a*
2 *section or other provision, the reference shall be considered*
3 *to be made to a section or other provision of the Panama*
4 *Canal Act of 1979 (22 U.S.C. 3601 et seq.).*

5 **SEC. 3512. DEFINITIONS RELATING TO CANAL TRANSITION.**

6 *Section 3 (22 U.S.C. 3602) is amended by adding at*
7 *the end the following new subsection:*

8 *“(d) For purposes of this Act:*

9 *“(1) The term ‘Canal Transfer Date’ means De-*
10 *cember 31, 1999, such date being the date specified in*
11 *the Panama Canal Treaty of 1977 for the transfer of*
12 *the Panama Canal from the United States of America*
13 *to the Republic of Panama.*

14 *“(2) The term ‘Panama Canal Authority’ means*
15 *the entity created by the Republic of Panama to suc-*
16 *ceed the Panama Canal Commission as of the Canal*
17 *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 “(B) *Effective upon termination of the indi-*
 2 *vidual’s appointment as Administrator of the*
 3 *Panama Canal Commission at noon on the*
 4 *Canal Transfer Date, section 207 of title 18,*
 5 *United States Code.*

6 “(C) *Sections 501(a) and 502(a)(4) of the*
 7 *Ethics in Government Act of 1978 (5 U.S.C.*
 8 *App.), with respect to compensation received for,*
 9 *and service in, the position of Administrator of*
 10 *the Panama Canal Authority.”.*

11 **SEC. 3522. POST-CANAL TRANSFER PERSONNEL AUTHORI-**
 12 **TIES.**

13 (a) *WAIVER OF CERTAIN POST-EMPLOYMENT RE-*
 14 *STRICTIONS FOR COMMISSION PERSONNEL BECOMING EM-*
 15 *PLOYEES OF THE PANAMA CANAL AUTHORITY.*—Section
 16 1112 (22 U.S.C. 3622) is amended by adding at the end
 17 the following new subsection:

18 “(e) *Effective as of the Canal Transfer Date, section*
 19 *207 of title 18, United States Code, shall not apply to an*
 20 *individual who is an officer or employee of the Panama*
 21 *Canal Authority, but only with respect to official acts of*
 22 *that individual as an officer or employee of the Authority*
 23 *and only in the case of an individual who was an officer*
 24 *or employee of the Commission and whose employment with*

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*
 19 *Corps 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 received by the employee.*

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 Supervisory*
22 *Board of the Commission to the Congress of notice of the*
23 *agreement to use those procedures and a description of those*
24 *procedures.*

1 “(B) *The Federal Services Impasses Panel shall not*
2 *have jurisdiction to resolve any impasse between the Com-*
3 *mission and any such exclusive representative in negotia-*
4 *tions over a procedure for resolving impasses.*

5 “(3) *If the Commission and such an exclusive rep-*
6 *resentative do not reach an agreement concerning a proce-*
7 *dure for resolving impasses with respect to a bargaining*
8 *unit and transmit notice of the agreement under paragraph*
9 *(2) on or before July 1, 1998, the following shall be the*
10 *procedure by which collective bargaining impasses between*
11 *the Commission and the exclusive representative for that*
12 *bargaining unit shall be resolved:*

13 “(A) *If bargaining efforts do not result in an*
14 *agreement, the parties shall request the Federal Medi-*
15 *ation and Conciliation Service to assist in achieving*
16 *an agreement.*

17 “(B) *If an agreement is not reached within 45*
18 *days after the date on which either party requests the*
19 *assistance of the Federal Mediation and Conciliation*
20 *Service in writing (or within such shorter period as*
21 *may be mutually agreed upon by the parties), the*
22 *parties shall be considered to be at an impasse and*
23 *shall request the Federal Services Impasses Panel of*
24 *the Federal Labor Relations Authority to decide the*
25 *impasse.*

1 “(C) *If the Federal Services Impasses Panel fails*
2 *to issue a decision within 90 days after the date on*
3 *which its services are requested (or within such short-*
4 *er period as may be mutually agreed upon by the*
5 *parties), the efforts of the Panel shall be terminated.*

6 “(D) *In such a case, the Chairman of the Panel*
7 *(or another member in the absence of the Chairman)*
8 *shall immediately determine the matter by a drawing*
9 *(conducted in such manner as the Chairman (or, in*
10 *the absence of the Chairman, such other member) de-*
11 *termines appropriate) between the last offer of the*
12 *Commission and the last offer of the exclusive rep-*
13 *resentative, with the offer chosen through such draw-*
14 *ing becoming the binding resolution of the matter.*

15 “(4) *In the case of a notice of agreement described in*
16 *paragraph (2)(A) that is transmitted to the Congress as de-*
17 *scribed in the second sentence of that paragraph after July*
18 *1, 1998, the impasse resolution procedures covered by that*
19 *notice shall apply to any impasse between the Commission*
20 *and the other party to the agreement that is unresolved on*
21 *the date on which that notice is transmitted to the Con-*
22 *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:”;*

12 *Title III of the Panama Canal Act of 1979 (22 U.S.C.*
13 *3601 et seq.) is amended by inserting after the title heading*
14 *the following new chapter:*

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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 *pensation 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 (22 U.S.C. 3714b) is amended by striking*
 23 *out “Section 501” and inserting in lieu thereof “Sections*
 24 *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” and inserting in lieu*
 16 *thereof “laws of the United States and regulations is-*
 17 *sued pursuant to such laws”.*

18 *(2)(A) The following provisions are each amend-*
 19 *ed by striking out “the effective date of this Act” and*
 20 *inserting in lieu thereof “October 1, 1979”: sections*
 21 *3(b), 3(c), 1112(b), and 1321(c)(1).*

22 *(B) Section 1321(c)(2) is amended by striking*
 23 *out “such effective date” and inserting in lieu thereof*
 24 *“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(a)(1), is amended by striking out “section
7 1102B” 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—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 3601. COMMENDING MEXICO ON FREE AND FAIR ELEC-**
4 **TIONS.**

5 *(a) Congress finds that—*

6 *(1) on July 6, 1997, elections were conducted in*
7 *Mexico in order to fill 500 seats in the Chamber of*
8 *Deputies, 32 seats in the 128 seat Senate, the office*
9 *of the Mayor of Mexico City, and local elections in a*
10 *number of Mexican States;*

11 *(2) for the first time, the federal elections were*
12 *organized by the Federal Electoral Institute, an au-*
13 *tonomous and independent organization established*
14 *under the Mexican Constitution;*

15 *(3) more than 52 million Mexican citizens reg-*
16 *istered to vote;*

17 *(4) eight political parties registered to partici-*
18 *pate in the July 6, elections, including the Institu-*
19 *tional Revolutionary Party (PRI), the National Ac-*
20 *tion Party (PAN), and the Democratic Revolutionary*
21 *Party (PRD);*

22 *(5) since 1993, Mexican citizens have had the ex-*
23 *clusive right to participate as observers in activities*
24 *related to the preparation and the conduct of elec-*
25 *tions;*

1 (6) *since 1994, Mexican law has permitted inter-*
2 *national observers to be a part of the process;*

3 (7) *with 84 percent of the ballots counted, PRI*
4 *candidates received 38 percent of the vote for seats in*
5 *the Chamber of Deputies; while PRD and PAN can-*
6 *didates received 52 percent of the combined vote;*

7 (8) *PRD candidate, Cuauhtemoc Cardenas*
8 *Solorzano has become the first elected Mayor of Mex-*
9 *ico City, a post previously appointed by the Presi-*
10 *dent; and*

11 (9) *PAN members will now serve as governors in*
12 *seven of Mexico's 31 States.*

13 (b) *It is the Sense of the Congress that—*

14 (1) *the recent Mexican elections were conducted*
15 *in a free, fair and impartial manner;*

16 (2) *the will of the Mexican people, as expressed*
17 *through the ballot box, has been respected by President*
18 *Ernesto Zedillo and officials throughout his adminis-*
19 *tration; and*

20 (3) *President Zedillo, the Mexican Government,*
21 *the Federal Electoral Institute, the political parties*
22 *and candidates, and most importantly the citizens of*
23 *Mexico should all be congratulated for their support*
24 *and participation in these very historic elections.*

1 **SEC. 3602. SENSE OF CONGRESS REGARDING CAMBODIA.**

2 (a) *FINDINGS.*—*The Congress finds that—*

3 (1) *during the 1970’s and 1980’s Cambodia was*
4 *wracked by political conflict, war and violence, in-*
5 *cluding genocide perpetrated by the Khmer Rouge*
6 *from 1975 to 1979;*

7 (2) *the 1991 Paris Agreements on a Comprehen-*
8 *sive Political Settlement of the Cambodia Conflict set*
9 *the stage for a process of political accommodation and*
10 *national reconciliation among Cambodia’s warring*
11 *parties;*

12 (3) *the international community engaged in a*
13 *massive, more than \$2,000,000,000 effort to ensure*
14 *peace, democracy and prosperity in Cambodia follow-*
15 *ing the Paris Accords;*

16 (4) *the Cambodian people clearly demonstrated*
17 *their support for democracy when 90 percent of eligi-*
18 *ble Cambodian voters participated in United Nations-*
19 *sponsored elections in 1993;*

20 (5) *since the 1993 elections, Cambodia has made*
21 *economic progress, as evidenced by the decision last*
22 *month of the Association of Southeast Asian Nations*
23 *to extend membership to Cambodia;*

24 (6) *tensions within the ruling Cambodian coal-*
25 *ition have erupted into violence in recent months as*
26 *both parties solicit support from former Khmer Rouge*

1 *elements, which had been increasingly marginalized*
2 *in Cambodian politics;*

3 *(7) in March, 19 Cambodians were killed and*
4 *more than 100 were wounded in a grenade attack on*
5 *political demonstrators supportive of the Funcinpec*
6 *and the Khmer Nation Party;*

7 *(8) during June fighting erupted in Phnom Penh*
8 *between forces loyal to First Prime Minister Prince*
9 *Ranariddh and second Prime Minister Hun Sen;*

10 *(9) on July 5, Second Prime Minister Hun Sen*
11 *deposed the First Prime Minister in a violent coup*
12 *d'etat;*

13 *(10) forces loyal to Hun Sen have executed*
14 *former Interior Minister Ho Sok, and targeted other*
15 *political opponents loyal to Prince Ranariddh;*

16 *(11) democracy and stability in Cambodia are*
17 *threatened by the continued use of violence to resolve*
18 *political tensions;*

19 *(12) the Administration has suspended assist-*
20 *ance for one month in response to the deteriorating*
21 *situation in Cambodia;*

22 *(13) the Association of Southeast Asian Nations*
23 *has decided to delay indefinitely Cambodian member-*
24 *ship.*

1 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
2 *that—*

3 (1) *the parties should immediately cease the use*
4 *of violence in Cambodia;*

5 (2) *the United States should take all necessary*
6 *steps to ensure the safety of American citizens in*
7 *Cambodia;*

8 (3) *the United States should call an emergency*
9 *meeting of the United Nations Security Council to*
10 *consider all options to restore peace in Cambodia;*

11 (4) *the United States and ASEAN should work*
12 *together to take immediate steps to restore democracy*
13 *and the rule of law in Cambodia;*

14 (5) *United States assistance to the government of*
15 *Cambodia should remain suspended until violence*
16 *ends, the democratically elected government is restored*
17 *to power, and the necessary steps have been taken to*
18 *ensure that the elections scheduled for 1998 take place;*

19 (6) *the United States should take all necessary*
20 *steps to encourage other donor nations to suspend as-*
21 *sistance as part of a multilateral effort.*

22 **SEC. 3603. CONGRATULATING GOVERNOR CHRISTOPHER**
23 **PATTEN OF HONG KONG.**

24 (a) *CONGRESSIONAL FINDINGS.—The Congress finds*
25 *that—*

1 (1) *His Excellency Christopher F. Patten, the*
2 *now former Governor of Hong Kong, was the twenty-*
3 *eighth British Governor to preside over Hong Kong,*
4 *prior to that territory reverting back to the People's*
5 *Republic of China on July 1, 1997;*

6 (2) *Chris Patten was a superb administrator*
7 *and an inspiration to the people who he sought to*
8 *govern;*

9 (3) *during his five years as Governor of Hong*
10 *Kong, the economy flourished under his stewardship,*
11 *growing by more than 30 percent in real terms;*

12 (4) *Chris Patten presided over a capable and*
13 *honest civil service;*

14 (5) *common crime declined during his tenure,*
15 *and the political climate was positive and stable;*

16 (6) *Chris Patten's legacy to Hong Kong is the*
17 *expansion of democracy in Hong Kong's legislative*
18 *council and a tireless devotion to the rights, freedoms*
19 *and welfare of Hong Kong's people; and*

20 (7) *Chris Patten fulfilled the British commit-*
21 *ment to "put in place a solidly based democratic ad-*
22 *ministration" in Hong Kong prior to July 1, 1997.*

23 (b) *SENSE OF CONGRESS.—It is the sense of the Con-*
24 *gress that—*

- 1 (1) *Governor Chris Patten has served his country*
2 *with great honor and distinction; and*
3 (2) *he deserves special thanks and recognition*
4 *from the United States for his tireless efforts to de-*
5 *velop and nurture democracy in Hong Kong.*

Amend the title so as to read: “An Act 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.”.

Attest:

Secretary.

105TH CONGRESS
1ST SESSION

H. R. 1119

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